

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

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

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

## SENATE ENROLLED ACT No. 283

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AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-19-2-10, AS ADDED BY P.L.1-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) It is the policy of the state that the state:

- (1) recognizes that nonpublic schools provide education to children in Indiana;
- (2) has an interest in ensuring that all Indiana children are well educated in both curricular and extracurricular programs; and
- (3) should facilitate the transferability of comparable academic credit between appropriate nonpublic schools and state supported educational institutions.

(b) The state board shall implement a system of recognition of the educational programs of nonpublic schools to fulfill the policy set forth in subsection (a).

- (c) The system of recognition described under subsection (b) must:
- (1) be voluntary in nature with respect to the nonpublic school;
  - (2) recognize the characteristics that distinguish nonpublic schools from public schools; and
  - (3) be a recognition system that is separate from the accreditation standards required of public schools and available to nonpublic schools under section 8(a)(5) of this chapter.

(d) This section does not prohibit a nonpublic school from seeking accreditation under section 8(a)(5) of this chapter.

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(e) The state board shall adopt rules under IC 4-22-2 to implement this section.

**(f) The department shall waive accreditation standards for an accredited nonpublic alternative school that enters into a contract with a school corporation to provide alternative education services for students who have:**

- (1) dropped out of high school;**
- (2) been expelled; or**
- (3) been sent to the nonpublic alternative school due to the students' lack of success in the public school environment;**

**to accommodate the nonpublic alternative school's program and student population. A nonpublic alternative school to which this subsection applies is not subject to being placed in a category or designation under IC 20-31-8-4. However, the nonpublic alternative school must comply with all state reporting requirements and submit a school improvement growth model on the anniversary date of the nonpublic alternative school's original accreditation.**

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

- (1) physically attend a school in a building owned and operated by a school corporation; or**
- (2) be educated onsite at a facility.**

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

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

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

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



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

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

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

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

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

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

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

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

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as having a disability under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as having a disability under IC 20-35, the

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determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under IC 20-35-2-1(b)(5).

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

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

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

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

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

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

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

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

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

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

(B) located at the child caring institution.

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

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

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

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

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

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

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

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

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

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

SECTION 3. IC 20-26-11-31 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 31. (a) This section applies to a school corporation that enrolls a student who has legal settlement in another school corporation for the purpose of the student receiving services from an accredited nonpublic alternative high school described in IC 20-19-2-10(f).**

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



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- (1) the amount received by the school corporation in which the student is enrolled for ADM purposes; or  
 (2) the amount received by the school corporation in which the student has legal settlement;

whichever is greater.

SECTION 4. IC 20-49-5-3, AS ADDED BY P.L.2-2006, SECTION 172, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. To assist a school corporation in providing the school corporation's educational program to a student placed in a facility or home as described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)** and not later than October 1 of each school year, the state board may advance money to a school corporation in anticipation of the school corporation's receipt of transfer tuition for students described in ~~IC 20-26-11-8(a)~~ **IC 20-26-11-8(d)** or ~~IC 20-26-11-8(b)~~ **IC 20-26-11-8(e)**. The amount of the advance may not exceed the amount determined under STEP TWO of the following formula:

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

STEP TWO: Multiply the STEP ONE amount by the school corporation's prior year per student transfer tuition amount.

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

SECTION 6. IC 31-34-20-5, AS AMENDED BY P.L.146-2008, SECTION 604, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) This section applies if the department or a juvenile court:

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

in a state licensed private or public health care facility, child care



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facility, foster family home, or the home of a relative or other unlicensed caretaker.

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

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

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

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

SECTION 7. IC 31-37-19-26, AS AMENDED BY P.L.159-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 26. (a) This section applies if a juvenile court:

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

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

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



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making or changing the placement of the child.

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

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

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

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Governor of the State of Indiana

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