

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1189**

Citations Affected: IC 20-33-2-10; IC 20-43.

Synopsis: School finance. Requires an accredited nonpublic school to provide sufficient verbal information to permit a requesting school to which a child transfers to make an appropriate placement decision when the parent of the child is in breach of a contract that conditions release of student records on the payment of outstanding tuition and other fees. Requires the state board of education to conduct a second count of students enrolled in school corporations and charter schools in February of each school year. Expires the school funding formula on July 1, 2013. Transfers the appropriation and funding for charter school start-up grants to the appropriation for state tuition support. Increases the amount of the charter school start-up grant for charter schools that begin operation in calendar year 2012 and provides that the grant is to be paid in six installments with one installment in each of the last six months of calendar year 2012. Specifies that the amount distributed as special grants to school corporations to reflect the savings resulting from the education of students under a choice scholarship rather than in a school corporation are limited only by the state fiscal year appropriation and not the calendar year cap that limits the amount of state tuition support payable in a calendar year. **(This conference committee report: (1) transfers the appropriation and funding for charter school start-up grants to the appropriation for state tuition support; (2) increases the amount of the charter school start-up grant for charter schools that begin operation in calendar year 2012 and provides that the grant is to be paid in six installments with one installment in each the six months of calendar year 2012; (3) specifies that the amount distributed as special grants to school corporations to reflect the savings resulting from the education of students under a choice scholarship rather than in a school corporation are limited only by the state fiscal year appropriation and not the calendar year cap that limits the amount of state tuition support payable in a calendar year; (4) replaces a requirement that an accredited school release a student's records to another school regardless of whether the former student of the accredited nonpublic school or the former student's parent owes an outstanding debt to the accredited nonpublic school with a requirement that the accredited school provide sufficient verbal information to permit a requesting school to which a child transfers to make an appropriate placement decision; and (5) deletes all other provisions in the Senate passed version of EHB 1189 except the requirement that a spring count of students takes place and the provision that expires the school funding formula on July 1, 2013.)**

Effective: Upon passage; January 1, 2012 (retroactive); July 1, 2012.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1189 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 20-33-2-10, AS AMENDED BY P.L.43-2009,
- 3 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: Sec. 10. (a) Each public school shall and each
- 5 private school may require a student who initially enrolls in the school
- 6 to provide:
- 7 (1) the name and address of the school the student last attended;
- 8 and
- 9 (2) a certified copy of the student's birth certificate or other
- 10 reliable proof of the student's date of birth.
- 11 (b) Not more than fourteen (14) days after initial enrollment in a
- 12 school, the school shall request the student's records from the school
- 13 the student last attended.
- 14 (c) If the document described in subsection (a)(2):
- 15 (1) is not provided to the school not more than thirty (30) days
- 16 after the student's enrollment; or
- 17 (2) appears to be inaccurate or fraudulent;
- 18 the school shall notify the Indiana clearinghouse for information on
- 19 missing children and missing endangered adults established under
- 20 IC 10-13-5-5 and determine if the student has been reported missing.
- 21 (d) A school in Indiana receiving a request for records shall send the
- 22 records promptly to the requesting school. However, if a request is

1 received for records to which a notice has been attached under
2 IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

- 3 (1) shall immediately notify the Indiana clearinghouse for
4 information on missing children and missing endangered adults;
5 (2) may not send the school records without the authorization of
6 the clearinghouse; and
7 (3) may not inform the requesting school that a notice under
8 IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached
9 to the records.

10 **(e) Notwithstanding subsection (d), if a parent of a child who has**
11 **enrolled in an accredited nonpublic school is in breach of a**
12 **contract that conditions release of student records on the payment**
13 **of outstanding tuition and other fees, the accredited nonpublic**
14 **school shall provide a requesting school sufficient verbal**
15 **information to permit the requesting school to make an**
16 **appropriate placement decision regarding the child.**

17 SECTION 2. IC 20-43-1-1, AS AMENDED BY P.L.229-2011,
18 SECTION 199, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2012]: Sec. 1. This article expires ~~January July~~
20 ~~1, 2014.~~ **2013.**

21 SECTION 3. IC 20-43-1-10, AS ADDED BY P.L.2-2006,
22 SECTION 166, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2012]: Sec. 10. "Current ADM" means the
24 ~~initial computed~~ **fall count of ADM** for the school year ending in the
25 calendar year.

26 SECTION 4. IC 20-43-1-12.3 IS ADDED TO THE INDIANA
27 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
28 [EFFECTIVE JULY 1, 2012]: **Sec. 12.3. "Fall count" refers to the**
29 **first count of ADM in a school year under IC 20-43-4-3, as finally**
30 **adjusted under IC 20-43-4-2.**

31 SECTION 5. IC 20-43-1-24.5 IS ADDED TO THE INDIANA
32 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
33 [EFFECTIVE JULY 1, 2012]: **Sec. 24.5. "Spring count" refers to the**
34 **second count of ADM in a school year under IC 20-43-4-3, as**
35 **subsequently adjusted under IC 20-43-4-2.**

36 SECTION 6. IC 20-43-4-3, AS ADDED BY P.L.2-2006, SECTION
37 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
38 1, 2012]: Sec. 3. **(a) Subject to subsection (b), the initial day of the**
39 **state board shall make an ADM count ~~must fall:~~ of the eligible**
40 **pupils enrolled in each school corporation two (2) times each ~~within~~**
41 **the first thirty (30) days of the school year, with one (1) count date**
42 **occurring in each of the following periods:**

- 43 **(1) The fall count of ADM shall be made on a day during**
44 **September fixed by the state board.**
45 **(2) The spring count of ADM shall be made on a day during**
46 **February fixed by the state board.**

47 **(b) However, if extreme patterns of:**

- 48 (1) student in-migration;
49 (2) illness;
50 (3) natural disaster; or
51 (4) other unusual conditions in a particular school corporation's

1 enrollment;
 2 on either ~~the a count~~ day fixed by the state board or ~~on~~ the subsequent
 3 adjustment date cause the enrollment to be unrepresentative of the
 4 school corporation's enrollment, ~~throughout a school year~~; the state
 5 board may designate another day for determining the school
 6 corporation's enrollment.

7 SECTION 7. [EFFECTIVE JULY 1, 2012] (a) **The department of**
 8 **education shall before November 1, 2012, report to the budget**
 9 **committee:**

10 (1) **the number of students who left a charter school and**
 11 **enrolled in a public school maintained by a school corporation**
 12 **during the 2011 - 2012 school year;**

13 (2) **the number of students who left a public school maintained**
 14 **by a school corporation and enrolled in a charter school**
 15 **during the 2011 - 2012 school year;**

16 (3) **the number of students who:**

17 (A) **left a public school maintained by a school**
 18 **corporation; and**

19 (B) **enrolled in a nonpublic eligible school (as defined in**
 20 **IC 20-51-1-4.7) during the 2011 - 2012 school year; and**

21 (4) **the number of students who:**

22 (A) **received a choice scholarship for the 2011 - 2012 school**
 23 **year; and**

24 (B) **left a nonpublic eligible school (as defined in**
 25 **IC 20-51-1-4.7) and enrolled in a public school maintained**
 26 **by a school corporation during the 2011 - 2012 school year.**

27 (5) **The number of students that attended and graduated from**
 28 **a school corporation's or charter school's high school in**
 29 **February of 2012.**

30 (b) **This SECTION expires January 1, 2013.**

31 SECTION 8. [EFFECTIVE JANUARY 1, 2012 (RETROACTIVE)]:

32 (a) **The following definitions apply throughout this SECTION:**

33 (1) **"Maximum state distribution" has the meaning set forth**
 34 **in IC 20-43-1-18.**

35 (2) **"Special distribution" refers to the special distribution to**
 36 **school corporations and charter schools (other than a virtual**
 37 **charter schools) authorized for payment in calendar year**
 38 **2012 from the amount appropriated by P.L.229-2011,**
 39 **SECTION 9 for distribution for tuition support.**

40 (3) **"State tuition support" has the meaning set forth in**
 41 **IC 20-43-1-25.**

42 (b) **This SECTION does not authorize the department of**
 43 **education to expend for a state fiscal year more than the**
 44 **distribution for tuition support appropriation in P.L.229-2011,**
 45 **SECTION 9 for that state fiscal year.**

46 (c) **For the purpose of state tuition support distributions to**
 47 **school corporations and charter schools in calendar year 2012, the**
 48 **allowable amount of the special distribution is excluded from the**
 49 **calculation of maximum state distribution in IC 20-43-2-3. Neither**
 50 **the amount of state tuition support payable in calendar year 2012**
 51 **nor the amount of special distributions payable in calendar year**

1 2012 to a school corporation or charter school shall be reduced
 2 under IC 20-43-2-3 solely because the sum of:

- 3 (1) state tuition support; and
 4 (2) special distributions;

5 authorized by law for payment in calendar year 2012 exceed the
 6 amount specified in IC 20-43-2-2(2).

7 This SECTION expires July 1, 2013.

8 SECTION 9. [EFFECTIVE JULY 1, 2012] (a) Five million dollars
 9 (\$5,000,000) of the appropriation made by P.L.229-2011,
 10 SECTION 9 from the charter school facilities assistance fund for
 11 the purpose of total operating expense of the charter school
 12 facilities assistance program for the state fiscal year beginning July
 13 1, 2012, and ending June 30, 2013, is added to the appropriation
 14 made by P.L.229-2011, SECTION 9 from the state general fund for
 15 total operating expense of the distribution for tuition support for
 16 the state fiscal year beginning July 1, 2012, and ending June 30,
 17 2013. The amount added by this subsection to the appropriation
 18 for the distribution for tuition support:

- 19 (1) reduces the appropriation for total operating expense of
 20 the charter school facilities assistance program for the state
 21 fiscal year beginning July 1, 2012, and ending June 30, 2013;
 22 and
 23 (2) is reassigned to the purposes of the appropriation for
 24 distribution for tuition support, including the purposes
 25 specified by this SECTION.

26 (b) Notwithstanding IC 20-24-7.5-3, a new charter school
 27 startup grant payable to a charter school that is established and
 28 begins enrolling eligible pupils in calendar year 2012 shall be paid
 29 in six (6) installments with one (1) installment in each of the last six
 30 (6) months of calendar year 2012. For purposes of this distribution,
 31 the number two (2) shall be substituted for the number three (3) in
 32 IC 20-24-7.5-4(2).

33 (c) Notwithstanding IC 20-24-7.5-4, a new charter school
 34 startup grant paid under IC 20-24-7.5-4 in the state fiscal year
 35 beginning July 1, 2012, and ending June 30, 2013, shall be paid
 36 from the state general fund and not the charter school facilities
 37 assistance fund (IC 20-24-12-4). Notwithstanding any other law,
 38 the amount paid for new charter school startup grants in the state
 39 fiscal year beginning July 1, 2012, and ending June 30, 2013, is
 40 payable from the amount appropriated by P.L.229-2011,
 41 SECTION 9 for the total operating expense of the distribution for
 42 tuition support for the state fiscal year beginning July 1, 2012, and
 43 ending June 30, 2013.

44 (d) Notwithstanding P.L.229-2011, SECTION 9, five million
 45 dollars (\$5,000,000) of the total of nine million dollars (\$9,000,000)
 46 required by P.L.229-2011, SECTION 9 to be transferred after June
 47 30, 2012, and before July 1, 2013, from the common school fund
 48 interest balance to the charter school facilities assistance fund (IC
 49 20-24-12-4) shall instead be transferred to the state general fund.
 50 The amount transferred from the common school fund interest
 51 balance to the state general fund under this subsection reduces the

1 **amount that must be transferred to the charter school facilities**
2 **assistance fund (IC 20-24-12-4).**
3 **(e) This SECTION expires July 1, 2013.**
4 **SECTION 10. An emergency is declared for this act.**
 (Reference is to EHB 1189 as reprinted February 29, 2012.)

Conference Committee Report
on
Engrossed House Bill 1189

Signed by:

Representative Thompson
Chairperson

Senator Charbonneau

Representative Behning

Senator Kruse

House Conferees

Senate Conferees