IC 20-8.1-9

Chapter 9. Financial Assistance for School Children

IC 20-8.1-9-1

Family income to be used to determine financial eligibility

Sec. 1. (a) The maximum monthly or annual gross income available to a family shall be used for the purpose of determining financial eligibility for assistance under this chapter.

(b) In determining the eligibility of a seasonal worker for assistance under this chapter, an average shall be made of the family's income for the twelve (12) calendar months preceding the first day of the month in which the application is made.

As added by Acts 1979, P.L.209, SEC.1. Amended by P.L.214-1983, SEC.1.

IC 20-8.1-9-2

Procedures to qualify for assistance; financial eligibility standard

Sec. 2. The department shall adopt procedures that must be followed by applicants in order for them to qualify for assistance under this chapter. These procedures must include obtaining information needed by the family and social services administration to determine if the recipient is a child who is a member of a qualifying family, as defined in IC 12-14-28-1, including the familial relationship of the child to the head of the household. The financial eligibility standard for an applicant under this chapter must be the same criteria used for determining eligibility for receiving free or reduced price lunches under the national school lunch program.

As added by Acts 1979, P.L.209, SEC.1. Amended by Acts 1980, P.L.22, SEC.13; P.L.214-1983, SEC.2; P.L.390-1987(ss), SEC.11; P.L.273-1999, SEC.200.

IC 20-8.1-9-3

Qualified parents; payment of fees by school corporation; reimbursement

Sec. 3. (a) If a parent of a child or an emancipated minor who is enrolled in a public school, in grades K-12, meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may not be required to pay the fees for school books, supplies, or other required class fees. Such fees shall be paid by the school corporation which the child attends.

(b) The school corporation may apply for a reimbursement under section 9 of this chapter from the department of the costs incurred under subsection (a).

(c) To the extent the reimbursement received by the school corporation is less than the textbook rental fee assessed for textbooks that have been adopted under IC 20-10.1-9-1 or waived under IC 20-10.1-9-27, the school corporation may request that the parent or emancipated minor pay the balance of this amount.

As added by Acts 1979, P.L.209, SEC.1. Amended by P.L.214-1983, SEC.3; P.L.390-1987(ss), SEC.12; P.L.1-1993, SEC.182;

P.L.276-2003, SEC.19.

IC 20-8.1-9-4
Application forms

Sec. 4. The department shall provide each school corporation with sufficient application forms for assistance under this chapter. The state board of accounts shall prescribe the forms to be used.

As added by Acts 1979, P.L.209, SEC.1. Amended by P.L.20-1984, SEC.102; P.L.390-1987(ss), SEC.13.

IC 20-8.1-9-5
Notice to parents

Sec. 5. All school corporations must give notice in nontechnical language and in a manner that can be reasonably expected to reach parents of school children before the collection of any fees for schoolbooks and supplies. This notice shall inform the parents of the availability of assistance, the eligibility standards, the procedure for obtaining assistance, including the right and method of appeal, and the availability of application forms at a designated school office.

As added by Acts 1979, P.L.209, SEC.1.

IC 20-8.1-9-6
Assistance in completion of forms; determination of financial eligibility; appeal; hearing

Sec. 6. (a) All school corporations must give appropriate application forms to parents who wish to apply for assistance under this chapter. The school shall provide assistance to those applicants who are unable to write or otherwise make a written application. The parent shall submit the completed application to the school corporation. The school corporation shall make a determination of financial eligibility.

(b) If the school corporation makes a determination that the parent is ineligible based on the information in the application, it shall give the parent written reasons for the denial and inform the parent of the right to request a hearing before the governing body of the school corporation or the governing body's designee. After the determination, the school corporation may bill the parent for the child's fees, but the school corporation may not take any legal action against the parent until the parent has had the opportunity to make an appeal in a hearing before the governing body of the school corporation or the governing body's designee. If the parent pays the fees based on the school corporation's determination, and after the appeal it is determined that the parent qualifies for assistance, the school corporation shall reimburse the parent.

As added by Acts 1979, P.L.209, SEC.1. Amended by P.L.390-1987(ss), SEC.14.

IC 20-8.1-9-7 Repealed

(*Repealed by P.L.390-1987(ss)*, SEC.46.)

IC 20-8.1-9-7.5
Repealed
(*Repealed by P.L.390-1987(ss)*, SEC.46.)

IC 20-8.1-9-8
Repealed
(*Repealed by P.L.390-1987(ss)*, SEC.46.)

IC 20-8.1-9-9
Payment of fees by school corporation; reimbursement; record; denial of governmental assistance

Sec. 9. (a) If a determination is made that the applicant is eligible for assistance, the school corporation shall pay the cost of the student's required fees.

(b) A school corporation may receive a reimbursement from the department for some or all of the costs incurred by a school corporation during a school year in providing textbook assistance to children who are eligible under section 2 of this chapter.

(c) In order to be guaranteed some level of reimbursement from the department, the governing body of a school corporation shall request the reimbursement before November 1 of a school year.

(d) In its request, the governing body shall certify to the department:

(1) the number of students who are enrolled in that school corporation and who are eligible for assistance under this chapter;

(2) the costs incurred by the school corporation in providing:

(A) textbooks (including textbooks used in special education and gifted and talented classes) to these students;

(B) workbooks and consumable textbooks (including workbooks and consumable textbooks, and other consumable instructional materials that are used in special education and gifted and talented classes) that are used by students for no more than one (1) school year; and

(C) instead of the purchase of textbooks, developmentally appropriate material for instruction in kindergarten through the grade 3 level, laboratories, and children's literature programs;

(3) that each textbook described in subdivision (2)(A) and included in the reimbursement request (except those textbooks used in special education classes and gifted and talented classes) has been adopted by the state board of education under IC 20-10.1-9-1 or has been waived by the state board of education under IC 20-10.1-9-27;

(4) that the amount of reimbursement requested for each textbook under subdivision (3) does not exceed twenty percent (20%) of the costs incurred for the textbook, as provided in the textbook adoption list in each year of the adoption cycle;

(5) that the amount of reimbursement requested for each workbook or consumable textbook (or other consumable

instructional material used in special education and gifted and talented classes) under subdivision (2)(B), if applicable, does not exceed one hundred percent (100%) of the costs incurred for the workbook or consumable textbook (or other consumable instructional material used in special education and gifted and talented classes);

(6) that the amount of reimbursement requested for each textbook used in special education and gifted and talented classes is amortized for the number of years in which the textbook is used;

(7) that the amount of reimbursement requested for developmentally appropriate material is amortized for the number of years in which the material is used and does not exceed a total of one hundred percent (100%) of the costs incurred for the developmentally appropriate material; and

(8) any other information required by the department, including copies of purchase orders used to acquire consumable instructional materials used in special education and gifted and talented classes and developmentally appropriate material.

(e) Each school within a school corporation shall maintain complete and accurate information concerning the number of students determined to be eligible for assistance under this chapter. This information shall be provided to the department upon request.

(f) If the amount of reimbursement requested before November 1 of a particular year exceeds the amount of money appropriated to the department for this purpose, the department shall proportionately reduce the amount of reimbursement to each school corporation.

(g) A school corporation may submit a supplemental reimbursement request under section 9.1 of this chapter. The school corporation is entitled to receive a supplemental reimbursement only if there are funds available. The department shall proportionately reduce the amount of supplemental reimbursement to each school corporation if the total amount requested exceeds the amount of money available to the department for this purpose. In the case of this supplemental reimbursement, the provisions in this section apply, except that section 9.1 of this chapter applies to the making of the supplemental request by the governing body of the school corporation.

(h) Parents receiving other governmental assistance or aid which considers educational needs in computing the entire amount of assistance granted may not be denied assistance if the applicant's total family income does not exceed the standards established by this chapter.

As added by Acts 1979, P.L.209, SEC.1. Amended by P.L.390-1987(ss), SEC.15; P.L.59-1988, SEC.4; P.L.342-1989(ss), SEC.10; P.L.52-1990, SEC.6; P.L.34-1991, SEC.26.

IC 20-8.1-9-9.1

Supplemental request for reimbursement for costs incurred in providing textbook assistance

Sec. 9.1. (a) The governing body of a school corporation may make a supplemental request for reimbursement from the department after April 1 but before May 1 of a school year for some or all of the additional costs incurred by the school corporation in providing textbook assistance to the number of additional eligible children who enroll in the school corporation after the initial request for reimbursement is filed under section 9(c) of this chapter.

(b) In its supplemental request, the governing body must certify to the department the following:

(1) The number of additional students who enroll in the school corporation as described in subsection (a).

(2) The additional costs incurred by the school corporation in providing the materials described in section 9(d)(2) of this chapter pertaining to the number of additional students.

(3) The same information as described in section 9(d)(3) through 9(d)(7) of this chapter as pertaining to the numbers of additional students.

(c) This section applies only if there are funds available. These supplemental distributions shall be made by the department in accordance with section 9(g) of this chapter.

As added by P.L.342-1989(ss), SEC.11.

IC 20-8.1-9-9.5

Nonpublic schools; reimbursement to parent or student; procedure

Sec. 9.5. (a) If a parent of a child or an emancipated minor who is enrolled in an accredited nonpublic school meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may receive a reimbursement from the department as provided in this chapter for the costs or some of the costs incurred by the parent or emancipated minor in fees that are reimbursable under section 9 of this chapter. The extent to which the fees are reimbursable under this section may not exceed the percentage rates of reimbursement under section 9 of this chapter. In addition, if a child enrolls in an accredited nonpublic school after the initial request for reimbursement is filed under subsection (b), the parent of the child or the emancipated minor who meets the financial eligibility standard may receive a reimbursement from the department for the costs or some of the costs incurred in fees that are reimbursable under section 9 of this chapter by applying to the accredited nonpublic school for assistance. In this case, the provisions of this section apply, except that section 9.6 of this chapter applies to the making of the supplemental request for reimbursement by the principal or other designee of the accredited nonpublic school.

(b) The department shall provide each accredited nonpublic school with sufficient application forms for assistance, prescribed by the state board of accounts.

(c) Each accredited nonpublic school shall provide the parents or emancipated minors who wish to apply for assistance with:

(1) the appropriate application forms; and

(2) any assistance needed in completing the application form.

(d) The parent or emancipated minor shall submit the application to the accredited nonpublic school. The accredited nonpublic school shall make a determination of financial eligibility subject to appeal by the parent or emancipated minor.

(e) If a determination is made that the applicant is eligible for assistance, subsection (a) applies.

(f) In order to be guaranteed some level of reimbursement from the department, the principal or other designee shall submit the reimbursement request before November 1 of a school year.

(g) In its request, the principal or other designee shall certify to the department:

(1) the number of students who are enrolled in that accredited nonpublic school and who are eligible for assistance under this chapter;

(2) the costs incurred in providing:

(A) textbooks (including textbooks used in special education and gifted and talented classes); and

(B) workbooks and consumable textbooks (including workbooks, consumable textbooks, and other consumable teaching materials that are used in special education and gifted and talented classes) that are used by students for no more than one (1) school year;

(3) that each textbook described in subdivision (2)(A) and included in the reimbursement request (except those textbooks used in special education classes and gifted and talented classes) has been adopted by the state board of education under IC 20-10.1-9-1 or has been waived by the state board of education under IC 20-10.1-9-27;

(4) that the amount of reimbursement requested for each textbook under subdivision (3) does not exceed twenty percent (20%) of the costs incurred for the textbook, as provided in the textbook adoption list in each year of the adoption cycle;

(5) that the amount of reimbursement requested for each workbook or consumable textbook (or other consumable teaching material used in special education and gifted and talented classes) under subdivision (2)(B), if applicable, does not exceed one hundred percent (100%) of the costs incurred for the workbook or consumable textbook (or other consumable teaching material used in special education and gifted and talented classes);

(6) that the amount of reimbursement requested for each textbook used in special education and gifted and talented classes is amortized for the number of years in which the textbook is used; and

(7) any other information required by the department, including copies of purchase orders used to acquire consumable teaching materials used in special education and gifted and talented classes.

(h) If the amount of reimbursement requested before November

1 of a particular school year exceeds the amount of money appropriated to the department for this purpose, the department shall proportionately reduce the amount of reimbursement to each accredited nonpublic school. An accredited nonpublic school may submit a supplemental reimbursement request under section 9.6 of this chapter. The parent or emancipated minor is entitled to receive a supplemental reimbursement only if there are funds available. The department shall proportionately reduce the amount of supplemental reimbursement to the accredited nonpublic schools if the amount requested exceeds the amount of money available to the department for this purpose.

(i) The accredited nonpublic school shall distribute the money received under this chapter to the appropriate eligible parents or emancipated minors.

(j) IC 20-8.1-9-9(h) applies to parents or emancipated minors as described in this section.

(k) The accredited nonpublic school and the department shall maintain complete and accurate information concerning the number of applicants determined to be eligible for assistance under this section.

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

As added by P.L.137-1988, SEC.1. Amended by P.L.342-1989(ss), SEC.12; P.L.52-1990, SEC.7.

IC 20-8.1-9-9.6

Supplemental request for reimbursement for costs; fees reimbursable by parent for child enrolled in accredited nonpublic school

Sec. 9.6. (a) The principal or other designee of an accredited nonpublic school may make a supplemental request for reimbursement from the department after April 1 but before May 1 of a school year for some or all of the additional costs incurred in fees that are reimbursable under section 9 of this chapter by the parent of a child or emancipated minor who enroll in the accredited nonpublic school after the initial request for reimbursement is filed under section 9.5(f) of this chapter.

(b) In its supplemental request, the principal or other designee must certify to the department the following:

(1) The number of additional students who enrolled in the accredited nonpublic school as described in subsection (a).

(2) The costs incurred in providing the materials described in section 9.5(g)(2) of this chapter pertaining to the number of additional students.

(3) The same information as described in section 9.5(g)(3) through 9.5(g)(7) of this chapter as pertaining to the number of additional students.

(c) This section applies only if there are funds available. These supplemental distributions shall be made by the department in accordance with section 9.5(h) of this chapter.

As added by P.L.342-1989(ss), SEC.13.

IC 20-8.1-9-10
Failure of parent to pay fees

Sec. 10. A school corporation may not withhold school books and supplies, require any special services from a child, or deny the child any benefit or privilege because the parent fails to pay required fees. A school corporation may, however, take any action authorized by law to collect unpaid fees from parents who are determined to be ineligible for assistance, and may recover reasonable attorney's fees and court costs in addition to a judgment award against those parents.
As added by Acts 1979, P.L.209, SEC.1. Amended by Acts 1982, P.L.130, SEC.1; P.L.390-1987(ss), SEC.16.

IC 20-8.1-9-11
Payment of fees for unqualified individuals

Sec. 11. Under extraordinary circumstances, the township trustee may pay for the fees enumerated in section 3 of this chapter for individuals who do not otherwise qualify under the financial eligibility standard established in this chapter. Assistance in such cases may be provided by the township trustee under IC 12-20.
As added by Acts 1979, P.L.209, SEC.1. Amended by P.L.214-1983, SEC.5; P.L.2-1992, SEC.717.

IC 20-8.1-9-12
Shoes and clothing; financial assistance; clothing bank; establishment by school corporation

Sec. 12. (a) Financial assistance for shoes and clothing shall be provided directly by the township trustee, under IC 12-20, to parents who do not have sufficient means to furnish the shoes and clothing needed by the children to attend school.

(b) A school corporation may establish a clothing bank to provide for children's clothing needs on an emergency basis.
As added by Acts 1979, P.L.209, SEC.1. Amended by P.L.2-1992, SEC.718.

IC 20-8.1-9-13
Repealed

(*Repealed by P.L.390-1987(ss)*, SEC.46.)

IC 20-8.1-9-14
School textbook reimbursement contingency fund

Sec. 14. (a) The school textbook reimbursement contingency fund is established for the purpose of reimbursing school corporations (or certain eligible parents of children who attend accredited nonpublic schools or emancipated minors who attend accredited nonpublic schools as provided in section 9.5 of this chapter) for assistance provided under this chapter. The fund consists of money appropriated to the fund by the general assembly. The state superintendent of public instruction shall administer the fund.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

As added by P.L.390-1987(ss), SEC.17. Amended by P.L.137-1988, SEC.2.