

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1189

AN ACT to amend the Indiana Code concerning education and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 20-33-2-10, AS AMENDED BY P.L.43-2009, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

- (1) the name and address of the school the student last attended; and
- (2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

- (1) is not provided to the school not more than thirty (30) days after the student's enrollment; or
- (2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is

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received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

- (1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;
- (2) may not send the school records without the authorization of the clearinghouse; and
- (3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

**(e) Notwithstanding subsection (d), if a parent of a child who has enrolled in an accredited nonpublic school is in breach of a contract that conditions release of student records on the payment of outstanding tuition and other fees, the accredited nonpublic school shall provide a requesting school sufficient verbal information to permit the requesting school to make an appropriate placement decision regarding the child.**

SECTION 2. IC 20-43-1-1, AS AMENDED BY P.L.229-2011, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This article expires ~~January July 1, 2014.~~ **2013.**

SECTION 3. IC 20-43-1-10, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. "Current ADM" means the ~~initial computed~~ **fall count of ADM** for the school year ending in the calendar year.

SECTION 4. IC 20-43-1-12.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 12.3. "Fall count" refers to the first count of ADM in a school year under IC 20-43-4-3, as finally adjusted under IC 20-43-4-2.**

SECTION 5. IC 20-43-1-24.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 24.5. "Spring count" refers to the second count of ADM in a school year under IC 20-43-4-3, as subsequently adjusted under IC 20-43-4-2.**

SECTION 6. IC 20-43-4-3, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. **(a) Subject to subsection (b), the initial day of the state board shall make an ADM count ~~must fall:~~ of the eligible pupils enrolled in each school corporation two (2) times each ~~within~~ the first thirty (30) days of the school year, with one (1) count date occurring in each of the following periods:**



**(1) The fall count of ADM shall be made on a day during September fixed by the state board.**

**(2) The spring count of ADM shall be made on a day during February fixed by the state board.**

**(b) However, if extreme patterns of:**

**(1) student in-migration;**

**(2) illness;**

**(3) natural disaster; or**

**(4) other unusual conditions in a particular school corporation's enrollment;**

on either ~~the a count~~ day fixed by the state board or ~~on~~ the subsequent adjustment date cause the enrollment to be unrepresentative of the school corporation's enrollment, ~~throughout a school year~~, the state board may designate another day for determining the school corporation's enrollment.

**SECTION 7. [EFFECTIVE JULY 1, 2012] (a) The department of education shall before November 1, 2012, report to the budget committee:**

**(1) the number of students who left a charter school and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year;**

**(2) the number of students who left a public school maintained by a school corporation and enrolled in a charter school during the 2011 - 2012 school year;**

**(3) the number of students who:**

**(A) left a public school maintained by a school corporation; and**

**(B) enrolled in a nonpublic eligible school (as defined in IC 20-51-1-4.7) during the 2011 - 2012 school year; and**

**(4) the number of students who:**

**(A) received a choice scholarship for the 2011 - 2012 school year; and**

**(B) left a nonpublic eligible school (as defined in IC 20-51-1-4.7) and enrolled in a public school maintained by a school corporation during the 2011 - 2012 school year.**

**(5) The number of students that attended and graduated from a school corporation's or charter school's high school in February of 2012.**

**(b) This SECTION expires January 1, 2013.**

**SECTION 8. [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]:**

**(a) The following definitions apply throughout this SECTION:**

**(1) "Maximum state distribution" has the meaning set forth**

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in IC 20-43-1-18.

(2) "Special distribution" refers to the special distribution to school corporations and charter schools (other than a virtual charter schools) authorized for payment in calendar year 2012 from the amount appropriated by P.L.229-2011, SECTION 9 for distribution for tuition support.

(3) "State tuition support" has the meaning set forth in IC 20-43-1-25.

(b) This SECTION does not authorize the department of education to expend for a state fiscal year more than the distribution for tuition support appropriation in P.L.229-2011, SECTION 9 for that state fiscal year.

(c) For the purpose of state tuition support distributions to school corporations and charter schools in calendar year 2012, the allowable amount of the special distribution is excluded from the calculation of maximum state distribution in IC 20-43-2-3. Neither the amount of state tuition support payable in calendar year 2012 nor the amount of special distributions payable in calendar year 2012 to a school corporation or charter school shall be reduced under IC 20-43-2-3 solely because the sum of:

- (1) state tuition support; and
- (2) special distributions;

authorized by law for payment in calendar year 2012 exceed the amount specified in IC 20-43-2-2(2).

This SECTION expires July 1, 2013.

SECTION 9. [EFFECTIVE JULY 1, 2012] (a) Five million dollars (\$5,000,000) of the appropriation made by P.L.229-2011, SECTION 9 from the charter school facilities assistance fund for the purpose of total operating expense of the charter school facilities assistance program for the state fiscal year beginning July 1, 2012, and ending June 30, 2013, is added to the appropriation made by P.L.229-2011, SECTION 9 from the state general fund for total operating expense of the distribution for tuition support for the state fiscal year beginning July 1, 2012, and ending June 30, 2013. The amount added by this subsection to the appropriation for the distribution for tuition support:

- (1) reduces the appropriation for total operating expense of the charter school facilities assistance program for the state fiscal year beginning July 1, 2012, and ending June 30, 2013; and
- (2) is reassigned to the purposes of the appropriation for distribution for tuition support, including the purposes

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specified by this SECTION.

(b) Notwithstanding IC 20-24-7.5-3, a new charter school startup grant payable to a charter school that is established and begins enrolling eligible pupils in calendar year 2012 shall be paid in six (6) installments with one (1) installment in each of the last six (6) months of calendar year 2012. For purposes of this distribution, the number two (2) shall be substituted for the number three (3) in IC 20-24-7.5-4(2).

(c) Notwithstanding IC 20-24-7.5-4, a new charter school startup grant paid under IC 20-24-7.5-4 in the state fiscal year beginning July 1, 2012, and ending June 30, 2013, shall be paid from the state general fund and not the charter school facilities assistance fund (IC 20-24-12-4). Notwithstanding any other law, the amount paid for new charter school startup grants in the state fiscal year beginning July 1, 2012, and ending June 30, 2013, is payable from the amount appropriated by P.L.229-2011, SECTION 9 for the total operating expense of the distribution for tuition support for the state fiscal year beginning July 1, 2012, and ending June 30, 2013.

(d) Notwithstanding P.L.229-2011, SECTION 9, five million dollars (\$5,000,000) of the total of nine million dollars (\$9,000,000) required by P.L.229-2011, SECTION 9 to be transferred after June 30, 2012, and before July 1, 2013, from the common school fund interest balance to the charter school facilities assistance fund (IC 20-24-12-4) shall instead be transferred to the state general fund. The amount transferred from the common school fund interest balance to the state general fund under this subsection reduces the amount that must be transferred to the charter school facilities assistance fund (IC 20-24-12-4).

(e) This SECTION expires July 1, 2013.

SECTION 10. An emergency is declared for this act.

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

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