

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 464, 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 13 through 17, begin a new line block indented
2 and insert:
3 **"(4) the student:**
4 **(A) is enrolled in the student's school corporation of legal**
5 **settlement in Indiana; or**
6 **(B) is not enrolled in a school corporation in Indiana, but**
7 **was enrolled in a school corporation in Indiana in the**
8 **previous school year; and**
9 **(5) the facility will provide educational services to the student**
10 **during the student's admission in the facility.**
11 **(c) A facility shall provide written notice as follows not later**
12 **than five (5) business days (excluding weekends and holidays) after**
13 **a student described in subsection (b) is admitted to the facility:**
14 **(1) If the student is admitted to the facility during the school**
15 **year and before the date of the fall count of ADM under**
16 **IC 20-43-4-3, the facility shall provide written notice to:**
17 **(A) the student's school corporation of legal settlement;**
18 **and**
19 **(B) the department.**
20 **(2) If the student is admitted to the facility during the school**
21 **year and on or after the date of the fall count of ADM under**

1 **IC 20-43-4-3, the facility shall provide written notice to the**
2 **school corporation that included the student in its ADM count**
3 **for that school year. Upon request of a facility, the**
4 **department shall verify which school corporation included the**
5 **student in its ADM count for that school year.**

6 **The written notice must specify that the student has been admitted**
7 **to the facility and that the facility will provide educational services**
8 **to the student during the student's admission in the facility.**

9 **(d) A school corporation that includes a student described in**
10 **subsection (b) in its ADM for the school year in which the student**
11 **receives educational services provided by the facility shall pay the**
12 **facility a daily per diem as determined under subsection (e) for the**
13 **educational services provided by the facility to the student during**
14 **the student's admission in the facility. The school corporation may**
15 **not be required to pay for any educational services provided to the**
16 **student by the facility exceeding one hundred eighty (180)**
17 **instructional days or an amount exceeding the student's**
18 **proportionate share of state distributions paid to the school**
19 **corporation, as determined under subsection (e). In the case of a**
20 **student described in subsection (b)(4)(B), the school corporation in**
21 **which the facility is located shall include the student in its ADM for**
22 **the school year.**

23 **(e) A school corporation that includes a student described in**
24 **subsection (b) in its ADM for the school year in which the student**
25 **receives educational services provided by the facility shall pay to**
26 **the facility an amount, prorated according to the number of**
27 **instructional days for which the student receives the educational**
28 **services, equal to:**

29 **(1) the student's proportionate share (as compared to the**
30 **school corporation's total ADM) of basic tuition support (as**
31 **determined under IC 20-43-6-3(b)) distributions that are**
32 **made to the school corporation for the school year; and**

33 **(2) any special education grants received by the school**
34 **corporation for the student under IC 20-43-7.**

35 **Upon request of a facility, the department shall verify the amounts**
36 **described in this subsection for a student admitted to the facility.**

37 **(f) A school corporation responsible for making a per diem**
38 **payment under this section shall pay the facility not later than sixty**

1 (60) days after receiving an invoice from the facility. The facility is
2 entitled to the same remedies for nonpayment of an amount due
3 under this section as are provided under the laws governing failure
4 to pay transfer tuition.

5 (g) A student admitted to a facility as provided in this section
6 must receive the following minimum educational services:

7 (1) An educational opportunity comparable to that of a
8 student attending a school operated by the school corporation
9 that includes the student in the school corporation's ADM for
10 the school year.

11 (2) A level of educational services from the facility that is
12 comparable to the level of educational services received by a
13 student who physically attends school in a school operated by
14 the school corporation that includes the student in the school
15 corporation's ADM for the school year.

16 (3) Unless otherwise provided in a student's individualized
17 education program (as defined in IC 20-18-2-9), educational
18 services must include at least the following:

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

21 (B) A school year with at least one hundred eighty (180)
22 student instructional days as provided under IC 20-30-2-3.

23 (C) Educationally appropriate textbooks and other
24 materials.

25 (D) Educational services provided by licensed teachers.

26 (h) A school corporation that includes a student described in
27 subsection (b) in its ADM for the school year in which the student
28 receives educational services provided by the facility is responsible
29 for implementing or causing to be implemented any individualized
30 education program that is required. However, the school
31 corporation may coordinate with the facility to ensure that all
32 necessary services are provided to the student under the
33 individualized education program while the student is admitted in
34 the facility. This section is intended to ensure that a student's
35 individual education program is administered and that payment
36 for educational services related to the individualized education
37 program is provided to the facility. This section does not create any
38 obligation on the school corporation to provide payment for costs

1 related to the student's residential stay and treatment in the
2 facility.

3 (i) This section does not limit a student's right to attend a school
4 as provided in IC 20-26-11-8.

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

7 Delete pages 2 through 3.
(Reference is to SB 464 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

Kruse

Chairperson