

Final Rule

LSA Document #11-771(F)

DIGEST

Adds [511 IAC 7-48](#) to explain and implement minimum expenditure requirements for provision of special education and related services for students with disabilities who are placed by parents in nonpublic schools as required by [IC 20-43-7-9](#). Effective 30 days after filing with the Publisher.

**[511 IAC 7-48](#)**

SECTION 1. [511 IAC 7-48](#) IS ADDED TO READ AS FOLLOWS:

**Rule 48. Minimum Expenditure Requirements**

**[511 IAC 7-48-1](#) Applicability**

Authority: [IC 20-43-7-9](#)

Affected: [IC 20-43-1-23](#); [IC 20-43-7](#)

Sec. 1. (a) This rule applies to school corporations as defined in [IC 20-43-1-23](#)(a).

(b) This rule does not apply to charter schools.

(Indiana State Board of Education; [511 IAC 7-48-1](#); filed Aug 28, 2012, 2:04 p.m.: [20120926-IR-511110771FRA](#))

**[511 IAC 7-48-2](#) Definitions**

Authority: [IC 20-43-7-9](#)

Affected: [IC 20-19-3-1](#); [IC 20-43-1-18.5](#); [IC 20-43-7-1](#)

Sec. 2. The following definitions apply throughout this rule:

(1) "Child count" means the number of eligible pupils enrolled in special education programs on December 1 under [IC 20-43-7-1](#).

(2) "Department" means the department of education established by [IC 20-19-3-1](#).

(3) "Parentally-placed nonpublic school students with disabilities" has the meaning set forth in [IC 20-43-1-18.5](#).

(4) "Related services" has the meaning set forth in [511 IAC 7-32-79](#).

(5) "Special education" has the meaning set forth in [511 IAC 7-32-86](#).

(6) "State special education grant" means the amount of state funds a school corporation receives under [IC 20-43-7](#).

(Indiana State Board of Education; [511 IAC 7-48-2](#); filed Aug 28, 2012, 2:04 p.m.: [20120926-IR-511110771FRA](#))

**[511 IAC 7-48-3](#) Expenditure requirements**

Authority: [IC 20-43-7-9](#)

Affected: [IC 20-43-1-8.5](#); [IC 20-43-7-9](#)

Sec. 3. (a) The amount of the state special education grant that the school corporation must expend on services to the group of parentally-placed nonpublic school students with disabilities during a calendar year shall be based on the child count of parentally-placed nonpublic school students with disabilities reported on December 1 immediately preceding that calendar year.

**(b) Beginning in calendar year 2012 and no later than December 31, the school corporation must, at a minimum and exclusive of federal special education funds, expend the amount determined in subsection (a) on special education and related services to parentally-placed nonpublic school students with disabilities under this article.**

**(c) The school corporation may expend state special education grant funds on behalf of parentally-placed nonpublic school students with disabilities to provide the following:**

- (1) Child find activities as defined in [IC 20-43-1-8.5](#) and [511 IAC 7-40](#), including evaluations, reevaluations, and independent educational evaluations.**
- (2) Special education.**
- (3) Related services.**

**(d) By December 31 of each calendar year, the department shall establish and publish the following:**

- (1) Procedures and forms for school corporations to report the amount of state special education grant funds generated by and expended on services to parentally-placed nonpublic school students with disabilities.**
- (2) Procedures to be utilized by the department in monitoring a school corporation's compliance with this rule, including the consequences for a school corporation's failure to comply with any of the following:**
  - (A) [IC 20-43-7-9](#).**
  - (B) This rule.**
  - (C) Procedures established under this rule.**
- (3) Procedures for a school corporation to appeal a finding of noncompliance.**

**(e) Beginning with calendar year 2012, the school corporation shall comply with the reporting requirements established by the department, and the department shall monitor the school corporation's compliance with such requirements.**

**(f) The department shall monitor the school corporation's actual expenditures under this rule in the calendar year immediately following the calendar year in which the expenditures were required.**

**(g) The department shall notify the school corporation in writing of any noncompliance. The written notice shall include the following:**

- (1) The nature of the noncompliance.**
- (2) The corrective action the school corporation must take.**
- (3) The deadline for the corrective action to be implemented.**
- (4) The consequences for failing to take the corrective action by the established deadline.**
- (5) The process to appeal the department's findings.**

*(Indiana State Board of Education; [511 IAC 7-48-3](#); filed Aug 28, 2012, 2:04 p.m.: [20120926-IR-511110771FRA](#))*

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