



January 17, 2019

SENATE BILL No. 55

DIGEST OF SB 55 (Updated January 16, 2019 12:38 pm - DI 133)

Citations Affected: IC 20-18; IC 20-43; IC 20-51.

Synopsis: State tuition support. Establishes a spring count date (in addition to a fall count date) to determine a school corporation's average daily membership (ADM). (Current law establishes a spring count date for ADM that is for informational purposes only.) Provides that the spring count date will be used (in addition to the fall count date) to determine pupil enrollment for purposes of the career and technical grant. Provides that the department of education shall accept applications for choice scholarship students from September 2 through January 15 for the spring semester of the current school year.

Effective: July 1, 2019.

Freeman

January 3, 2019, read first time and referred to Committee on Rules and Legislative Procedure.

January 16, 2019, amended; reassigned to Committee on Education and Career Development.

SB 55—LS 6143/DI 13



January 17, 2019

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 55

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-18-2-18.5, AS AMENDED BY P.L.217-2017,
2 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 18.5. "Spring count" refers to the ~~informational~~
4 spring count of eligible pupils under IC 20-43-4.
5 SECTION 2. IC 20-43-4-2, AS AMENDED BY P.L.217-2017,
6 SECTION 121, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2019]: Sec. 2. (a) A school corporation's ADM
8 is the number of eligible pupils enrolled in:
9 (1) the school corporation; or
10 (2) a transferee corporation;
11 on the day fixed in September **and in February** by the state board for
12 a count of students under section 3 of this chapter and as subsequently
13 adjusted not later than the date specified under the rules adopted by the
14 state board. The state board may adjust the school's count of eligible
15 pupils if the state board determines that the count is unrepresentative
16 of the school corporation's enrollment. In addition, a school corporation
17 may petition the state board to make an adjusted count of students

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1 enrolled in the school corporation if the corporation has reason to
 2 believe that the count is unrepresentative of the school corporation's
 3 enrollment. ~~In addition, a school corporation shall determine the~~
 4 ~~number of eligible pupils enrolled in:~~

5 ~~(1) the school corporation; or~~

6 ~~(2) a transferee corporation;~~

7 ~~on the day fixed in February by the state board for a spring count of~~
 8 ~~students to be used only for informational purposes under this article.~~

9 ~~Except as specifically provided by law, the spring count shall not be~~
 10 ~~used for determining school funding under this article.~~

11 (b) Each school corporation shall, before April 1 of each year,
 12 provide to the department an estimate of the school corporation's ADM
 13 that will result from the count of eligible pupils in the following
 14 September. The department may update and adjust the estimate as
 15 determined appropriate by the department. In each odd-numbered year,
 16 the department shall provide the updated and adjusted estimate of the
 17 school corporation's ADM to the legislative services agency before
 18 April 10 of that year.

19 (c) A new charter school shall submit an enrollment estimate to the
 20 department before April 1 of the year the new charter school will be
 21 open for enrollment. The department shall use the new charter school's
 22 enrollment estimate as the basis for the new charter school's
 23 distribution beginning in July and until actual ADM is available,
 24 subject to section 9 of this chapter. However, if the new charter school's
 25 enrollment estimate is greater than eighty percent (80%) of the new
 26 charter school's authorized enrollment cap, the department may use that
 27 enrollment estimate if the department has requested and reviewed other
 28 enrollment data that support that enrollment estimate. However, if the
 29 enrollment data requested and reviewed by the department does not
 30 support the enrollment estimate submitted by the new charter school,
 31 the department shall determine the estimated ADM based on the
 32 enrollment data requested and reviewed by the department. In each
 33 odd-numbered year, the department shall provide the new charter
 34 school's estimated ADM to the legislative services agency before April
 35 10 of that year.

36 SECTION 3. IC 20-43-4-3, AS AMENDED BY P.L.217-2017,
 37 SECTION 122, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2019]: Sec. 3. (a) Subject to subsection (b), the
 39 state board shall make an ADM count of the eligible pupils enrolled in
 40 each school corporation two (2) times each school year, with one (1)
 41 count date occurring in each of the following periods:

42 (1) The fall count of ADM shall be made on a day during



- 1 September fixed by the state board.
- 2 (2) The ~~informational~~ spring count of ADM shall be made on a
- 3 day during February fixed by the state board.
- 4 (b) However, if extreme patterns of:
- 5 (1) student in-migration;
- 6 (2) illness;
- 7 (3) natural disaster; or
- 8 (4) other unusual conditions in a particular school corporation's
- 9 enrollment;
- 10 on either a count day fixed by the state board or the subsequent
- 11 adjustment date cause the enrollment to be unrepresentative of the
- 12 school corporation's enrollment, the state board may designate another
- 13 day for determining the school corporation's enrollment.
- 14 SECTION 4. IC 20-43-8-1, AS AMENDED BY P.L.205-2013,
- 15 SECTION 293, IS AMENDED TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 2019]: Sec. 1. Pupil enrollment under this
- 17 chapter shall be determined at the same time that a school corporation's
- 18 fall count of ADM **and spring count of ADM** is determined.
- 19 SECTION 5. IC 20-51-4-7, AS AMENDED BY P.L.217-2017,
- 20 SECTION 140, IS AMENDED TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) The department shall
- 22 administer this chapter.
- 23 (b) The department shall approve an application for an eligible
- 24 school within fifteen (15) days after the date the school requests to
- 25 participate in the choice scholarship program.
- 26 (c) The department shall approve an application for a choice
- 27 scholarship student within fifteen (15) days after the date the student
- 28 requests to participate in the choice scholarship program.
- 29 (d) Each year, at a minimum, the department shall accept
- 30 applications from March 1 through September 1 for eligible schools for
- 31 the upcoming school year.
- 32 (e) Each year, the department shall accept applications for choice
- 33 scholarship students from:
- 34 (1) March 1 through September 1 for the upcoming school year;
- 35 **and**
- 36 (2) **September 2 through January 15 for the spring semester**
- 37 **of the current school year.**
- 38 (f) This chapter may not be construed in a manner that would
- 39 impose additional requirements for approving an application for an
- 40 eligible school placed in a "null" or "no letter grade" category
- 41 established under IC 20-31-8-3(b).
- 42 (g) The department shall adopt rules under IC 4-22-2 to implement



- 1 this chapter.
- 2 (h) The department may adopt emergency rules under
- 3 IC 4-22-2-37.1 to implement this chapter.



COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 55, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Education and Career Development.

(Reference is to SB 55 as introduced.)

BRAY, Chairperson

