

# SENATE BILL No. 464

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-26-11-11.5.

**Synopsis:** Education funding for children in residential care. Provides that if a student is placed in a state licensed residential mental health facility under written orders of a licensed physician, the student receives educational services provided by the facility, and certain other conditions are satisfied, the school corporation of legal settlement that includes the student in its average daily membership shall pay the facility a per diem for the educational services provided by the facility to the student during the student's admission in the facility. Specifies that the amount such a school corporation shall pay to a facility is the amount, prorated according to the number of instructional days for which the student receives the educational services, equal to the student's proportionate share of state distributions paid to the school corporation. Specifies the minimum level educational services that must be provided to a student while the student is admitted to such a facility. Requires that the educational services at a facility must be provided by licensed teachers. Specifies that the amounts paid by a school corporation to a facility are in addition to any funds that are allocated or used under federal law to provide services to students receiving educational services at the facility.

**Effective:** July 1, 2013.

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January 10, 2013, read first time and referred to Committee on Education and Career Development.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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## SENATE BILL No. 464



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

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

- 1 SECTION 1. IC 20-26-11-11.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2013]: **Sec. 11.5. (a) As used in this section,**
- 4 **"facility" means a state licensed residential mental health facility.**
- 5 **(b) This section applies to a student if:**
- 6 **(1) the student is placed in a facility under the written order**
- 7 **of a physician licensed under IC 25-22.5;**
- 8 **(2) the written order of the physician licensed under**
- 9 **IC 25-22.5 is based on medical necessity, as determined by a**
- 10 **physician licensed under IC 25-22.5;**
- 11 **(3) the student receives educational services provided by the**
- 12 **facility;**
- 13 **(4) the student is enrolled or is eligible to be enrolled in the**
- 14 **student's school corporation of legal settlement in Indiana;**
- 15 **and**
- 16 **(5) the facility provides written notice to the student's school**
- 17 **corporation of legal settlement, within five (5) business days**



1 (excluding weekends and holidays) after the student is  
2 admitted to the facility, that:

3 (A) a student enrolled in the school corporation of legal  
4 settlement has been admitted to the facility; and

5 (B) the facility will provide educational services to the  
6 student during the student's admission in the facility.

7 (c) A school corporation of legal settlement that includes a  
8 student described in subsection (b) in its ADM for the school year  
9 in which the student receives the educational services under  
10 subsection (b)(3) shall pay to the facility a daily per diem as  
11 determined under subsection (d) for the educational services  
12 provided by the facility to the student during the student's  
13 admission in the facility. The school corporation of legal settlement  
14 may not be required to pay for any educational services provided  
15 to the student by the facility in excess of one hundred eighty (180)  
16 instructional days or an amount in excess of the student's  
17 proportionate share of state distributions paid to the school  
18 corporation of legal settlement, as determined under subsection  
19 (d).

20 (d) The school corporation of legal settlement shall pay to the  
21 facility an amount, prorated according to the number of  
22 instructional days for which the student receives the educational  
23 services, equal to the student's proportionate share (as compared  
24 to the school corporation of legal settlement's total ADM) of any  
25 state distributions that are:

26 (1) made to the school corporation for the school year; and

27 (2) computed in any part using ADM or any other student  
28 count in which the student is included.

29 Upon request of a facility, the department of education shall verify  
30 the student's proportionate share of state distributions made to the  
31 school corporation of legal settlement.

32 (e) A school corporation described in subsection (c) shall pay the  
33 facility not later than thirty (30) days after receiving an invoice  
34 from the facility. The facility is entitled to the same remedies for  
35 nonpayment of an amount due under this section as is provided  
36 under the laws governing failure to pay transfer tuition.

37 (f) Amounts paid by a school corporation under subsection (c)  
38 are in addition to any funds that are allocated or used under  
39 federal law or regulations (including any funds under Title I of the  
40 federal Elementary and Secondary Education Act) to provide  
41 services to students receiving educational services at the facility.

42 (g) A student admitted to a facility as provided in this section

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must receive the following minimum educational services:

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

(2) A level of educational services from the facility that is comparable to the level of educational services received by a student who physically attends school in a school operated by the school corporation of legal settlement.

(3) Unless otherwise provided in a student's individualized education program (as defined in IC 20-18-2-9), 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 at least one hundred eighty (180) student instructional days as provided 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 of legal settlement.

(D) Educational services provided by licensed teachers.

(h) The school corporation of legal settlement for a student admitted to a facility as provided in this section is responsible for implementing or causing to be implemented any individualized education program that is required. However, the school corporation of legal settlement may coordinate with the facility to ensure that all necessary services are provided to the student under the individualized education program while the student is admitted in the facility. This section is intended to ensure that a student's individual education program is administered and that payment for educational services related to the individualized education program are provided to the facility. This section in no way creates any obligation on the school corporation of legal settlement to provide payment for costs related to the student's residential stay and treatment in the facility.

(i) This section in no way limits a student's right to attend a school as provided in IC 20-26-11-8.

(j) The state board may adopt rules under IC 4-22-2 as necessary to implement this section.

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