

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Education and Career Development, to which was referred House Bill No. 1189, 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:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
2 "SECTION 1. IC 20-24-7-2, AS AMENDED BY P.L.146-2008,
3 SECTION 460, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Not later than the ~~date~~ **dates**
5 established by the department for determining ADM, ~~and after May 31~~
6 ~~each year~~, the organizer shall submit to the department the following
7 information on a form prescribed by the department:
8 (1) The number of students enrolled in the charter school.
9 (2) The name and address of each student.
10 (3) The name of the school corporation in which the student has
11 legal settlement.
12 (4) The name of the school corporation, if any, that the student
13 attended during the immediately preceding school year.
14 (5) The grade level in which the student will enroll in the charter
15 school.
16 The department shall verify the accuracy of the information reported.
17 (b) This subsection applies after ~~December 31~~ **June 30** of the
18 calendar year in which a charter school begins its initial operation. The
19 department shall distribute to the organizer the state tuition support
20 distribution. The department shall make a distribution under this
21 subsection at the same time and in the same manner as the department

1 makes a distribution of state tuition support under IC 20-43-2 to other
2 school corporations.

3 SECTION 2. IC 20-24-7-3, AS AMENDED BY P.L.146-2008,
4 SECTION 461, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) This section applies to a
6 conversion charter school.

7 (b) Beginning not more than sixty (60) days after the department
8 receives the information reported under section 2(a) of this chapter, the
9 department shall distribute to the organizer:

10 (1) tuition support and other state funding for any purpose for
11 students enrolled in the conversion charter school;

12 (2) a proportionate share of state and federal funds received:

13 (A) for students with disabilities; or

14 (B) for staff services for students with disabilities;
15 enrolled in the conversion charter school; and

16 (3) a proportionate share of funds received under federal or state
17 categorical aid programs for students who are eligible for the
18 federal or state categorical aid and are enrolled in the conversion
19 charter school;

20 for the ~~second~~ **first** six (6) months of the ~~calendar~~ **state fiscal** year in
21 which the conversion charter school is established. The department
22 shall make a distribution under this subsection at the same time and in
23 the same manner as the department makes a distribution to the
24 governing body of the school corporation in which the conversion
25 charter school is located. A distribution to the governing body of the
26 school corporation in which the conversion charter school is located is
27 reduced by the amount distributed to the conversion charter school.
28 This subsection does not apply to a conversion charter school after
29 ~~December 31~~ **June 30** of the ~~calendar~~ **state fiscal** year in which the
30 conversion charter school is established.

31 (c) This subsection applies during the second six (6) months of the
32 ~~calendar~~ **state fiscal** year in which a conversion charter school is
33 established. A conversion charter school may apply for an advance
34 from the charter school advancement account under IC 20-49-7 in the
35 amount determined under STEP FOUR of the following formula:

36 STEP ONE: Determine the ~~result under subsection (d)~~ STEP
37 ~~ONE (A):~~ **number of students who:**

38 **(A) are enrolled in the conversion charter school; and**

39 **(B) were counted in the ADM of the previous year for the**
40 **school corporation in which the conversion charter school**
41 **is located.**

42 STEP TWO: Determine the difference between:

- 1 (A) the conversion charter school's current ADM; minus
 2 (B) the STEP ONE amount.

3 STEP THREE: Determine the quotient of:

- 4 (A) the STEP TWO amount; divided by
 5 (B) the conversion charter school's current ADM.

6 STEP FOUR: Determine the product of:

- 7 (A) the STEP THREE amount; multiplied by
 8 (B) the quotient of:

- 9 (i) the ~~subsection (d) STEP TWO amount;~~ **total amount of**
 10 **excise tax revenue and the school corporation's certified**
 11 **distribution of county adjusted gross income tax revenue**
 12 **under IC 6-3.5-1.1 that is to be used as property tax**
 13 **replacement credits, to which the school corporation in**
 14 **which the conversion charter school is located is entitled**
 15 **for the second six (6) months of the calendar year in**
 16 **which the conversion charter school is established;**
 17 divided by
 18 (ii) two (2).

19 SECTION 3. IC 20-24-7-4, AS AMENDED BY P.L.91-2011,
 20 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 4. (a) Services that a school corporation provides
 22 to a charter school, including transportation, may be provided at not
 23 more than one hundred three percent (103%) of the actual cost of the
 24 services.

25 (b) This subsection applies to a sponsor that is a state educational
 26 institution described in ~~IC 20-24-1-7(2); IC 20-24-1-9(2)~~. In a **calendar**
 27 **state fiscal** year, a state educational institution may receive from the
 28 organizer of a charter school sponsored by the state educational
 29 institution an administrative fee equal to not more than three percent
 30 (3%) of the total amount the organizer receives during the **calendar**
 31 **state fiscal** year from basic tuition support (as defined in
 32 IC 20-43-1-8).

33 (c) This subsection applies to the executive of a consolidated city
 34 that sponsors a charter school. In a **calendar state fiscal** year, the
 35 executive may collect from the organizer of a charter school sponsored
 36 by the executive an administrative fee equal to not more than three
 37 percent (3%) of the total amount the organizer receives during the
 38 **calendar state fiscal** year for basic tuition support.

39 (d) This subsection applies to a sponsor that is a nonprofit college
 40 or university that is approved by the state board of education. In a
 41 **calendar state fiscal** year, a private college or university may collect
 42 from the organizer of a charter school sponsored by the private college

1 or university an administrative fee equal to not more than three percent
 2 (3%) of the total amount the organizer receives during the ~~calendar~~
 3 **state fiscal** year for basic tuition support.

4 (e) This subsection applies to the charter board. In a ~~calendar state~~
 5 **fiscal** year, the charter school board may collect from the organizer of
 6 a charter school sponsored by the charter board an administrative fee
 7 equal to not more than three percent (3%) of the total amount the
 8 organizer receives during the ~~calendar state fiscal~~ year for basic tuition
 9 support.

10 (f) A sponsor's administrative fee may not include any costs
 11 incurred in delivering services that a charter school may purchase at its
 12 discretion from the sponsor. The sponsor shall use its funding provided
 13 under this section exclusively for the purpose of fulfilling sponsoring
 14 obligations.

15 (g) Except for oversight services, a charter school may not be
 16 required to purchase services from its sponsor as a condition of charter
 17 approval or of executing a charter contract, nor may any such condition
 18 be implied.

19 (h) A charter school may choose to purchase services from its
 20 sponsor. In that event, the charter school and sponsor shall execute an
 21 annual service contract, separate from the charter contract, stating the
 22 parties' mutual agreement concerning the services to be provided by the
 23 sponsor and any service fees to be charged to the charter school. A
 24 sponsor may not charge more than market rates for services provided
 25 to a charter school.

26 (i) Not later than ninety (90) days after the end of each fiscal year,
 27 each sponsor shall provide to each charter school it sponsors an
 28 itemized accounting of the actual costs of services purchased by the
 29 charter school from the sponsor. Any difference between the amount
 30 initially charged to the charter school and the actual cost shall be
 31 reconciled and paid to the owed party. If either party disputes the
 32 itemized accounting, any charges included in the accounting, or
 33 charges to either party, either party may request a review by the
 34 department. The requesting party shall pay the costs of the review.

35 SECTION 4. IC 20-24-7-6.5, AS ADDED BY P.L.229-2011,
 36 SECTION 170, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2012]: Sec. 6.5. (a) Subject to subsection (b)
 38 and with the approval of a majority of the members of the governing
 39 body, a school corporation may distribute any part of the following to
 40 a conversion school sponsored by the school corporation in the amount
 41 and under the terms and conditions adopted by a majority of the
 42 members of the governing body:

- 1 (1) State tuition support and other state distributions to the school
2 corporation.
- 3 (2) Any other amount deposited in the school corporation's
4 general fund.
- 5 (b) The total amount that may be transferred under subsection (a) in
6 a **calendar state fiscal** year to a particular conversion charter school
7 may not exceed the result determined under STEP FOUR of the
8 following formula:
- 9 STEP ONE: Determine the result of:
- 10 (A) the amount of state tuition support that the school
11 corporation is eligible to receive in the **calendar state fiscal**
12 year; divided by
- 13 (B) the current ADM of the school corporation for the **calendar**
14 **state fiscal** year.
- 15 STEP TWO: Determine the result of:
- 16 (A) the amount of state tuition support that the conversion
17 charter school is eligible to receive in the **calendar state fiscal**
18 year; divided by
- 19 (B) the current ADM of the conversion charter school for the
20 **calendar state fiscal** year.
- 21 STEP THREE: Determine the greater of zero (0) or the result of:
- 22 (A) the STEP ONE amount; minus
- 23 (B) the STEP TWO amount.
- 24 STEP FOUR: Determine the result of:
- 25 (A) the STEP THREE amount; multiplied by
- 26 (B) the current ADM of the conversion charter school for the
27 **calendar state fiscal** year.
- 28 SECTION 5. IC 20-24-7-9, AS AMENDED BY P.L.146-2008,
29 SECTION 463, IS AMENDED TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section applies if:
- 31 (1) a sponsor:
- 32 (A) revokes a charter before the end of the term for which the
33 charter is granted; or
- 34 (B) does not renew a charter; or
- 35 (2) a charter school otherwise terminates its charter before the end
36 of the term for which the charter is granted.
- 37 (b) Any state funds that remain to be distributed to the charter
38 school in the **calendar state fiscal** year in which an event described in
39 subsection (a) occurs shall be distributed as follows:
- 40 (1) First, to the common school loan fund to repay any existing
41 obligations of the charter school under IC 20-49-7.
- 42 (2) Second, to the entities that distributed the funds to the charter

1 school. A distribution under this subdivision shall be on a pro rata
2 basis.

3 (c) If the funds described in subsection (b) are insufficient to repay
4 all existing obligations of the charter school under IC 20-49-7, the state
5 shall repay any remaining obligations of the charter school under
6 IC 20-49-7 from the amount appropriated for state tuition support
7 distributions.

8 SECTION 6. IC 20-24-7-13, AS AMENDED BY P.L.229-2011,
9 SECTION 171, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) As used in this section,
11 "virtual charter school" means any charter school, including a
12 conversion charter school, that provides for the delivery of more than
13 fifty percent (50%) of instruction to students through:

- 14 (1) virtual distance learning;
- 15 (2) online technologies; or
- 16 (3) computer based instruction.

17 (b) Beginning with the 2011-2012 school year, a virtual charter
18 school may apply for sponsorship with any statewide sponsor in
19 accordance with the sponsor's guidelines.

20 (c) Before January 1, 2012, a virtual charter school is entitled to
21 receive funding from the state in an amount equal to the sum of ~~(1)~~ the
22 product of:

- 23 ~~(A)~~ **(1)** the number of students included in the virtual charter
24 school's ADM; multiplied by
- 25 ~~(B)~~ **(2)** eighty percent (80%) of statewide average basic tuition
26 support.

27 (d) ~~After December 31, 2011,~~ **For state fiscal years beginning**
28 **after June 30, 2012,** a virtual charter school is entitled to receive
29 funding from the state in an amount equal to the sum of:

- 30 (1) the product of:
 - 31 (A) the number of students included in the virtual charter
32 school's ADM; multiplied by
 - 33 (B) eighty-seven and five-tenths percent (87.5%) of the
34 school's foundation amount determined under IC 20-43-5-4;
35 plus
- 36 (2) the total of any special education grants under IC 20-43-7 to
37 which the virtual charter school is entitled.

38 ~~After December 31, 2011,~~ A virtual charter school is entitled to receive
39 special education grants under IC 20-43-7 calculated in the same
40 manner as special education grants are calculated for other school
41 corporations.

42 ~~(d)~~ **(e)** The department shall adopt rules under IC 4-22-2 to govern

1 the operation of virtual charter schools.

2 ~~(e)~~ **(f)** Beginning in 2009, the department shall before December 1
3 of each year submit an annual report to the budget committee
4 concerning the program under this section.

5 ~~(f)~~ **(g)** This subsection does not apply to students who were enrolled
6 in a virtual charter school during the 2010-2011 school year. Each
7 school year, at least sixty percent (60%) of the students who are
8 enrolled in virtual charter schools under this section for the first time
9 must have been included in the state's ADM count for the previous
10 school year.

11 SECTION 7. IC 20-24-7.5-3, AS ADDED BY P.L.229-2011,
12 SECTION 172, IS AMENDED TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2012]: Sec. 3. **If a charter school is eligible for**
14 **a one ~~(1)~~ time grant under this chapter does not receive tuition**
15 **support** in the first **calendar state fiscal** year immediately following
16 the **calendar state fiscal** year in which the charter school is established
17 and begins enrolling eligible pupils, **the charter school is eligible for**
18 **a one (1) time grant under section 4 of this chapter.**

19 SECTION 8. IC 20-24-7.5-4, AS ADDED BY P.L.229-2011,
20 SECTION 172, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2012]: Sec. 4. A charter school's new charter
22 school startup grant is equal to the result of:

- 23 (1) the amount of basic tuition support determined for the charter
24 school under IC 20-43-6-3 for the **calendar state fiscal** year that
25 immediately follows the **calendar state fiscal** year in which the
26 charter school is established and begins enrolling eligible pupils;
27 divided by
28 (2) three (3).

29 The grant shall be paid from the charter school facilities assistance
30 fund established by IC 20-24-12.

31 SECTION 9. IC 20-26-11-13, AS AMENDED BY P.L.229-2011,
32 SECTION 173, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) As used in this section, the
34 following terms have the following meanings:

35 (1) "Class of school" refers to a classification of each school or
36 program in the transferee corporation by the grades or special
37 programs taught at the school. Generally, these classifications are
38 denominated as kindergarten, elementary school, middle school
39 or junior high school, high school, and special schools or classes,
40 such as schools or classes for special education, career and
41 technical education, or career education.

42 (2) "Special equipment" means equipment that during a school

- 1 year:
- 2 (A) is used only when a child with disabilities is attending
- 3 school;
- 4 (B) is not used to transport a child to or from a place where the
- 5 child is attending school;
- 6 (C) is necessary for the education of each child with
- 7 disabilities that uses the equipment, as determined under the
- 8 individualized education program for the child; and
- 9 (D) is not used for or by any child who is not a child with
- 10 disabilities.

11 (3) "Student enrollment" means the following:

- 12 (A) The total number of students in kindergarten through
- 13 grade 12 who are enrolled in a transferee school corporation
- 14 on a date determined by the state board.
- 15 (B) The total number of students enrolled in a class of school
- 16 in a transferee school corporation on a date determined by the
- 17 state board.

18 However, a kindergarten student shall be counted under clauses

19 (A) and (B) as one-half (1/2) student. The state board may select

20 a different date for counts under this subdivision. However, the

21 same date shall be used for all school corporations making a count

22 for the same class of school.

23 (b) Each transferee corporation is entitled to receive for each school

24 year on account of each transferred student, except a student

25 transferred under section 6 of this chapter, transfer tuition from the

26 transferor corporation or the state as provided in this chapter. Transfer

27 tuition equals the amount determined under STEP THREE of the

28 following formula:

29 STEP ONE: Allocate to each transfer student the capital

30 expenditures for any special equipment used by the transfer

31 student and a proportionate share of the operating costs incurred

32 by the transferee school for the class of school where the transfer

33 student is enrolled.

34 STEP TWO: If the transferee school included the transfer student

35 in the transferee school's ADM for a school year, allocate to the

36 transfer student a proportionate share of the following general

37 fund revenues of the transferee school: ~~for, except as provided in~~

38 ~~clause (C), the calendar year in which the school year ends:~~

- 39 (A) State tuition support distributions **received during the**
- 40 **calendar year in which the school year ends.**
- 41 (B) Property tax levies under IC 20-45-7 and IC 20-45-8 **for**
- 42 **the calendar year in which the school year ends.**

- 1 (C) The sum of the following excise tax revenue received for
 2 deposit in the calendar year in which the school year begins:
 3 (i) Financial institution excise tax revenue (IC 6-5.5).
 4 (ii) Motor vehicle excise taxes (IC 6-6-5).
 5 (iii) Commercial vehicle excise taxes (IC 6-6-5.5).
 6 (iv) Boat excise tax (IC 6-6-11).
 7 (v) Aircraft license excise tax (IC 6-6-6.5).
 8 (D) Allocations to the transferee school under IC 6-3.5.

- 9 STEP THREE: Determine the greater of:
 10 (A) zero (0); or
 11 (B) the result of subtracting the STEP TWO amount from the
 12 STEP ONE amount.

13 If a child is placed in an institution or facility in Indiana by or with the
 14 approval of the department of child services, the institution or facility
 15 shall charge the department of child services for the use of the space
 16 within the institution or facility (commonly called capital costs) that is
 17 used to provide educational services to the child based upon a prorated
 18 per student cost.

19 (c) Operating costs shall be determined for each class of school
 20 where a transfer student is enrolled. The operating cost for each class
 21 of school is based on the total expenditures of the transferee
 22 corporation for the class of school from its general fund expenditures
 23 as specified in the classified budget forms prescribed by the state board
 24 of accounts. This calculation excludes:

- 25 (1) capital outlay;
 26 (2) debt service;
 27 (3) costs of transportation;
 28 (4) salaries of board members;
 29 (5) contracted service for legal expenses; and
 30 (6) any expenditure that is made from extracurricular account
 31 receipts;
 32 for the school year.

- 33 (d) The capital cost of special equipment for a school year is equal
 34 to:
 35 (1) the cost of the special equipment; divided by
 36 (2) the product of:
 37 (A) the useful life of the special equipment, as determined
 38 under the rules adopted by the state board; multiplied by
 39 (B) the number of students using the special equipment during
 40 at least part of the school year.

41 (e) When an item of expense or cost described in subsection (c)
 42 cannot be allocated to a class of school, it shall be prorated to all

1 classes of schools on the basis of the student enrollment of each class
2 in the transferee corporation compared with the total student
3 enrollment in the school corporation.

4 (f) Operating costs shall be allocated to a transfer student for each
5 school year by dividing:

6 (1) the transferee school corporation's operating costs for the class
7 of school in which the transfer student is enrolled; by

8 (2) the student enrollment of the class of school in which the
9 transfer student is enrolled.

10 When a transferred student is enrolled in a transferee corporation for
11 less than the full school year of student attendance, the transfer tuition
12 shall be calculated by the part of the school year for which the
13 transferred student is enrolled. A school year of student attendance
14 consists of the number of days school is in session for student
15 attendance. A student, regardless of the student's attendance, is enrolled
16 in a transferee school unless the student is no longer entitled to be
17 transferred because of a change of residence, the student has been
18 excluded or expelled from school for the balance of the school year or
19 for an indefinite period, or the student has been confirmed to have
20 withdrawn from school. The transferor and the transferee corporation
21 may enter into written agreements concerning the amount of transfer
22 tuition due in any school year. If an agreement cannot be reached, the
23 amount shall be determined by the state board, and costs may be
24 established, when in dispute, by the state board of accounts.

25 (g) A transferee school shall allocate revenues described in
26 subsection (b) STEP TWO to a transfer student by dividing:

27 (1) the total amount of revenues received; by

28 (2) the ADM of the transferee school for the school year that ends
29 in the calendar year in which the revenues are received.

30 However, for state tuition support distributions or any other state
31 distribution computed using less than the total ADM of the transferee
32 school, the transferee school shall allocate the revenues to the transfer
33 student by dividing the revenues that the transferee school is eligible
34 to receive in a calendar year by the student count used to compute the
35 state distribution.

36 (h) Instead of the payments provided in subsection (b), the
37 transferor corporation or state owing transfer tuition may enter into a
38 long term contract with the transferee corporation governing the
39 transfer of students. The contract may:

40 (1) be entered into for a period of not more than five (5) years
41 with an option to renew;

42 (2) specify a maximum number of students to be transferred; and

1 (3) fix a method for determining the amount of transfer tuition
 2 and the time of payment, which may be different from that
 3 provided in section 14 of this chapter.

4 (i) A school corporation may negotiate transfer tuition agreements
 5 with a neighboring school corporation that can accommodate additional
 6 students. Agreements under this section may:

- 7 (1) be for one (1) year or longer; and
 8 (2) fix a method for determining the amount of transfer tuition or
 9 time of payment that is different from the method, amount, or
 10 time of payment that is provided in this section or section 14 of
 11 this chapter.

12 A school corporation may not transfer a student under this section
 13 without the prior approval of the child's parent.

14 SECTION 10. IC 20-26-11-23, AS AMENDED BY
 15 P.L.182-2009(ss), SECTION 317, IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) If a transfer is
 17 ordered to commence in a school year, where the transferor corporation
 18 has net additional costs over savings (on account of any transfer
 19 ordered) allocable to the ~~calendar~~ **state fiscal** year in which the school
 20 year begins, and where the transferee corporation does not have
 21 budgeted funds for the net additional costs, the net additional costs may
 22 be recovered by one (1) or more of the following methods in addition
 23 to any other methods provided by applicable law:

24 (1) An emergency loan made under IC 20-48-1-7 to be paid, out
 25 of the debt service levy and fund, or a loan from any state fund
 26 made available for the net additional costs.

27 (2) An advance in the ~~calendar~~ **state fiscal** year of state funds,
 28 which would otherwise become payable to the transferee
 29 corporation after such calendar year under law.

30 (3) A grant or grants in the ~~calendar~~ **state fiscal** year from any
 31 funds of the state made available for the net additional costs.

32 (b) The net additional costs must be certified by the department of
 33 local government finance. Repayment of any advance or loan from the
 34 state shall be made from state tuition support distributions or other
 35 money available to the school corporation.

36 SECTION 11. IC 20-33-2-10, AS AMENDED BY P.L.43-2009,
 37 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 10. (a) Each public school shall and each
 39 private school may require a student who initially enrolls in the school
 40 to provide:

- 41 (1) the name and address of the school the student last attended;
 42 and

1 (2) a certified copy of the student's birth certificate or other
2 reliable proof of the student's date of birth.

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

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

7 (1) is not provided to the school not more than thirty (30) days
8 after the student's enrollment; or

9 (2) appears to be inaccurate or fraudulent;

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

13 (d) A school in Indiana receiving a request for records shall send the
14 records promptly to the requesting school. **An accredited nonpublic
15 school is required to send a former student's records that are
16 requested under subsection (b) regardless of whether the former
17 student of the accredited nonpublic school or the former student's
18 parent or guardian owes an outstanding debt to the accredited
19 nonpublic school.** ~~However,~~ If a request is received for records to
20 which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6
21 before its repeal), the school:

22 (1) shall immediately notify the Indiana clearinghouse for
23 information on missing children and missing endangered adults;

24 (2) may not send the school records without the authorization of
25 the clearinghouse; and

26 (3) may not inform the requesting school that a notice under
27 IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached
28 to the records.

29 **(e) The department may revoke the accreditation of an
30 accredited nonpublic school that does not send a former student's
31 records to a requesting school as required under subsection (d).**

32 SECTION 12. IC 20-33-5-9.5, AS ADDED BY P.L.229-2011,
33 SECTION 194, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2012]: Sec. 9.5. (a) This section applies to
35 reimbursements made under this chapter in ~~calendar a state fiscal~~ year
36 ~~2012; and thereafter: beginning after June 30, 2012.~~

37 (b) The amount of reimbursement that a school corporation or an
38 accredited nonpublic school is entitled to receive under section 7 of
39 this chapter in a ~~calendar state fiscal~~ year is equal to the amount
40 determined in the following STEPS:

41 STEP ONE: Determine the amount appropriated to make
42 reimbursements under this chapter for the state fiscal year. ~~ending~~

1 in the calendar year.
 2 STEP TWO: Determine the total number of eligible students for
 3 which reimbursement was requested under either section 7 or 9
 4 of this chapter before November 1 of the ~~previous calendar state~~
 5 **fiscal** year by all school corporations and accredited nonpublic
 6 schools.

7 STEP THREE: Divide the result determined in STEP ONE by the
 8 number determined in STEP TWO.

9 STEP FOUR: Multiply:

- 10 (A) the STEP THREE result; by
 11 (B) the number of eligible students for which reimbursement
 12 was requested under section 7 or 9 of this chapter before
 13 November 1 of the ~~previous calendar state~~ **fiscal** year by the
 14 school corporation or the accredited nonpublic school.

15 SECTION 13. IC 20-43-1-1, AS AMENDED BY P.L.229-2011,
 16 SECTION 199, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2012]: Sec. 1. This article expires ~~January 1,~~
 18 ~~2014.~~ **July 1, 2014.**

19 SECTION 14. IC 20-43-1-7, AS ADDED BY P.L.2-2006,
 20 SECTION 166, IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2012]: Sec. 7. "ADM of the previous year"
 22 means:

- 23 **(1) for previous years ending before January 1, 2013, the**
 24 **initial computed ADM for the school year ending in the preceding**
 25 **calendar year (as adjusted under IC 20-43-4-2); and**
 26 **(2) for previous years ending after December 31, 2012, the**
 27 **average of the number of eligible pupils counted on each of**
 28 **the count dates in the school year ending in that previous year**
 29 **(as adjusted under IC 20-43-4-2).**

30 SECTION 15. IC 20-43-1-10, AS ADDED BY P.L.2-2006,
 31 SECTION 166, IS AMENDED TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2012]: Sec. 10. "Current ADM" means:

- 33 **(1) for distributions made under this article before October 1,**
 34 **2012, the initial computed ADM for the school year ending in the**
 35 **calendar year; and**
 36 **(2) for distributions made under this article after September**
 37 **30, 2012, the most recently computed ADM that under**
 38 **IC 20-43-3-7 is to be used for purposes of calculating a**
 39 **distribution (as adjusted under IC 20-43-4-2).**

40 SECTION 16. IC 20-43-1-18 IS REPEALED [EFFECTIVE JULY
 41 1, 2012]. Sec. ~~18:~~ "Maximum state distribution" refers to the amount
 42 determined under ~~IC 20-43-2-2.~~

1 SECTION 17. IC 20-43-1-25, AS AMENDED BY P.L.229-2011,
 2 SECTION 203, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2012]: Sec. 25. "State tuition support" means
 4 the amount of state funds to be distributed to:

- 5 (1) a school corporation other than a virtual charter school in any
 6 **calendar state fiscal** year under this article for all grants,
 7 distributions, and awards described in IC 20-43-2-3; and
- 8 (2) a virtual charter school in any **calendar state fiscal** year under
 9 IC 20-43-6-3.

10 SECTION 18. IC 20-43-2-1, AS AMENDED BY P.L.146-2008,
 11 SECTION 481, IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2012]: Sec. 1. The department shall distribute
 13 the amount appropriated by the general assembly for distribution as
 14 state tuition support in accordance with this article. If the
 15 appropriations for distribution as state tuition support are more than
 16 required under this article, any excess shall revert to the state general
 17 fund. The appropriations for state tuition support shall be made each
 18 **calendar state fiscal** year under a schedule set by the budget agency
 19 and approved by the governor. However, the schedule must provide:

- 20 (1) for at least twelve (12) payments;
- 21 (2) that one (1) payment shall be made at least every forty (40)
 22 days; and
- 23 (3) the total of the payments in each **calendar state fiscal** year
 24 must equal the amount required under this article.

25 SECTION 19. IC 20-43-2-2, AS AMENDED BY P.L.229-2011,
 26 SECTION 204, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2012]: Sec. 2. The maximum state distribution
 28 for a **calendar state fiscal** year for all school corporations for the
 29 purposes described in section 3 of this chapter is

- 30 ~~(1) six billion two hundred forty-seven million eight hundred~~
 31 ~~thousand dollars (\$6,247,800,000) in 2011;~~
- 32 ~~(2) six billion two hundred seventy-seven million eight hundred~~
 33 ~~thousand dollars (\$6,277,800,000) in 2012; and~~
- 34 ~~(3) six billion three hundred thirty-nine million six hundred~~
 35 ~~thousand dollars (\$6,339,600,000) in 2013; the amount~~
 36 **appropriated by the general assembly for those purposes for**
 37 **that state fiscal year.**

38 SECTION 20. IC 20-43-2-3, AS AMENDED BY P.L.229-2011,
 39 SECTION 205, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2012]: Sec. 3. If the total amount to be
 41 distributed:

- 42 (1) as basic tuition support;

1 (2) for honors diploma awards;
 2 (3) for primetime distributions;
 3 (4) for special education grants; ~~and~~
 4 (5) for career and technical education grants;
 5 **(6) for choice scholarships; and**
 6 **(7) for Mitch Daniels early graduation scholarships;**
 7 for a particular **state fiscal** year exceeds the ~~maximum state~~
 8 ~~distribution amounts appropriated by the general assembly for~~
 9 **those purposes** for a ~~calendar~~ **the state fiscal** year, the amount to be
 10 distributed for state tuition support under this article to each school
 11 corporation during each of the last six (6) months of the **state fiscal**
 12 year shall be proportionately reduced so that the total reductions equal
 13 the amount of the excess.

14 SECTION 21. IC 20-43-2-8 IS ADDED TO THE INDIANA CODE
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 16 1, 2012]: **Sec. 8. (a) Beginning July 1, 2012, distributions for basic**
 17 **tuition support, honors diploma awards, primetime distributions,**
 18 **special education grants, career and technical education grants,**
 19 **choice scholarships, and Mitch Daniels early graduation**
 20 **scholarships shall be made on a state fiscal year basis rather than**
 21 **a calendar year basis.**

22 **(b) The following is the intent of the general assembly:**
 23 **(1) The distributions for basic tuition support, honors diploma**
 24 **awards, primetime distributions, special education grants,**
 25 **career and technical education grants, choice scholarships,**
 26 **and Mitch Daniels early graduation scholarships that are**
 27 **provided for under this article (as this article exists on**
 28 **January 1, 2012) for calendar year 2012 shall be made only**
 29 **during the first six (6) months of calendar year 2012.**
 30 **(2) Except as otherwise provided, the distributions for basic**
 31 **tuition support, honors diploma awards, primetime**
 32 **distributions, special education grants, career and technical**
 33 **education grants, choice scholarships, and Mitch Daniels early**
 34 **graduation scholarships that were provided for under this**
 35 **article (as this article existed on January 1, 2012) for calendar**
 36 **year 2013 shall instead be made during the state fiscal year**
 37 **2012 beginning July 1, 2012.**
 38 **(3) IC 20-43-3-7 and IC 20-43-3-8 apply to the distributions**
 39 **made after June 30, 2012.**

40 **(c) The department shall make any adjustments required to**
 41 **carry out the change from distributions made on a calendar year**
 42 **basis to distributions made on a state fiscal year basis.**

1 SECTION 22. IC 20-43-3-4, AS AMENDED BY P.L.229-2011,
 2 SECTION 206, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) **This subsection applies to**
 4 **the determination of a school corporation's previous year revenue**
 5 **for purposes of determining distributions under this article before**
 6 **July 1, 2012.** A school corporation's previous year revenue equals the
 7 amount determined under STEP TWO of the following formula:

8 STEP ONE: Determine the sum of the following:

9 (A) The school corporation's basic tuition support actually
 10 received for the year that precedes the current year.

11 (B) For 2012, the restoration grant (IC 20-43-12 (repealed))
 12 actually received for 2011.

13 (C) For 2012, the small school grant (IC 20-43-12.2
 14 (repealed)) actually received for 2011.

15 STEP TWO: Subtract from the STEP ONE result an amount equal
 16 to the reduction in the school corporation's state tuition support
 17 under any combination of subsection ~~(b)~~ (c) or IC 20-30-2-4.

18 **(b) This subsection applies to the determination of a school**
 19 **corporation's previous year revenue for purposes of determining**
 20 **distributions under this article after June 30, 2012. A school**
 21 **corporation's previous year revenue equals the amount determined**
 22 **under STEP TWO of the following formula:**

23 **STEP ONE: For purposes of making determinations for:**

24 **(A) the state fiscal year beginning July 1, 2012, determine**
 25 **the product of the school corporation's basic tuition**
 26 **support actually received for the first six (6) months of**
 27 **2012 multiplied by two (2); or**

28 **(B) a state fiscal year beginning after June 30, 2013,**
 29 **determine the school corporation's basic tuition support**
 30 **actually received for the state fiscal year that immediately**
 31 **precedes the current state fiscal year.**

32 **STEP TWO: Subtract from the STEP ONE result an amount**
 33 **equal to the reduction in the school corporation's state tuition**
 34 **support under any combination of subsection (c) or**
 35 **IC 20-30-2-4.**

36 ~~(b)~~ (c) A school corporation's previous year revenue must be
 37 reduced if:

38 (1) the school corporation's state tuition support for special
 39 education or career and technical education is reduced as a result
 40 of a complaint being filed with the department after December 31,
 41 1988, because the school program overstated the number of
 42 children enrolled in special education programs or career and

1 technical education programs; and
 2 (2) the school corporation's previous year revenue has not been
 3 reduced under this subsection more than one (1) time because of
 4 a given overstatement.

5 The amount of the reduction equals the amount the school corporation
 6 would have received in state tuition support for special education and
 7 career and technical education because of the overstatement.

8 SECTION 23. IC 20-43-3-7 IS ADDED TO THE INDIANA CODE
 9 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2012]: **Sec. 7. (a) This section applies to distributions under this
 11 article that:**

12 **(1) are computed in any part based on a count of students
 13 under IC 20-43-4-2 or IC 20-43-4-4.5; and**

14 **(2) are made after June 30, 2012.**

15 **(b) The number of eligible pupils counted on the September
 16 count date of 2011 (as adjusted under IC 20-43-4-2) applies to
 17 distributions made in July, August, September, and October of
 18 2012.**

19 **(c) After June 30, 2012, the number of eligible pupils counted on
 20 the September count date (as adjusted under IC 20-43-4-2) applies
 21 to distributions made in November and December of the year in
 22 which the September count is made and in January and February
 23 of the year following the year in which the September count is
 24 made.**

25 **(d) Except as provided in subsection (b), the number of eligible
 26 pupils counted on the January count date (as adjusted under
 27 IC 20-43-4-2) applies to distributions made in March, April, May,
 28 June, July, August, September, and October of the year in which
 29 the January count is made.**

30 **(e) If the state board subsequently adjusts under IC 20-43-4-2
 31 a count used for a distribution under this article, the department
 32 shall adjust subsequent distributions to the school corporation that
 33 are affected by the adjusted count, on the schedule determined by
 34 the department, to reflect the differences between the distribution
 35 that the school corporation received and the distribution that the
 36 school corporation would have received if the adjusted count had
 37 been used.**

38 SECTION 24. IC 20-43-3-8 IS ADDED TO THE INDIANA CODE
 39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 40 1, 2012]: **Sec. 8. Distributions under this article that are computed
 41 in any part based on a count of students under IC 20-43-4-2,
 42 IC 20-43-4-4, or IC 20-43-4-4.5, and that are made after June 30,**

- 1 **2012, shall be reconciled as follows:**
- 2 **(1) In October of each year, the department shall determine**
- 3 **the result of:**
- 4 **(A) the total amount of the distributions that would have**
- 5 **been received by the school corporation during the months**
- 6 **of July, August, September, and October if the**
- 7 **distributions had been based on the September count of**
- 8 **that year instead of:**
- 9 **(i) the count made in September of 2011 (in the case of a**
- 10 **determination made in October of 2012); or**
- 11 **(ii) the count made in the preceding January (in the case**
- 12 **of a determination made in October of 2013, and each**
- 13 **October thereafter); minus**
- 14 **(B) the total amount of the distributions received by a**
- 15 **school corporation during the months of July, August,**
- 16 **September, and October of that year.**
- 17 **(2) If the result determined under subdivision (1) is positive,**
- 18 **the school corporation shall receive an additional distribution**
- 19 **in November equal to the result determined under subdivision**
- 20 **(1).**
- 21 **(3) If the result determined under subdivision (1) is negative,**
- 22 **the distributions otherwise received by the school corporation**
- 23 **in November, December, January, and February shall be**
- 24 **proportionately reduced so that the total reduction is equal to**
- 25 **the result determined under subdivision (1).**
- 26 **(4) In February of each year, the department shall determine**
- 27 **the result of:**
- 28 **(A) the total amount of the distributions that would have**
- 29 **been received by the school corporation during the months**
- 30 **of January and February if the distributions had been**
- 31 **based on the January count of that year instead of the**
- 32 **count made in the preceding September; minus**
- 33 **(B) the total amount of the distributions received by a**
- 34 **school corporation during the months of January and**
- 35 **February of that year.**
- 36 **(5) If the result determined under subdivision (4) is positive,**
- 37 **the school corporation shall receive an additional distribution**
- 38 **in March equal to the result determined under subdivision (4).**
- 39 **(6) If the result determined under subdivision (4) is negative,**
- 40 **the distributions otherwise received by the school corporation**
- 41 **in March, April, May, and June of that year shall be**
- 42 **proportionately reduced so that the total reduction is equal to**

- 1 the result determined under subdivision (4).
- 2 **(7) In January of each year, the department shall determine**
- 3 **the result of:**
- 4 **(A) the total amount of the distributions that would have**
- 5 **been received by the school corporation during the months**
- 6 **of October, November, and December of the preceding**
- 7 **year if the school corporation's ADM for each of those**
- 8 **months had included students:**
- 9 **(i) who, after the September count date and before the**
- 10 **January count date, left a charter school or nonpublic**
- 11 **eligible school (as defined in IC 20-51-1-4.7); and**
- 12 **(ii) were enrolled during the month in a public school**
- 13 **maintained by the school corporation; minus**
- 14 **(B) the total amount of the distributions received by a**
- 15 **school corporation during the months of October,**
- 16 **November, and December of the preceding year.**
- 17 **(8) If the result determined under subdivision (7) is positive,**
- 18 **the school corporation shall receive an additional distribution**
- 19 **in March equal to the result determined under subdivision (7).**
- 20 **(9) In September of each year, the department shall determine**
- 21 **the result of:**
- 22 **(A) the total amount of the distributions that would have**
- 23 **been received by the school corporation during the months**
- 24 **of February, March, April, May, and June of the year if**
- 25 **the school corporation's ADM for each of those months**
- 26 **had included students:**
- 27 **(i) who, after the January count date and before the end**
- 28 **of the school year, left a charter school or nonpublic**
- 29 **eligible school (as defined in IC 20-51-1-4.7); and**
- 30 **(ii) who were enrolled during the month in a public**
- 31 **school maintained by the school corporation; minus**
- 32 **(B) the total amount of the distributions received by a**
- 33 **school corporation during the months of February, March,**
- 34 **April, May, and June of the year.**
- 35 **(10) If the result determined under subdivision (9) is positive,**
- 36 **the school corporation shall receive an additional distribution**
- 37 **in November equal to the result determined under subdivision**
- 38 **(9).**
- 39 **(11) In January of each year, the department shall determine**
- 40 **the result of:**
- 41 **(A) the total amount of the distributions that would have**
- 42 **been received by the school corporation during the months**

- 1 **of October, November, and December of the preceding**
 2 **year if the school corporation's ADM for each of those**
 3 **months had not included students:**
- 4 **(i) who, after the September count date and before the**
 5 **January count date, left a public school maintained by**
 6 **the school corporation; and**
- 7 **(ii) who were enrolled during the month in a charter**
 8 **school or nonpublic eligible school (as defined in**
 9 **IC 20-51-1-4.7); minus**
- 10 **(B) the total amount of the distributions received by a**
 11 **school corporation during the months of October,**
 12 **November, and December of the preceding year.**
- 13 **(12) If the result determined under subdivision (11) is**
 14 **negative, the distributions otherwise received by the school**
 15 **corporation in March, April, May, and June of that year shall**
 16 **be proportionately reduced so that the total reduction is equal**
 17 **to the result determined under subdivision (11).**
- 18 **(13) In September of each year, the department shall**
 19 **determine the result of:**
- 20 **(A) the total amount of the distributions that would have**
 21 **been received by the school corporation during the months**
 22 **of February, March, April, May, and June of the year if**
 23 **the school corporation's ADM for each of those months**
 24 **had not included students:**
- 25 **(i) who, after the January count date and before the end**
 26 **of the school year, left a public school maintained by the**
 27 **school corporation; and**
- 28 **(ii) were enrolled during the month in a charter school or**
 29 **nonpublic eligible school (as defined in IC 20-51-1-4.7);**
 30 **minus**
- 31 **(B) the total amount of the distributions received by a**
 32 **school corporation during the months of February, March,**
 33 **April, May, and June of the year.**
- 34 **(14) If the result determined under subdivision (13) is**
 35 **negative, the distributions otherwise received by the school**
 36 **corporation in November and December of that year and**
 37 **January and February of the following year shall be**
 38 **proportionately reduced so that the total reduction is equal to**
 39 **the result determined under subdivision (13).**
- 40 SECTION 25. IC 20-43-4-2, AS ADDED BY P.L.2-2006,
 41 SECTION 166, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2012]: Sec. 2. A school corporation's ADM is

1 the number of eligible pupils enrolled in:
 2 (1) the school corporation; or
 3 (2) a transferee corporation;
 4 on a day to be the days fixed annually in September and in January
 5 by the state board for a count of students under section 3 of this
 6 chapter and as subsequently adjusted not later than January 30 the
 7 date specified under the rules adopted by the state board. The state
 8 board may adjust the school's count of eligible pupils if the state
 9 board determines that the count is unrepresentative of the school
 10 corporation's enrollment.

11 SECTION 26. IC 20-43-4-3, AS ADDED BY P.L.2-2006,
 12 SECTION 166, IS AMENDED TO READ AS FOLLOWS
 13 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) The initial day of the ADM
 14 count in a school year must fall within the first thirty (30) days of the
 15 school year: the month of September each year.

16 (b) The second day of the ADM count in a school year must fall
 17 within the month of January.

18 (c) However, if extreme patterns of:
 19 (1) student in-migration;
 20 (2) illness;
 21 (3) natural disaster; or
 22 (4) other unusual conditions in a particular school corporation's
 23 enrollment;

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

29 SECTION 27. IC 20-43-4-4.5 IS ADDED TO THE INDIANA
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2012]: Sec. 4.5. (a) This section applies to a
 32 count of individuals required under this article that is not
 33 described in section 2 or 4 of this chapter.

34 (b) The state board shall monitor changes that occur in the
 35 number of students counted under this article. The state board:

36 (1) shall require a count of students two (2) times per school
 37 year on the same days that ADM counts are conducted under
 38 sections 2 and 3 of this chapter; and
 39 (2) may adjust the counts as provided in section 2 of this
 40 chapter.

41 SECTION 28. IC 20-43-5-1, AS AMENDED BY P.L.234-2007,
 42 SECTION 241, IS AMENDED TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2012]: Sec. 1. A school corporation's transition
 2 to foundation revenue per adjusted ADM for a **calendar state fiscal**
 3 year is the amount determined under section 9 of this chapter.

4 SECTION 29. IC 20-43-5-2, AS AMENDED BY P.L.234-2007,
 5 SECTION 242, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2012]: Sec. 2. The following amounts must be
 7 determined under this chapter to calculate a school corporation's
 8 transition to foundation revenue per adjusted ADM for a **calendar state**
 9 **fiscal** year:

10 (1) The school corporation's complexity index for the **calendar**
 11 **state fiscal** year under section 3 of this chapter.

12 (2) The school corporation's foundation amount for the **calendar**
 13 **state fiscal** year under section 4 of this chapter.

14 (3) The school corporation's previous year revenue foundation
 15 amount for the **calendar state fiscal** year under section 5 of this
 16 chapter.

17 (4) The school corporation's transition to foundation amount for
 18 the **calendar state fiscal** year under section 6 of this chapter.

19 (5) The school corporation's transition to foundation revenue for
 20 the **calendar state fiscal** year under section 7 of this chapter.

21 SECTION 30. IC 20-43-5-5, AS AMENDED BY P.L.182-2009(ss),
 22 SECTION 335, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2012]: Sec. 5. A school corporation's previous
 24 year revenue foundation amount for a **calendar state fiscal** year is equal
 25 to the result of:

26 (1) the school corporation's previous year revenue; divided by

27 (2) the school corporation's adjusted ADM for the previous year.

28 SECTION 31. IC 20-43-5-6, AS AMENDED BY P.L.229-2011,
 29 SECTION 210, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) A school corporation's
 31 transition to foundation amount for a **calendar state fiscal** year is equal
 32 to the result determined under STEP TWO of the following formula:

33 STEP ONE: Determine the difference of:

34 (A) the school corporation's foundation amount; minus

35 (B) the lesser of:

36 (i) the school corporation's previous year revenue foundation
 37 amount; or

38 (ii) the result of the school corporation's foundation amount
 39 multiplied by one and two-tenths (1.2).

40 STEP TWO: A school corporation's STEP TWO amount is the
 41 following:

42 (A) For a charter school located outside Marion County that

- 1 has previous year revenue that is not greater than zero (0), the
 2 charter school's STEP TWO amount is the quotient of:
- 3 (i) the school corporation's transition to foundation revenue
 4 for the ~~calendar~~ **state fiscal** year where the charter school is
 5 located; divided by
 6 (ii) the school corporation's current ADM.
- 7 (B) For a charter school located in Marion County that has
 8 previous year revenue that is not greater than zero (0), the
 9 charter school's STEP TWO amount is the weighted average
 10 of the transition to foundation revenue for the school
 11 corporations where the students counted in the current ADM
 12 of the charter school have legal settlement, as determined
 13 under item (iv) of the following formula:
- 14 (i) Determine the transition to foundation revenue for each
 15 school corporation where a student counted in the current
 16 ADM of the charter school has legal settlement.
 17 (ii) For each school corporation identified in item (i), divide
 18 the item (i) amount by the school corporation's current
 19 ADM.
 20 (iii) For each school corporation identified in item (i),
 21 multiply the item (ii) amount by the number of students
 22 counted in the current ADM of the charter school that have
 23 legal settlement in the particular school corporation.
 24 (iv) Determine the sum of the item (iii) amounts for the
 25 charter school.
- 26 (C) The STEP TWO amount for a school corporation that is
 27 not a charter school described in clause (A) or (B) is the
 28 following:
- 29 (i) The school corporation's foundation amount for the
 30 ~~calendar~~ **state fiscal** year if the STEP ONE amount is zero
 31 (0) or greater.
 32 (ii) The amount determined under subsection (b), if the
 33 school corporation's STEP ONE amount is less than zero (0).
- 34 (b) For the purposes of STEP TWO (C)(ii) in subsection (a),
 35 determine the result of:
- 36 (1) the result determined for the school corporation under STEP
 37 ONE (B) of subsection (a); minus
 38 (2) the result of:
- 39 (A) the absolute value of the STEP ONE amount; divided by
 40 (B) ~~seven (7) in 2012 and six (6) in 2013.~~ **the state fiscal year**
 41 **beginning July 1, 2012.**
- 42 SECTION 32. IC 20-43-5-7, AS AMENDED BY P.L.229-2011,

1 SECTION 211, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2012]: Sec. 7. A school corporation's transition
 3 to foundation revenue for a **calendar state fiscal** year is equal to the
 4 product of:

- 5 (1) the school corporation's transition to foundation amount for
- 6 the **calendar state fiscal** year; multiplied by
- 7 (2) the school corporation's current ADM.

8 SECTION 33. IC 20-43-5-9, AS AMENDED BY P.L.234-2007,
 9 SECTION 247, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2012]: Sec. 9. A school corporation's transition
 11 to foundation revenue per adjusted ADM for a **calendar state fiscal**
 12 year is the quotient of:

- 13 (1) the school corporation's transition to foundation revenue for
- 14 the **calendar state fiscal** year; divided by
- 15 (2) the school corporation's current adjusted ADM.

16 SECTION 34. IC 20-43-6-1, AS AMENDED BY P.L.182-2009(ss),
 17 SECTION 338, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2012]: Sec. 1. Subject to the amount
 19 appropriated by the general assembly for state tuition support and
 20 IC 20-43-2, the amount that a school corporation is entitled to receive
 21 in basic tuition support for a **state fiscal** year is the amount determined
 22 in section 3 of this chapter.

23 SECTION 35. IC 20-43-6-3, AS AMENDED BY P.L.229-2011,
 24 SECTION 212, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) A school corporation's basic
 26 tuition support for a **state fiscal** year is the amount determined under
 27 the applicable provision of this section.

28 (b) The school corporation's basic tuition support for a **state fiscal**
 29 year is equal to the school corporation's transition to foundation
 30 revenue for the year.

31 (c) This subsection applies to students of a virtual charter school. A
 32 virtual charter school's basic tuition support for a **state fiscal** year for
 33 those students is the amount determined under IC 20-24-7-13.

34 SECTION 36. IC 20-43-7-1, AS ADDED BY P.L.2-2006,
 35 SECTION 166, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2012]: Sec. 1. In addition to the amount a
 37 school corporation is entitled to receive in basic tuition support, each
 38 school corporation is entitled to receive a grant for special education
 39 programs **for the state fiscal year**. The amount of the special
 40 education grant is based on the count of eligible pupils enrolled in
 41 special education programs on December 1 of the preceding **state**
 42 **fiscal** year in:

- 1 (1) the school corporation; or
- 2 (2) a transferee corporation.

3 SECTION 37. IC 20-43-7-6, AS AMENDED BY P.L. 182-2009(ss),
 4 SECTION 340, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2012]: Sec. 6. **(a)** A school corporation's special
 6 education grant for a ~~calendar~~ **state fiscal** year is equal to the sum of
 7 the following:

- 8 (1) The nonduplicated count of pupils in programs for severe
 9 disabilities multiplied by eight thousand three hundred fifty
 10 dollars (\$8,350).
- 11 (2) The nonduplicated count of pupils in programs of mild and
 12 moderate disabilities multiplied by two thousand two hundred
 13 sixty-five dollars (\$2,265).
- 14 (3) The duplicated count of pupils in programs for communication
 15 disorders multiplied by five hundred thirty-three dollars (\$533).
- 16 (4) The cumulative count of pupils in homebound programs
 17 multiplied by five hundred thirty-three dollars (\$533).
- 18 (5) The nonduplicated count of pupils in special preschool
 19 education programs multiplied by two thousand seven hundred
 20 fifty dollars (\$2,750).

21 **(b) Before February 1 of each calendar year, the department**
 22 **shall determine the result of:**

- 23 **(1) the total amount of the special education grant that would**
 24 **have been received by the school corporation during the**
 25 **months of July, August, September, October, November, and**
 26 **December of the preceding calendar year and January of the**
 27 **current calendar year if the grant had been based on the**
 28 **count of students with disabilities that was made on the**
 29 **immediately preceding December 1; minus**
- 30 **(2) the total amount of the special education grant received by**
 31 **the school corporation during the months of July, August,**
 32 **September, October, November, and December of the**
 33 **preceding calendar year and January of the current calendar**
 34 **year.**

35 **If the result determined under this subsection is positive, the school**
 36 **corporation shall receive an additional special education grant**
 37 **distribution in February equal to the result determined under this**
 38 **subsection. If the result determined under this subsection is**
 39 **negative, the special education grant distributions that otherwise**
 40 **would be received by the school corporation in February, March,**
 41 **April, and May shall be proportionately reduced so that the total**
 42 **reduction is equal to the result determined under this subsection.**

1 **(c) The special education grant distributions made in February,**
 2 **March, April, May, and June of a calendar year shall be based on**
 3 **the count of students with disabilities that was made on the**
 4 **immediately preceding December 1.**

5 SECTION 38. IC 20-43-8-2, AS AMENDED BY P.L.234-2007,
 6 SECTION 137, IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) Before December 1 of each
 8 year, the department of workforce development shall provide the
 9 department with a report, to be used to determine career and technical
 10 education grant amounts in the ~~second calendar~~ **state fiscal** year
 11 **beginning** after the year in which the report is provided, listing whether
 12 the labor market demand for each generally recognized labor category
 13 is more than moderate, moderate, or less than moderate. In the report,
 14 the department of workforce development shall categorize each of the
 15 career and technical education programs using the following four (4)
 16 categories:

17 (1) Programs that address employment demand for individuals in
 18 labor market categories that are projected to need more than a
 19 moderate number of individuals.

20 (2) Programs that address employment demand for individuals in
 21 labor market categories that are projected to need a moderate
 22 number of individuals.

23 (3) Programs that address employment demand for individuals in
 24 labor market categories that are projected to need less than a
 25 moderate number of individuals.

26 (4) All programs not covered by the employment demand
 27 categories of subdivisions (1) through (3).

28 (b) Before December 1 of each year, the department of workforce
 29 development shall provide the department with a report, to be used to
 30 determine grant amounts that will be distributed under this chapter in
 31 the ~~second calendar~~ **state fiscal** year **beginning** after the year in which
 32 the report is provided, listing whether the average wage level for each
 33 generally recognized labor category for which career and technical
 34 education programs are offered is a high wage, a moderate wage, or a
 35 less than moderate wage.

36 (c) In preparing the labor market demand report under subsection
 37 (a) and the average wage level report under subsection (b), the
 38 department of workforce development shall, if possible, list the labor
 39 market demand and the average wage level for specific regions,
 40 counties, and municipalities.

41 (d) If a new career and technical education program is created by
 42 rule of the state board, the department of workforce development shall

1 determine the category in which the program should be included.

2 SECTION 39. IC 20-43-8-9, AS AMENDED BY P.L.234-2007,
3 SECTION 139, IS AMENDED TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2012]: Sec. 9. A school corporation's career and
5 technical education grant for a **calendar state fiscal** year is the sum of
6 the following amounts:

7 STEP ONE: For each career and technical education program
8 provided by the school corporation:

9 (A) the number of credit hours of the program (either one (1)
10 credit, two (2) credits, or three (3) credits); multiplied by

11 (B) the number of students enrolled in the program; multiplied
12 by

13 (C) the following applicable amount:

14 (i) Four hundred fifty dollars (\$450), in the case of a
15 program described in section 5 of this chapter (more than a
16 moderate labor market need) for which the average wage
17 level determined under section 2(b) of this chapter is a high
18 wage.

19 (ii) Three hundred seventy-five dollars (\$375), in the case of
20 a program described in section 5 of this chapter (more than
21 a moderate labor market need) for which the average wage
22 level determined under section 2(b) of this chapter is a
23 moderate wage.

24 (iii) Three hundred dollars (\$300), in the case of a program
25 described in section 5 of this chapter (more than a moderate
26 labor market need) for which the average wage level
27 determined under section 2(b) of this chapter is a less than
28 moderate wage.

29 (iv) Three hundred seventy-five dollars (\$375), in the case
30 of a program described in section 6 of this chapter (moderate
31 labor market need) for which the average wage level
32 determined under section 2(b) of this chapter is a high wage.

33 (v) Three hundred dollars (\$300), in the case of a program
34 described in section 6 of this chapter (moderate labor market
35 need) for which the average wage level determined under
36 section 2(b) of this chapter is a moderate wage.

37 (vi) Two hundred twenty-five dollars (\$225), in the case of
38 a program described in section 6 of this chapter (moderate
39 labor market need) for which the average wage level
40 determined under section 2(b) of this chapter is a less than
41 moderate wage.

42 (vii) Three hundred dollars (\$300), in the case of a program

- 1 described in section 7 of this chapter (less than a moderate
 2 labor market need) for which the average wage level
 3 determined under section 2(b) of this chapter is a high wage.
 4 (viii) Two hundred twenty-five dollars (\$225), in the case of
 5 a program described in section 7 of this chapter (less than a
 6 moderate labor market need) for which the average wage
 7 level determined under section 2(b) of this chapter is a
 8 moderate wage.
 9 (ix) One hundred fifty dollars (\$150), in the case of a
 10 program described in section 7 of this chapter (less than a
 11 moderate labor market need) for which the average wage
 12 level determined under section 2(b) of this chapter is a less
 13 than moderate wage.

14 STEP TWO: The number of pupils described in section 8 of this
 15 chapter (all other programs) multiplied by two hundred fifty
 16 dollars (\$250).

17 STEP THREE: The number of pupils participating in a career and
 18 technical education program in which pupils from multiple
 19 schools are served at a common location multiplied by one
 20 hundred fifty dollars (\$150).

21 SECTION 40. IC 20-43-9-6, AS AMENDED BY P.L.229-2011,
 22 SECTION 217, IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2012]: Sec. 6. A school corporation's primetime
 24 distribution for a ~~calendar~~ **state fiscal** year under this chapter is the
 25 amount determined by the following formula:

26 STEP ONE: Determine the applicable target pupil/teacher ratio
 27 for the school corporation as follows:

28 (A) If the school corporation's complexity index is less than
 29 one and one-tenth (1.1), the school corporation's target
 30 pupil/teacher ratio is eighteen to one (18:1).

31 (B) If the school corporation's complexity index is at least one
 32 and one-tenth (1.1) but less than one and three-tenths (1.3), the
 33 school corporation's target pupil/teacher ratio is fifteen (15)
 34 plus the result determined in item (iii) to one (1):

35 (i) Determine the result of one and three-tenths (1.3) minus
 36 the school corporation's complexity index.

37 (ii) Determine the item (i) result divided by two-tenths (0.2).

38 (iii) Determine the item (ii) result multiplied by three (3).

39 (C) If the school corporation's complexity index is at least one
 40 and three-tenths (1.3), the school corporation's target
 41 pupil/teacher ratio is fifteen to one (15:1).

42 STEP TWO: Determine the result of:

- 1 (A) the ADM of the school corporation in kindergarten
 2 through grade 3 for the current school year; divided by
 3 (B) the school corporation's applicable target pupil/teacher
 4 ratio, as determined in STEP ONE.
- 5 STEP THREE: Determine the result of:
 6 (A) the basic tuition support for the year multiplied by
 7 seventy-five hundredths (0.75); divided by
 8 (B) the school corporation's ADM.
- 9 STEP FOUR: Determine the result of:
 10 (A) the STEP THREE result; multiplied by
 11 (B) the ADM of the school corporation in kindergarten
 12 through grade 3 for the current school year.
- 13 STEP FIVE: Determine the result of:
 14 (A) the STEP FOUR result; divided by
 15 (B) the staff cost amount.
- 16 STEP SIX: Determine the greater of zero (0) or the result of:
 17 (A) the STEP TWO amount; minus
 18 (B) the STEP FIVE amount.
- 19 STEP SEVEN: Determine the result of:
 20 (A) the STEP SIX amount; multiplied by
 21 (B) the staff cost amount.
- 22 STEP EIGHT: Determine the greater of the STEP SEVEN amount
 23 or **zero (0)**.
 24 ~~(A) for 2012, fifty percent (50%) of the school corporation's~~
 25 ~~guaranteed primetime amount; or~~
 26 ~~(B) for 2013, zero (0).~~
- 27 STEP NINE: A school corporation's amount under this STEP is
 28 the following:
 29 (A) If the amount the school corporation received under this
 30 chapter in the previous ~~calendar~~ **state fiscal** year is greater
 31 than zero (0), the amount under this STEP is the lesser of:
 32 (i) the STEP EIGHT amount; or
 33 (ii) the amount the school corporation received under this
 34 chapter for the previous ~~calendar~~ **state fiscal** year multiplied
 35 by one hundred seven and one-half percent (107.5%).
 36 (B) If the amount the school corporation received under this
 37 chapter in the previous ~~calendar~~ **state fiscal** year is not greater
 38 than zero (0), the amount under this STEP is the STEP EIGHT
 39 amount.
- 40 SECTION 41. IC 20-43-10-2, AS AMENDED BY P.L.229-2011,
 41 SECTION 219, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) A school corporation's honors

1 diploma award for a **calendar state fiscal** year is the amount
 2 determined under STEP FOUR of the following formula:

3 STEP ONE: Determine the number of the school corporation's
 4 eligible pupils who successfully completed an academic honors
 5 diploma program in the school year ending in the previous
 6 **calendar state fiscal** year.

7 STEP TWO: Determine the result of:

8 (A) the number of the school corporation's eligible pupils who
 9 successfully completed a Core 40 diploma with technical
 10 honors program in the school year ending in the previous
 11 **calendar state fiscal** year; minus

12 (B) the number of eligible pupils who would otherwise be
 13 double counted under both clause (A) and STEP ONE.

14 STEP THREE: Determine the sum of the number of eligible
 15 students determined under STEP ONE and the number of eligible
 16 students determined under STEP TWO.

17 STEP FOUR: Multiply the STEP THREE amount by nine
 18 hundred dollars (\$900).

19 (b) An amount received by a school corporation as an honors
 20 diploma award may be used only for:

21 (1) any:

22 (A) staff training;

23 (B) program development;

24 (C) equipment and supply expenditures; or

25 (D) other expenses;

26 directly related to the school corporation's honors diploma
 27 program; and

28 (2) the school corporation's program for high ability students.

29 (c) A governing body that does not comply with this section for a
 30 school year is not eligible to receive an honors diploma award for the
 31 following school year.

32 SECTION 42. IC 20-49-7-4, AS ADDED BY P.L.2-2006,
 33 SECTION 172, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter,
 35 "operational costs" means costs other than construction costs incurred
 36 by:

37 (1) a charter school other than a conversion charter school during
 38 the second six (6) months of the **calendar state fiscal** year in
 39 which the charter school begins its initial operation; or

40 (2) a charter school, including a conversion charter school, during
 41 the second six (6) months of a **calendar state fiscal** year in which
 42 the charter school's most recent enrollment reported under

1 IC 20-24-7-2(a) divided by the charter school's previous year's
2 ADM is at least one and fifteen-hundredths (1.15).

3 SECTION 43. IC 20-51-4-5, AS ADDED BY P.L.92-2011,
4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 5. The state tuition support amount to be used in
6 ~~section 3(2)~~ **section 4(2)** of this chapter for an eligible individual is the
7 amount determined under the last STEP of the following formula:

8 STEP ONE: Determine the school corporation in which the
9 eligible individual has legal settlement.

10 STEP TWO: Determine the amount of state tuition support that
11 the school corporation identified under STEP ONE is eligible to
12 receive under IC 20-43 for the ~~calendar~~ **state fiscal** year in which
13 the current school year begins, excluding amounts provided for
14 special education grants under IC 20-43-7 and career and
15 technical education grants under IC 20-43-8.

16 STEP THREE: Determine the result of:

17 (A) the STEP TWO amount; divided by

18 (B) the current ADM (as defined in IC 20-43-1-10) for the
19 school corporation identified under STEP ONE for the
20 ~~calendar~~ **state fiscal** year used in STEP TWO.

21 SECTION 44. IC 20-51-4-6, AS ADDED BY P.L.92-2011,
22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2012]: Sec. 6. (a) If an eligible individual enrolls in an eligible
24 school for less than an entire school year, the choice scholarship
25 provided under this chapter for that school year shall be reduced on a
26 prorated basis to reflect the shorter school term.

27 (b) An eligible individual is entitled to only one (1) choice
28 scholarship for each school year. If the eligible individual leaves the
29 eligible school for which the eligible individual was awarded a choice
30 scholarship and enrolls in another eligible school, the eligible
31 individual is responsible for the payment of any tuition required for the
32 remainder of that school year.

33 **(c) If an eligible individual who was awarded a choice**
34 **scholarship leaves the nonpublic eligible school for which the**
35 **eligible individual was awarded a choice scholarship and in that**
36 **school year enrolls in a public school maintained by a school**
37 **corporation, the eligible school shall pay to the treasurer of state**
38 **for deposit in the state general fund an amount determined in the**
39 **following STEPS:**

40 **STEP ONE: Determine the amount of the choice scholarship**
41 **awarded to the eligible individual for the school year.**

42 **STEP TWO: Determine the result of:**

1 **(A) the eligible school's total number of school days in that**
2 **school year minus the number of days in that school year**
3 **in which the eligible individual was enrolled in the eligible**
4 **school; divided by**

5 **(B) the eligible school's total number of school days in that**
6 **school year.**

7 **STEP THREE: Multiply the STEP ONE result by the STEP**
8 **TWO result.**

9 SECTION 45. [EFFECTIVE JULY 1, 2012] **(a) The department**
10 **of education shall, before November 1, 2012, report to the state**
11 **budget committee:**

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

15 **(2) the number of students who:**

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

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

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

22 SECTION 46. [EFFECTIVE JULY 1, 2012] **(a) For the fiscal year**
23 **beginning July 1, 2012, and ending June 30, 2013, there is**
24 **appropriated to the department of education thirty million nine**
25 **hundred thousand dollars (\$30,900,000) from the state general**
26 **fund for distribution for tuition support, total operating expense,**
27 **beginning July 1, 2012, and ending June 30, 2013. This**
28 **appropriation is in addition to the appropriation for tuition**
29 **support that was made by P.L.229-2011.**

30 **(b) This SECTION expires July 1, 2013.**

- 1 SECTION 47. **An emergency is declared for this act.**
- 2 Delete pages 2 through 42.
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1189 as printed January 17, 2012.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

Senator Kruse, Chairperson