

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.

## SENATE ENROLLED ACT No. 464

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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 20-26-11-11.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 11.5. (a) The following definitions apply to this section:**

- (1) "ADM" means average daily membership (as defined in IC 20-18-2-2).
  - (2) "Facility" means a secure private facility described in IC 31-9-2-115(a)(1).
  - (3) "School corporation" means the Indiana school or charter school that is receiving state tuition support for the student at the time of the student's admission to the facility.
  - (4) "Student" means an individual who:
    - (A) is more than five (5) years of age and less than twenty-three (23) years of age;
    - (B) has been admitted to a facility; and
    - (C) was enrolled in a school corporation during the school year immediately preceding the student's admission to the facility.
- (b) This section applies to a student if:
- (1) the student is placed in a facility under the written order of a physician licensed under IC 25-22.5;
  - (2) the written order of the physician licensed under



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IC 25-22.5 is based on medical necessity, as determined by a physician licensed under IC 25-22.5; and

(3) the student receives educational services provided by the facility.

(c) A facility shall provide written notice to the school corporation not later than five (5) business days (excluding weekends and holidays) after a student described in subsection (b) is admitted to the facility. The written notice must include the following:

- (1) The student's name, address, and date of birth.
- (2) The date on which the student was admitted to the facility.
- (3) A copy of the physician's written order.
- (4) A statement that the student has opted out of attending school under IC 20-26-11-8.
- (5) A statement that the facility will provide all educational services to the student during the student's admission in the facility.

(d) The school corporation shall pay the facility a daily per diem as determined under subsection (e) for the educational services provided by the facility to the student during the student's admission in the facility. The school corporation may not be required to pay for any educational services provided to the student by the facility exceeding one hundred eighty (180) instructional days or an amount exceeding the student's proportionate share of state distributions paid to the school corporation, as determined under subsection (e).

(e) A school corporation shall pay to the facility an amount, prorated according to the number of instructional days for which the student receives the educational services, equal to:

- (1) the student's proportionate share (as compared to the school corporation's total ADM) of basic tuition support (as determined under IC 20-43-6-3(b)) distributions that are made to the school corporation for the school year; and
- (2) any special education grants received by the school corporation for the student under IC 20-43-7.

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

(f) A school corporation responsible for making a per diem payment under this section shall pay the facility not later than sixty (60) days after receiving an invoice from the facility. The school corporation and the facility are entitled to the same remedies for disagreements over amounts or nonpayment of an amount due as

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are provided under the laws governing transfer tuition.

(g) For each student admitted to a facility, the facility shall provide the following in accordance with rules adopted by the state board:

(1) An educational opportunity, including special education and related services, that is comparable to that of a student attending a school in the school corporation.

(2) A level of educational services from the facility that is comparable to that of a student attending a school in the school corporation.

(3) Unless otherwise provided in a student's individualized education program (as defined in IC 20-18-2-9), educational services that 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.

(D) Educational services provided by licensed teachers.

(h) The state board shall adopt a rule that addresses the responsibilities of the school corporation and the facility with regard to a student with an individualized education program.

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

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

(k) The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section.

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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