



January 27, 2012

SENATE BILL No. 283

DIGEST OF SB 283 (Updated January 25, 2012 9:13 pm - DI 71)

Citations Affected: IC 20-19; IC 20-26; IC 20-49; IC 31-34; IC 31-37.

Synopsis: Nonpublic alternative high schools; residential facilities. Requires the department of education to waive accreditation standards for an accredited nonpublic alternative high school that contracts with a school corporation to provide alternative education services for students who have (1) dropped out of high school; (2) been expelled; or (3) were not successful in the school corporation; to accommodate the nonpublic alternative high school's program and student population. Provides that a school corporation that enrolls a student who has legal settlement in another school corporation for the student to receive services from a nonpublic alternative high school receives state tuition support for the student. Allows a student who receives services from a nonpublic alternative high school to be added into the school corporation's graduation rate cohort for the year in which the student graduates. Provides that a student who is placed in a residential facility is entitled to receive certain defined educational services from the school corporation in which the facility is located.

Effective: July 1, 2012.

Kruse

January 4, 2012, read first time and referred to Committee on Education and Career Development.
January 26, 2012, amended, reported favorably — Do Pass.

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SB 283—LS 6801/DI 71+



January 27, 2012

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.

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SENATE BILL No. 283

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

- 1 SECTION 1. IC 20-19-2-10, AS ADDED BY P.L.1-2005,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 10. (a) It is the policy of the state that the state:
4 (1) recognizes that nonpublic schools provide education to
5 children in Indiana;
6 (2) has an interest in ensuring that all Indiana children are well
7 educated in both curricular and extracurricular programs; and
8 (3) should facilitate the transferability of comparable academic
9 credit between appropriate nonpublic schools and state supported
10 educational institutions.
11 (b) The state board shall implement a system of recognition of the
12 educational programs of nonpublic schools to fulfill the policy set forth
13 in subsection (a).
14 (c) The system of recognition described under subsection (b) must:
15 (1) be voluntary in nature with respect to the nonpublic school;
16 (2) recognize the characteristics that distinguish nonpublic
17 schools from public schools; and

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- 1 (3) be a recognition system that is separate from the accreditation
- 2 standards required of public schools and available to nonpublic
- 3 schools under section 8(a)(5) of this chapter.
- 4 (d) This section does not prohibit a nonpublic school from seeking
- 5 accreditation under section 8(a)(5) of this chapter.
- 6 (e) The state board shall adopt rules under IC 4-22-2 to implement
- 7 this section.
- 8 **(f) The department shall waive accreditation standards for an**
- 9 **accredited nonpublic alternative school that enters into a contract**
- 10 **with a school corporation to provide alternative education services**
- 11 **for students who have:**
 - 12 **(1) dropped out of high school;**
 - 13 **(2) been expelled; or**
 - 14 **(3) been sent to the nonpublic alternative school due to the**
 - 15 **students' lack of success in the public school environment;**
- 16 **to accommodate the nonpublic alternative school's program and**
- 17 **student population. A nonpublic alternative school to which this**
- 18 **subsection applies is not subject to being placed in a category or**
- 19 **designation under IC 20-31-8-4. However, the nonpublic**
- 20 **alternative school must comply with all state reporting**
- 21 **requirements and submit a school improvement growth model on**
- 22 **the anniversary date of the nonpublic alternative school's original**
- 23 **accreditation.**
- 24 SECTION 2. IC 20-26-11-8, AS AMENDED BY P.L.159-2007,
- 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 26 JULY 1, 2012]: Sec. 8. (a) As used in this section, "attend school"
- 27 means to:
 - 28 (1) physically attend a school in a building owned and
 - 29 operated by a school corporation; or
 - 30 (2) be educated onsite at a facility.
- 31 (b) If a student resides in a facility and cannot leave the facility
- 32 based on a medical decision that the student is a risk to the student
- 33 or a risk to others, the school corporation in which the facility is
- 34 located shall provide the student educational services onsite at the
- 35 facility.
- 36 (c) A student educated onsite at a facility is entitled to the
- 37 following:
 - 38 (1) An educational opportunity comparable to that of a
 - 39 student attending a school operated by the school corporation.
 - 40 (2) To receive the same level of educational services from the
 - 41 school corporation in which the facility is located as received
 - 42 by a student who physically attends school in a school

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1 **operated by the school corporation. Unless provided**
 2 **otherwise in a student's individualized education program,**
 3 **educational services must include at least the following:**

4 **(A) An instructional day that meets the requirements of**
 5 **IC 20-30-2-2.**

6 **(B) A school year with a minimum of one hundred eighty**
 7 **(180) student instructional days under IC 20-30-2-3.**

8 **(C) Educationally appropriate textbooks and other**
 9 **materials offered to the student at the same cost assessed**
 10 **to a student attending a school operated by the school**
 11 **corporation.**

12 **(D) Licensed teachers who are qualified to teach the grade**
 13 **level of the student and the subject matter of the student's**
 14 **curriculum.**

15 ~~(a)~~ **(d)** A student who is placed in a state licensed private or public
 16 health care facility or child care facility:

17 (1) by or with the consent of the department of child services;

18 (2) by a court order; or

19 (3) by a child placing agency licensed by the department of child
 20 services;

21 may attend school in the school corporation in which the facility is
 22 located. If the school corporation in which the facility is located is not
 23 the school corporation in which the student has legal settlement, the
 24 school corporation in which the student has legal settlement shall pay
 25 the transfer tuition of the student.

26 ~~(b)~~ **(e)** A student who is placed in a state licensed private or public
 27 health care or child care facility by a parent may attend school in the
 28 school corporation in which the facility is located if:

29 (1) the placement is necessary for the student's physical or
 30 emotional health and well-being and, if the placement is in a
 31 health care facility, is recommended by a physician; and

32 (2) the placement is projected to be for not less than fourteen (14)
 33 consecutive calendar days or a total of twenty (20) calendar days.

34 The school corporation in which the student has legal settlement shall
 35 pay the transfer tuition of the student. The parent of the student shall
 36 notify the school corporation in which the facility is located and the
 37 school corporation of the student's legal settlement, if identifiable, of
 38 the placement. Not later than thirty (30) days after this notice, the
 39 school corporation of legal settlement shall either pay the transfer
 40 tuition of the transferred student or appeal the payment by notice to the
 41 department. The acceptance or notice of appeal by the school
 42 corporation must be given by certified mail to the parent or guardian of



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1 the student and any affected school corporation. In the case of a student
 2 who is not identified as having a disability under IC 20-35, the state
 3 board shall make a determination on transfer tuition according to the
 4 procedures in section 15 of this chapter. In the case of a student who
 5 has been identified as having a disability under IC 20-35, the
 6 determination on transfer tuition shall be made under this subsection
 7 and the procedures adopted by the state board under
 8 IC 20-35-2-1(b)(5).

9 ~~(c)~~ **(f)** A student who is placed in:

10 (1) an institution operated by the division of disability and
 11 rehabilitative services or the division of mental health and
 12 addiction; or

13 (2) an institution, a public or private facility, a home, a group
 14 home, or an alternative family setting by the division of disability
 15 and rehabilitative services or the division of mental health and
 16 addiction;

17 may attend school in the school corporation in which the institution is
 18 located. The state shall pay the transfer tuition of the student, unless
 19 another entity is required to pay the transfer tuition as a result of a
 20 placement described in subsection ~~(a)~~ **(d)** or ~~(b)~~ **(e)** or another state is
 21 obligated to pay the transfer tuition.

22 ~~(d)~~ **(g)** This subsection applies to a student who is placed:

23 (1) by or with the consent of the department of child services;

24 (2) by a court order; or

25 (3) by a child placing agency licensed by the department of child
 26 services;

27 in a foster family home or the home of a relative or other unlicensed
 28 caretaker that is not located in the school corporation in which the
 29 student has legal settlement. The student may attend school in either
 30 the school corporation in which the foster family home or other home
 31 is located or the school corporation in which the student has legal
 32 settlement. The department of child services and the student's foster
 33 parents or caretaker shall make the determination concerning where the
 34 student attends school unless that determination is made by a court that
 35 has jurisdiction over the student. If a licensed child placing agency is
 36 responsible for oversight of the foster family home in which the student
 37 is placed or for providing services to the student, the department of
 38 child services must consult with the licensed child placing agency
 39 concerning the determination of, or the recommendations made to the
 40 court concerning, where the student attends school. Except as provided
 41 in subsection ~~(c)~~ **(h)**, transfer tuition is not required for the student.

42 ~~(e)~~ **(h)** If a student to whom subsection ~~(d)~~ **(g)** applies is attending

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1 school in a school corporation that is not the school corporation in
 2 which the student has legal settlement, the school corporation in which
 3 the student has legal settlement shall pay transfer tuition to the school
 4 corporation in which the student is enrolled in school if all of the
 5 following conditions apply:

6 (1) The student was previously placed in a child caring institution
 7 licensed under IC 31-27-3.

8 (2) While placed in the child caring institution, the student was
 9 enrolled in a school that is:

10 (A) administered by the school corporation in which the child
 11 caring institution is located; and

12 (B) located at the child caring institution.

13 (3) The student was moved from the child caring institution to a
 14 licensed foster family home supervised by the child caring
 15 institution either:

16 (A) with the approval of the department of child services and
 17 the court having jurisdiction over the student in a case under
 18 IC 31-34; or

19 (B) by a court order in a case under IC 31-37.

20 (4) After moving from the child caring institution to the foster
 21 family home, the student continues to attend the school located at
 22 the child caring institution.

23 (5) The legal settlement of the student was determined by a
 24 juvenile court under IC 31-34-20-5, IC 31-34-21-10,
 25 IC 31-37-19-26, or IC 31-37-20-6.

26 ~~(f)~~ (i) A student:

27 (1) who is placed in a facility, home, or institution described in
 28 subsection ~~(a)~~; ~~(b)~~; ~~or (c)~~; ~~(d)~~, ~~(e)~~, or ~~(f)~~;

29 (2) to whom neither subsection ~~(d)~~ (g) nor ~~(e)~~ (h) applies; and

30 (3) for whom there is no other entity or person required to pay
 31 transfer tuition;

32 may attend school in the school corporation in which the facility, home,
 33 or institution is located. The department shall conduct an investigation
 34 and determine whether any other entity or person is required to pay
 35 transfer tuition. If the department determines that no other entity or
 36 person is required to pay transfer tuition, the state shall pay the transfer
 37 tuition for the student out of the funds appropriated for tuition support.

38 SECTION 3. IC 20-26-11-31 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2012]: **Sec. 31. (a) This section applies to a**
 41 **school corporation that enrolls a student who has legal settlement**
 42 **in another school corporation for the purpose of the student**



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1 receiving services from an accredited nonpublic alternative high
2 school described in IC 20-19-2-10(f).

3 (b) A school corporation is entitled to receive state tuition
4 support for a student described in subsection (a) in an amount
5 equal to either:

6 (1) the amount received by the school corporation that enrolls
7 the student if the student is included in the school
8 corporation's ADM; or

9 (2) the amount received by the school corporation in which
10 the student has legal settlement if the student is included in
11 that school corporation's ADM;

12 whichever is greater.

13 SECTION 4. IC 20-26-13-10, AS AMENDED BY P.L.43-2009,
14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2012]: Sec. 10. Except as provided in section 11 of this
16 chapter, the four (4) year graduation rate for a cohort in a high school
17 is the percentage determined under STEP FIVE of the following
18 formula:

19 STEP ONE: Determine the grade 9 enrollment at the beginning of
20 the reporting year three (3) years before the reporting year for
21 which the graduation rate is being determined.

22 STEP TWO: Add:

23 (A) the number determined under STEP ONE; ~~and~~

24 (B) the number of students who:

25 (i) have enrolled in the high school after the date on which
26 the number determined under STEP ONE was determined;
27 and

28 (ii) have the same expected graduation year as the cohort;

29 **and**

30 (C) the number of students who have enrolled in the high
31 school after or while receiving services from a nonpublic
32 alternative school described in IC 20-19-2-10(f).

33 STEP THREE: Subtract from the sum determined under STEP
34 TWO the number of students who have left the cohort for any of
35 the following reasons:

36 (A) Transfer to another public or nonpublic school.

37 (B) Removal by the student's parents under IC 20-33-2-28 to
38 provide instruction equivalent to that given in the public
39 schools.

40 (C) Withdrawal because of a long term medical condition or
41 death.

42 (D) Detention by a law enforcement agency or the department

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- 1 of correction.
- 2 (E) Placement by a court order or the department of child
- 3 services.
- 4 (F) Enrollment in a virtual school.
- 5 (G) Leaving school, if the student attended school in Indiana
- 6 for less than one (1) school year and the location of the student
- 7 cannot be determined.
- 8 (H) Leaving school, if the location of the student cannot be
- 9 determined and the student has been reported to the Indiana
- 10 clearinghouse for information on missing children and missing
- 11 endangered adults.
- 12 (I) Withdrawing from school before graduation, if the student
- 13 is a high ability student (as defined in IC 20-36-1-3) who is a
- 14 full-time student at an accredited institution of higher
- 15 education during the semester in which the cohort graduates.
- 16 STEP FOUR: Determine the total number of students determined
- 17 under STEP TWO who have graduated during the current
- 18 reporting year or a previous reporting year.
- 19 STEP FIVE: Divide:
- 20 (A) the number determined under STEP FOUR; by
- 21 (B) the remainder determined under STEP THREE.
- 22 SECTION 5. IC 20-49-5-3, AS ADDED BY P.L.2-2006, SECTION
- 23 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
- 24 1, 2012]: Sec. 3. To assist a school corporation in providing the school
- 25 corporation's educational program to a student placed in a facility or
- 26 home as described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or
- 27 ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)** and not later than October 1 of
- 28 each school year, the state board may advance money to a school
- 29 corporation in anticipation of the school corporation's receipt of
- 30 transfer tuition for students described in ~~IC 20-26-11-8(a)~~
- 31 **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)**. The amount
- 32 of the advance may not exceed the amount determined under STEP
- 33 TWO of the following formula:
- 34 STEP ONE: Estimate for the current school year the number of
- 35 students described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or
- 36 ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)** that are transferred to the
- 37 school corporation.
- 38 STEP TWO: Multiply the STEP ONE amount by the school
- 39 corporation's prior year per student transfer tuition amount.
- 40 SECTION 6. IC 20-49-5-5, AS ADDED BY P.L.2-2006, SECTION
- 41 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
- 42 1, 2012]: Sec. 5. A school corporation receiving an advance shall notify

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1 the school corporation or auditor of state from which the school
 2 corporation receives transfer tuition under IC 20-26-11 for students
 3 described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~
 4 **IC 20-26-11-8(e)** of the amount of interest withheld under section 4 of
 5 this chapter. The school corporation or auditor of state shall reimburse
 6 the school corporation for the interest expense at the same time the
 7 transfer tuition is paid.

8 SECTION 7. IC 31-34-20-5, AS AMENDED BY P.L.146-2008,
 9 SECTION 604, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies if the
 11 department or a juvenile court:

- 12 (1) places a child;
- 13 (2) changes the placement of a child; or
- 14 (3) reviews the implementation of a decree under IC 31-34-21 of
 15 a child placed;

16 in a state licensed private or public health care facility, child care
 17 facility, foster family home, or the home of a relative or other
 18 unlicensed caretaker.

19 (b) The juvenile court shall do the following:

- 20 (1) Make findings of fact concerning the legal settlement of the
 21 child.
- 22 (2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to
 23 determine where the child has legal settlement.
- 24 (3) Include the findings of fact required by this section in:
 25 (A) the dispositional order;
 26 (B) the modification order; or
 27 (C) the other decree;
 28 making or changing the placement of the child.

29 (c) The juvenile court may determine that the legal settlement of the
 30 child is in the school corporation in which the child will attend school
 31 under ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(g)**.

32 (d) The juvenile court shall comply with the reporting requirements
 33 under IC 20-26-11-9 concerning the legal settlement of the child.

34 (e) The department or a juvenile court may place a child in a public
 35 school, regardless of whether the public school has a waiting list for
 36 admissions, if the department or juvenile court determines that the
 37 school's program meets the child's educational needs and the school
 38 agrees to the placement. A placement under this subsection does not
 39 affect the legal settlement of the child.

40 SECTION 8. IC 31-37-19-26, AS AMENDED BY P.L.159-2007,
 41 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2012]: Sec. 26. (a) This section applies if a juvenile court:

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- 1 (1) places a child;
 2 (2) changes the placement of a child; or
 3 (3) reviews the implementation of a decree under IC 31-37-20 (or
 4 IC 31-6-4-19 before its repeal) of a child placed;
 5 in a state licensed private or public health care facility, child care
 6 facility, foster family home, or the home of a relative or other
 7 unlicensed caretaker.
- 8 (b) The juvenile court shall do the following:
- 9 (1) Make findings of fact concerning the legal settlement of the
 10 child.
- 11 (2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to
 12 determine where the child has legal settlement.
- 13 (3) Include the findings of fact required by this section in the:
- 14 (A) dispositional order;
 15 (B) modification order; or
 16 (C) other decree;
 17 making or changing the placement of the child.
- 18 (c) The juvenile court may determine that the legal settlement of the
 19 child is in the school corporation in which the child will attend school
 20 under ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(g)**.
- 21 (d) The juvenile court shall comply with the reporting requirements
 22 under IC 20-26-11-9 concerning the legal settlement of the child.
- 23 (e) The juvenile court may place a child in a public school,
 24 regardless of whether the public school has a waiting list for
 25 admissions, if the court determines that the school's program meets the
 26 child's educational needs and the school agrees to the placement. A
 27 placement under this subsection does not affect the legal settlement of
 28 the child.

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 283, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 8, delete "modify" and insert "**waive**".

Page 2, line 8, delete "a" and insert "**an accredited**".

Page 2, line 9, after "nonpublic" insert "**alternative**".

Page 2, line 11, delete "have" and insert "**have:**
(1)".

Page 2, line 11, delete "school" and insert "**school;**

(2) been expelled; or

(3) been sent to the nonpublic alternative school due to the students' lack of success in the public school environment;".

Page 2, line 11, beginning with "to" begin a new line blocked left.

Page 2, line 12, after "nonpublic" insert "**alternative**".

Page 2, line 12, delete "The modified".

Page 2, delete lines 13 through 14.

Page 2, line 15, after "nonpublic" insert "**alternative**".

Page 2, line 16, after "IC 20-31-8-4." insert "**However, the nonpublic alternative school must comply with all state reporting requirements and submit a school improvement growth model on the anniversary date of the nonpublic alternative school's original accreditation.**".

Page 2, delete lines 17 through 29, begin a new paragraph and insert:

"SECTION 2. IC 20-26-11-8, AS AMENDED BY P.L.159-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) **As used in this section, "attend school" means to:**

(1) physically attend a school in a building owned and operated by a school corporation; or

(2) be educated onsite at a facility.

(b) If a student resides in a facility and cannot leave the facility based on a medical decision that the student is a risk to the student or a risk to others, the school corporation in which the facility is located shall provide the student educational services onsite at the facility.

(c) A student educated onsite at a facility is entitled to the following:

(1) An educational opportunity comparable to that of a



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student attending a school operated by the school corporation.

(2) To receive the same level of educational services from the school corporation in which the facility is located as received by a student who physically attends school in a school operated by the school corporation. Unless provided otherwise in a student's individualized education program, educational services must include at least the following:

(A) An instructional day that meets the requirements of IC 20-30-2-2.

(B) A school year with a minimum of one hundred eighty (180) student instructional days under IC 20-30-2-3.

(C) Educationally appropriate textbooks and other materials offered to the student at the same cost assessed to a student attending a school operated by the school corporation.

(D) Licensed teachers who are qualified to teach the grade level of the student and the subject matter of the student's curriculum.

~~(a)~~ **(d)** A student who is placed in a state licensed private or public health care facility or child care facility:

- (1) by or with the consent of the department of child services;
- (2) by a court order; or
- (3) by a child placing agency licensed by the department of child services;

may attend school in the school corporation in which the facility is located. If the school corporation in which the facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

~~(b)~~ **(e)** A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

- (1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and
- (2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the

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school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as having a disability under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as having a disability under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under IC 20-35-2-1(b)(5).

~~(c)~~ **(f)** A student who is placed in:

- (1) an institution operated by the division of disability and rehabilitative services or the division of mental health and addiction; or
- (2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection ~~(a)~~ **(d)** or ~~(b)~~ **(e)** or another state is obligated to pay the transfer tuition.

~~(d)~~ **(g)** This subsection applies to a student who is placed:

- (1) by or with the consent of the department of child services;
- (2) by a court order; or
- (3) by a child placing agency licensed by the department of child services;

in a foster family home or the home of a relative or other unlicensed caretaker that is not located in the school corporation in which the student has legal settlement. The student may attend school in either the school corporation in which the foster family home or other home is located or the school corporation in which the student has legal settlement. The department of child services and the student's foster parents or caretaker shall make the determination concerning where the student attends school unless that determination is made by a court that has jurisdiction over the student. If a licensed child placing agency is responsible for oversight of the foster family home in which the student is placed or for providing services to the student, the department of child services must consult with the licensed child placing agency



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concerning the determination of, or the recommendations made to the court concerning, where the student attends school. Except as provided in subsection ~~(e)~~, **(h)**, transfer tuition is not required for the student.

~~(e)~~ **(h)** If a student to whom subsection ~~(d)~~ **(g)** applies is attending school in a school corporation that is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay transfer tuition to the school corporation in which the student is enrolled in school if all of the following conditions apply:

- (1) The student was previously placed in a child caring institution licensed under IC 31-27-3.
- (2) While placed in the child caring institution, the student was enrolled in a school that is:
 - (A) administered by the school corporation in which the child caring institution is located; and
 - (B) located at the child caring institution.
- (3) The student was moved from the child caring institution to a licensed foster family home supervised by the child caring institution either:
 - (A) with the approval of the department of child services and the court having jurisdiction over the student in a case under IC 31-34; or
 - (B) by a court order in a case under IC 31-37.
- (4) After moving from the child caring institution to the foster family home, the student continues to attend the school located at the child caring institution.
- (5) The legal settlement of the student was determined by a juvenile court under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6.

~~(f)~~ **(i)** A student:

- (1) who is placed in a facility, home, or institution described in subsection ~~(a)~~, ~~(b)~~, or ~~(c)~~; **(d)**, **(e)**, or **(f)**;
- (2) to whom neither subsection ~~(d)~~ **(g)** nor ~~(e)~~ **(h)** applies; and
- (3) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

SECTION 3. IC 20-26-11-31 IS ADDED TO THE INDIANA

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CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 31. (a) This section applies to a school corporation that enrolls a student who has legal settlement in another school corporation for the purpose of the student receiving services from an accredited nonpublic alternative high school described in IC 20-19-2-10(f).**

(b) A school corporation is entitled to receive state tuition support for a student described in subsection (a) in an amount equal to either:

(1) the amount received by the school corporation that enrolls the student if the student is included in the school corporation's ADM; or

(2) the amount received by the school corporation in which the student has legal settlement if the student is included in that school corporation's ADM;

whichever is greater.

SECTION 4. IC 20-26-13-10, AS AMENDED BY P.L.43-2009, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; ~~and~~

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort;

and

(C) the number of students who have enrolled in the high school after or while receiving services from a nonpublic alternative school described in IC 20-19-2-10(f).

STEP THREE: Subtract from the sum determined under STEP TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public

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schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the department of child services.

(F) Enrollment in a virtual school.

(G) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.

(H) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children and missing endangered adults.

(I) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

STEP FOUR: Determine the total number of students determined under STEP TWO who have graduated during the current reporting year or a previous reporting year.

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

SECTION 5. IC 20-49-5-3, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. To assist a school corporation in providing the school corporation's educational program to a student placed in a facility or home as described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)** and not later than October 1 of each school year, the state board may advance money to a school corporation in anticipation of the school corporation's receipt of transfer tuition for students described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)**. The amount of the advance may not exceed the amount determined under STEP TWO of the following formula:

STEP ONE: Estimate for the current school year the number of students described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)** that are transferred to the school corporation.

STEP TWO: Multiply the STEP ONE amount by the school



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corporation's prior year per student transfer tuition amount.

SECTION 6. IC 20-49-5-5, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. A school corporation receiving an advance shall notify the school corporation or auditor of state from which the school corporation receives transfer tuition under IC 20-26-11 for students described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)** of the amount of interest withheld under section 4 of this chapter. The school corporation or auditor of state shall reimburse the school corporation for the interest expense at the same time the transfer tuition is paid.

SECTION 7. IC 31-34-20-5, AS AMENDED BY P.L.146-2008, SECTION 604, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies if the department or a juvenile court:

- (1) places a child;
- (2) changes the placement of a child; or
- (3) reviews the implementation of a decree under IC 31-34-21 of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

- (1) Make findings of fact concerning the legal settlement of the child.
- (2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.
- (3) Include the findings of fact required by this section in:
 - (A) the dispositional order;
 - (B) the modification order; or
 - (C) the other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under ~~IC 20-26-11-8(d)~~ **IC 20-26-11-8(g)**.

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The department or a juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the department or juvenile court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not

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affect the legal settlement of the child.

SECTION 8. IC 31-37-19-26, AS AMENDED BY P.L.159-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) This section applies if a juvenile court:

- (1) places a child;
- (2) changes the placement of a child; or
- (3) reviews the implementation of a decree under IC 31-37-20 (or IC 31-6-4-19 before its repeal) of a child placed;

in a state licensed private or public health care facility, child care facility, foster family home, or the home of a relative or other unlicensed caretaker.

(b) The juvenile court shall do the following:

- (1) Make findings of fact concerning the legal settlement of the child.
- (2) Apply IC 20-26-11-2(1) through IC 20-26-11-2(8) to determine where the child has legal settlement.
- (3) Include the findings of fact required by this section in the:
 - (A) dispositional order;
 - (B) modification order; or
 - (C) other decree;

making or changing the placement of the child.

(c) The juvenile court may determine that the legal settlement of the child is in the school corporation in which the child will attend school under ~~IC 20-26-11-8(d)~~. **IC 20-26-11-8(g)**.

(d) The juvenile court shall comply with the reporting requirements under IC 20-26-11-9 concerning the legal settlement of the child.

(e) The juvenile court may place a child in a public school, regardless of whether the public school has a waiting list for admissions, if the court determines that the school's program meets the child's educational needs and the school agrees to the placement. A placement under this subsection does not affect the legal settlement of the child."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 283 as introduced.)

YODER, Acting Chairperson

Committee Vote: Yeas 9, Nays 1.

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