

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:

- 1 Page 2, line 8, delete "modify" and insert "**waive**".
- 2 Page 2, line 8, delete "a" and insert "**an accredited**".
- 3 Page 2, line 9, after "nonpublic" insert "**alternative**".
- 4 Page 2, line 11, delete "have" and insert "**have:**
- 5 **(1)**".
- 6 Page 2, line 11, delete "school" and insert "**school;**
- 7 **(2) been expelled; or**
- 8 **(3) been sent to the nonpublic alternative school due to the**
- 9 **students' lack of success in the public school environment;**".
- 10 Page 2, line 11, beginning with "to" begin a new line blocked left.
- 11 Page 2, line 12, after "nonpublic" insert "**alternative**".
- 12 Page 2, line 12, delete "The modified".
- 13 Page 2, delete lines 13 through 14.
- 14 Page 2, line 15, after "nonpublic" insert "**alternative**".
- 15 Page 2, line 16, after "IC 20-31-8-4." insert "**However, the**
- 16 **nonpublic alternative school must comply with all state reporting**
- 17 **requirements and submit a school improvement growth model on**
- 18 **the anniversary date of the nonpublic alternative school's original**
- 19 **accreditation.**".
- 20 Page 2, delete lines 17 through 29, begin a new paragraph and

1 insert:

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

5 means to:

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

8 (2) be educated onsite at a facility.

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

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

16 (1) An educational opportunity comparable to that of a
17 student attending a school operated by the school corporation.

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

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

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

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

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

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

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

38 (2) by a court order; or

1 (3) by a child placing agency licensed by the department of child
2 services;

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

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

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

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

16 The school corporation in which the student has legal settlement shall
17 pay the transfer tuition of the student. The parent of the student shall
18 notify the school corporation in which the facility is located and the
19 school corporation of the student's legal settlement, if identifiable, of
20 the placement. Not later than thirty (30) days after this notice, the
21 school corporation of legal settlement shall either pay the transfer
22 tuition of the transferred student or appeal the payment by notice to the
23 department. The acceptance or notice of appeal by the school
24 corporation must be given by certified mail to the parent or guardian of
25 the student and any affected school corporation. In the case of a student
26 who is not identified as having a disability under IC 20-35, the state
27 board shall make a determination on transfer tuition according to the
28 procedures in section 15 of this chapter. In the case of a student who
29 has been identified as having a disability under IC 20-35, the
30 determination on transfer tuition shall be made under this subsection
31 and the procedures adopted by the state board under
32 IC 20-35-2-1(b)(5).

33 ~~(e)~~ (f) A student who is placed in:

34 (1) an institution operated by the division of disability and
35 rehabilitative services or the division of mental health and
36 addiction; or

37 (2) an institution, a public or private facility, a home, a group
38 home, or an alternative family setting by the division of disability

1 and rehabilitative services or the division of mental health and
2 addiction;

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

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

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

13 in a foster family home or the home of a relative or other unlicensed
14 caretaker that is not located in the school corporation in which the
15 student has legal settlement. The student may attend school in either
16 the school corporation in which the foster family home or other home
17 is located or the school corporation in which the student has legal
18 settlement. The department of child services and the student's foster
19 parents or caretaker shall make the determination concerning where the
20 student attends school unless that determination is made by a court that
21 has jurisdiction over the student. If a licensed child placing agency is
22 responsible for oversight of the foster family home in which the student
23 is placed or for providing services to the student, the department of
24 child services must consult with the licensed child placing agency
25 concerning the determination of, or the recommendations made to the
26 court concerning, where the student attends school. Except as provided
27 in subsection ~~(e)~~ **(h)**, transfer tuition is not required for the student.

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

- 34 (1) The student was previously placed in a child caring institution
35 licensed under IC 31-27-3.
36 (2) While placed in the child caring institution, the student was
37 enrolled in a school that is:
38 (A) administered by the school corporation in which the child

- 1 caring institution is located; and
 2 (B) located at the child caring institution.
- 3 (3) The student was moved from the child caring institution to a
 4 licensed foster family home supervised by the child caring
 5 institution either:
- 6 (A) with the approval of the department of child services and
 7 the court having jurisdiction over the student in a case under
 8 IC 31-34; or
 9 (B) by a court order in a case under IC 31-37.
- 10 (4) After moving from the child caring institution to the foster
 11 family home, the student continues to attend the school located at
 12 the child caring institution.
- 13 (5) The legal settlement of the student was determined by a
 14 juvenile court under IC 31-34-20-5, IC 31-34-21-10,
 15 IC 31-37-19-26, or IC 31-37-20-6.
- 16 ~~(f)~~ (i) A student:
- 17 (1) who is placed in a facility, home, or institution described in
 18 subsection ~~(a)~~, ~~(b)~~, or ~~(c)~~; **(d), (e), or (f)**;
- 19 (2) to whom neither subsection ~~(d)~~ **(g)** nor ~~(e)~~ **(h)** applies; and
 20 (3) for whom there is no other entity or person required to pay
 21 transfer tuition;
- 22 may attend school in the school corporation in which the facility, home,
 23 or institution is located. The department shall conduct an investigation
 24 and determine whether any other entity or person is required to pay
 25 transfer tuition. If the department determines that no other entity or
 26 person is required to pay transfer tuition, the state shall pay the transfer
 27 tuition for the student out of the funds appropriated for tuition support.
- 28 SECTION 3. IC 20-26-11-31 IS ADDED TO THE INDIANA
 29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2012]: **Sec. 31. (a) This section applies to a
 31 school corporation that enrolls a student who has legal settlement
 32 in another school corporation for the purpose of the student
 33 receiving services from an accredited nonpublic alternative high
 34 school described in IC 20-19-2-10(f).**
- 35 **(b) A school corporation is entitled to receive state tuition
 36 support for a student described in subsection (a) in an amount
 37 equal to either:**
- 38 **(1) the amount received by the school corporation that enrolls**

1 the student if the student is included in the school
2 corporation's ADM; or

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

6 **whichever is greater.**

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

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

16 STEP TWO: Add:

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

18 (B) the number of students who:

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

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

23 **and**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 making or changing the placement of the child.

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

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

36 (e) The department or a juvenile court may place a child in a public
 37 school, regardless of whether the public school has a waiting list for
 38 admissions, if the department or juvenile court determines that the

1 school's program meets the child's educational needs and the school
 2 agrees to the placement. A placement under this subsection does not
 3 affect the legal settlement of the child.

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

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

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

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

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

23 making or changing the placement of the child.

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

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

29 (e) The juvenile court may place a child in a public school,
 30 regardless of whether the public school has a waiting list for
 31 admissions, if the court determines that the school's program meets the
 32 child's educational needs and the school agrees to the placement. A

- 1 placement under this subsection does not affect the legal settlement of
- 2 the child."
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 283 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

Yoder

Acting Chairperson