

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1381 be amended to read as follows:

- 1 Page 3, line 32, delete "determined under the rules" and insert
- 2 **"proportional to the lesser of the part of the school year (as defined**
- 3 **in IC 20-18-2-17):**
- 4 **(i) for which the qualified individual pays or incurs a tuition**
- 5 **expense, if the qualified individual does not pay or incur a**
- 6 **tuition expense in the qualified individual's taxable year for an**
- 7 **entire school year (as defined in IC 20-18-2-17); or**
- 8 **(ii) for which a qualified dependent receives educational**
- 9 **services from a school of choice for kindergarten."**
- 10 Page 3, delete lines 33 through 42.
- 11 Page 5, line 41, delete "." and insert **"of education.**
- 12 **(5) The part of a school year (as defined in IC 20-18-2-17) for**
- 13 **which the school of choice provided educational services for**
- 14 **kindergarten to the qualified dependent."**
- 15 Page 6, between lines 41 and 42, begin a new paragraph and insert:
- 16 **"Sec. 31. If an adjusted kindergarten ADM count under**
- 17 **IC 21-3-1.6-1.1 indicates that a qualified dependent who originally**
- 18 **enrolled in kindergarten in a school of choice and was not counted**
- 19 **in the current ADM of a school corporation or charter school on**
- 20 **the original ADM count date for a year has reenrolled in the same**
- 21 **school year in kindergarten in:**
- 22 **(1) the attendance area of the school corporation where the**
- 23 **qualified dependent has legal settlement; or**
- 24 **(2) a charter school;**
- 25 **and is counted in the current ADM of the school corporation or**

1 **charter school on the adjusted kindergarten ADM count date, the**
 2 **department shall make state distributions to the school corporation**
 3 **or charter school as if the qualified dependent had been included**
 4 **in the count of eligible pupils on the original ADM count date.**

5 SECTION 2. IC 21-3-1.6-1.1, AS AMENDED BY P.L.1-2005,
 6 SECTION 170, AND AS AMENDED BY P.L.246, SECTION 191, IS
 7 CORRECTED AND AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 1.1. As
 9 used in this chapter:

10 (a) "School corporation" means any local public school corporation
 11 established under Indiana law. Except as otherwise indicated, the term
 12 includes a charter school.

13 (b) "School year" means a year beginning July 1 and ending the next
 14 succeeding June 30.

15 (c) "State distribution" due a school corporation means the amount
 16 of state funds to be distributed to a school corporation in any calendar
 17 year under this chapter.

18 (d) "Average daily membership" or "ADM" of a school corporation
 19 means the number of eligible pupils enrolled in the school corporation
 20 or in a transferee corporation on a day to be fixed annually by the
 21 Indiana state board of education and *beginning in the school year that*
 22 *ends in the 2005 calendar year*, as subsequently adjusted not later than
 23 January 30 under the rules adopted by the state board of education. The
 24 initial day of the count shall fall within the first thirty (30) days of the
 25 school term. If, however, extreme patterns of student in-migration,
 26 illness, natural disaster, or other unusual conditions in a particular
 27 school corporation's enrollment on either the day fixed by the Indiana
 28 state board of education or on the subsequent adjustment date, cause the
 29 enrollment to be unrepresentative of the school corporation's enrollment
 30 throughout a school year, the Indiana state board of education may
 31 designate another day for determining the school corporation's
 32 enrollment. The Indiana state board of education shall monitor changes
 33 that occur after the fall count, in the number of students enrolled in
 34 programs for children with disabilities **and in the number of students**
 35 **enrolled in kindergarten**, and shall, before December 2 of that same
 36 year **make an adjusted count of students enrolled in programs for**
 37 **children with disabilities and an adjusted count of the students**
 38 **enrolled in kindergarten** and, *beginning in the 2004 calendar year*,
 39 before April 2 of the following calendar year, make an adjusted count
 40 of students enrolled in programs for children with disabilities. The
 41 superintendent of public instruction shall certify the December adjusted
 42 count to the budget committee before February 5 of the following year
 43 and the April adjusted count not later than May 31 immediately after
 44 the date of the April adjusted count. In determining the ADM, each
 45 kindergarten pupil shall be counted as one-half (1/2) pupil. Where a
 46 school corporation commences kindergarten in a school year, the ADM
 47 of the current and prior calendar years shall be adjusted to reflect the

1 enrollment of the kindergarten pupils. In determining the ADM, each
2 pupil enrolled in a public school and a nonpublic school is to be
3 counted on a full-time equivalency basis as provided in section 1.2 of
4 this chapter.

5 (e) "Additional count" of a school corporation, or comparable
6 language, means the aggregate of the additional counts of the school
7 corporation for certain pupils as set out in section 3 of this chapter
8 (repealed) and as determined at the times for calculating ADM.
9 "Current additional count" means the initial computed additional count
10 of the school corporation for the school year ending in the calendar
11 year. "Prior year additional count" of a school corporation used in
12 computing its state distribution in a calendar year means the initial
13 computed additional count of the school corporation for the school year
14 ending in the preceding calendar year.

15 (f) For purposes of this subsection, "school corporation" does not
16 include a charter school. "Adjusted assessed valuation" of any school
17 corporation used in computing state distribution for a calendar year
18 means the assessed valuation in the school corporation, adjusted as
19 provided in IC 6-1.1-34. The amount of the valuation shall also be
20 adjusted downward by the department of local government finance to
21 the extent it consists of real or personal property owned by a railroad
22 or other corporation under the jurisdiction of a federal court under the
23 federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the
24 corporation being involved in a bankruptcy proceeding the corporation
25 is delinquent in payment of its Indiana real and personal property taxes
26 for the year to which the valuation applies. If the railroad or other
27 corporation in some subsequent calendar year makes payment of the
28 delinquent taxes, then the state superintendent of public instruction
29 shall prescribe adjustments in the distributions of state funds pursuant
30 to this chapter as are thereafter to become due to a school corporation
31 affected by the delinquency as will ensure that the school corporation
32 will not have been unjustly enriched under the provisions of
33 P.L.382-1987(ss). The amount of the valuation shall also be adjusted
34 downward by the department of local government finance to the extent
35 it consists of real or personal property described in IC 6-1.1-17-0.5(b).

36 (g) "General fund" means a fund established under IC 21-2-11-2.

37 (h) "Teacher" means every person who is required as a condition of
38 employment by a school corporation to hold a teacher's license issued
39 or recognized by the state, except substitutes and any person paid
40 entirely from federal funds.

41 (i) For purposes of this subsection, "school corporation" does not
42 include a charter school. "Teacher ratio" of a school corporation used
43 in computing state distribution in any calendar year means the ratio
44 assigned to the school corporation pursuant to section 2 of this chapter.

45 (j) "Eligible pupil" means a pupil enrolled in a school corporation if:

46 (1) the school corporation has the responsibility to educate the
47 pupil in its public schools without the payment of tuition;

1 (2) subject to subdivision (5), the school corporation has the
 2 responsibility to pay transfer tuition under ~~IC 20-8.1-6.1~~,
 3 *IC 20-8.1-6.1 (before its repeal)* or IC 20-26-11, because the pupil
 4 is transferred for education to another school corporation (the
 5 "transferee corporation");

6 (3) the pupil is enrolled in a school corporation as a transfer
 7 student under ~~IC 20-8.1-6.1~~, *IC 20-8.1-6.1 (before its repeal)* or
 8 IC 20-26-11-6 or entitled to be counted for ADM or additional
 9 count purposes as a resident of the school corporation when
 10 attending its schools under any other applicable law or regulation;

11 (4) the state is responsible for the payment of transfer tuition to
 12 the school corporation for the pupil under ~~IC 20-8.1-6.1~~,
 13 *IC 20-8.1-6.1 (before its repeal)* or IC 20-26-11; or

14 (5) all of the following apply:

15 (A) The school corporation is a transferee corporation.

16 (B) The pupil does not qualify as a qualified pupil in the
 17 transferee corporation under subdivision (3) or (4).

18 (C) The transferee corporation's attendance area includes a
 19 state licensed private or public health care facility, child care
 20 facility, or foster family home where the pupil was placed:

21 (i) by or with the consent of the division of family and
 22 children;

23 (ii) by a court order;

24 (iii) by a child placing agency licensed by the division of
 25 family and children; or

26 (iv) by a parent or guardian under ~~IC 20-8.1-6.1~~,
 27 *IC 20-8.1-6.1 (before its repeal)* or IC 20-26-11-8.

28 For purposes of IC 21-3-12, the term includes a student enrolled in a
 29 charter school.

30 (k) "General fund budget" of a school corporation means the amount
 31 of the budget approved for a given year by the department of local
 32 government finance and used by the department of local government
 33 finance in certifying a school corporation's general fund tax levy and
 34 tax rate for the school corporation's general fund as provided for in
 35 IC 21-2-11. The term does not apply to a charter school.

36 ~~(l) "At risk index" means the following:~~

37 ~~(1) For a school corporation that is a not a charter school, the~~
 38 ~~sum of:~~

39 ~~(A) the product of sixteen-hundredths (0.16) multiplied by the~~
 40 ~~percentage of families in the school corporation with children~~
 41 ~~who are less than eighteen (18) years of age and who have a~~
 42 ~~family income below the federal income poverty level (as~~
 43 ~~defined in IC 12-15-2-1);~~

44 ~~(B) the product of four-tenths (0.4) multiplied by the~~
 45 ~~percentage of families in the school corporation with a single~~
 46 ~~parent; and~~

47 ~~(C) the product of forty-four hundredths (0.44) multiplied by~~

- 1 *the percentage of the population in the school corporation who*
2 *are at least twenty (20) years of age with less than a twelfth*
3 *grade education.*
- 4 *The data to be used in making the calculations under this*
5 *subdivision must be the data from the 2000 federal decennial*
6 *census.*
- 7 *(2) For a charter school, the index determined under subdivision*
8 *(1) for the school corporation in which the charter school is*
9 *located.*
- 10 ~~(m)~~ (l) "ADM of the previous year" or "ADM of the prior year" used
11 in computing a state distribution in a calendar year means the initial
12 computed ADM for the school year ending in the preceding calendar
13 year.
- 14 ~~(m)~~ (m) "Current ADM" used in computing a state distribution in a
15 calendar year means the initial computed ADM for the school year
16 ending in the calendar year."
- 17 Renumber all SECTIONS consecutively.
 (Reference is to HB 1381 as printed January 27, 2006.)

Representative Smith V