

TITLE 511 INDIANA STATE BOARD OF EDUCATION

ARTICLE 1. ADMINISTRATION; INFORMATION COLLECTION PROCESSING; SCHOOL FINANCE; GENERAL PROVISIONS

Rule 1. Submission of Authorized Reports

511 IAC 1-1-1 Reports by local school corporations; submission

Authority: IC 20-19-2-8

Affected: IC 20-19-2-8; IC 20-26; IC 20-33

Sec. 1. Each local school corporation shall submit all authorized reports to the Department of Public Instruction on or before their respective due dates. (*Indiana State Board of Education; Rule I, Sec 1; filed May 8, 1978, 3:21 pm; Rules and Regs. 1979, p. 123; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*) NOTE: Transferred from the Commission on General Education (510 IAC 1-1-1) to the Indiana State Board of Education (511 IAC 1-1-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

Rule 2. Teacher Summer Employment Tax Credits

511 IAC 1-2-1 Definitions

Authority: IC 6-3.1-2-7

Affected: IC 6-3.1-2-1

Sec. 1. As used in 510 IAC 1-2 [511 IAC 1-2]:

"Eligible teacher" means a teacher:

- (1) certified in a shortage area by the commission on teacher training and licensing; and
- (2) employed under contract during the regular school term by a school corporation in a shortage area.

"Qualified position" means a position that:

- (1) is relevant to the teacher's academic training in a shortage area; and
- (2) utilizes skills and expertise developed as a result of the teacher's academic training and/or teaching experience.

"Qualified position certificate" means the certificate issued to a taxpayer pursuant to IC 6-3-3.6-6 [Repealed by Acts 1984, P.L.51, SECTION 3].

"School corporation" means any corporation authorized by law to establish public schools and levy taxes for their maintenance.

"Shortage area" means the subject areas of mathematics and science, and any other subject area designated as a shortage area by the commission on teacher training and licensing. (*Indiana State Board of Education; 511 IAC 1-2-1; filed Aug 26, 1983, 3:06 pm: 6 IR 1923; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*) NOTE: Transferred from the Commission on General Education (510 IAC 1-2-1) to the Indiana State Board of Education (511 IAC 1-2-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

511 IAC 1-2-2 Qualified position certificate

Authority: IC 6-3.1-2-7

Affected: IC 6-3.1-2

Sec. 2. Subject to the limitations established in IC 6-3-3.6 [IC 6-3-3.6 was repealed by P.L.51-1984, SEC. 3. See IC 6-3.1-2 concerning teacher summer employment credits.], the commission shall issue a qualified position certificate to a taxpayer that employs an eligible teacher in a qualified position during a summer school recess. (*Indiana State Board of Education; 511 IAC 1-2-2; filed Aug 26, 1983, 3:06 pm: 6 IR 1923; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*) NOTE: Transferred from the Commission on General Education (510 IAC 1-2-2) to the Indiana State Board of Education (511 IAC 1-2-2) by P.L.20-1984, SECTION 206, effective July 1, 1984.

511 IAC 1-2-3 Teachers employed in shortage area; verification

Authority: IC 6-3.1-2-7

Affected: IC 6-3.1-2

Sec. 3. School corporations shall verify upon request that a teacher is employed under contract during the regular school term in a shortage area. (*Indiana State Board of Education; 511 IAC 1-2-3; filed Aug 26, 1983, 3:06 pm: 6 IR 1923; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*) NOTE: Transferred from the Commission on General Education (510 IAC 1-2-3) to the Indiana State Board of Education (511 IAC 1-2-3) by P.L.20-1984, SECTION 206, effective July 1, 1984.

Rule 2.5. School Technology Advancement Account

511 IAC 1-2.5-1 Administration

Authority: IC 20-19-2-8; IC 20-49-6-7
Affected: IC 21-1-31-4

Sec. 1. The state board of education, with the advice of the Indiana consortium for computer and high technology education, as established under IC 20-10.1-6.5-2 [*IC 20-10.1-6.5-2 was repealed by P.L.342-1989(ss), SECTION 38, effective July 1, 1989.*], shall administer the school technology advancement account of the common school fund, as established under IC 21-1-31-4 [*IC 21-1 was repealed by P.L.2-2006, SECTION 199, effective July 1, 2006.*]. (*Indiana State Board of Education; 511 IAC 1-2.5-1; filed Mar 10, 1988, 4:18 pm: 11 IR 2621; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306*)

511 IAC 1-2.5-2 Advancement of money for purchases

Authority: IC 20-19-2-8; IC 20-49-6-7
Affected: IC 20-49-6-7

Sec. 2. The state board shall advance money to school corporations for:

- (1) the purchase of computer hardware and software to be used primarily for student instruction; and
- (2) the development and implementation of innovative technology projects; innovative technology projects are projects that advance student learning and achievement by utilizing new technology or new instructional methods implementing current technology.

(*Indiana State Board of Education; 511 IAC 1-2.5-2; filed Mar 10, 1988, 4:18 pm: 11 IR 2621; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

511 IAC 1-2.5-3 Petition for advancement

Authority: IC 20-19-2-8; IC 20-49-6-7
Affected: IC 20-49-6

Sec. 3. School corporations may petition for an advancement from the school technology advancement account by submitting a completed Form STAA-3. The form must be received on or before the last Friday in August at the following address:

Center for School Improvement and Performance
Department of Education
Room 229 State House
Indianapolis, Indiana 46204-2798

(*Indiana State Board of Education; 511 IAC 1-2.5-3; filed Mar 10, 1988, 4:18 pm: 11 IR 2621; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

511 IAC 1-2.5-4 Formula for advancement

Authority: IC 20-19-2-8; IC 20-49-6-7
Affected: IC 20-49-6

Sec. 4. (a) School corporations may annually petition for an advancement in an amount between \$20,000 and an amount that does not exceed the amount as determined under the following formula:

STEP ONE: Determine the enrollment of the school corporation, as reported on the current Form DOE-PE.

STEP TWO: Divide the enrollment determined under STEP ONE by 25.

STEP THREE: Multiply the amount determined under STEP TWO by \$500.

(b) If the total amount of all requests for advancements in any year is less than \$5,000,000, the department may distribute the excess funds to school corporations that have indicated on the Form STAA-3 that its project will cost more than the amount determined under STEP THREE of the formula in subsection (a) of this section. The department shall allocate excess funds on a per pupil basis.

(c) If the total amount of all the requests for advancements in any year is greater than \$5,000,000, the department shall rank the requests according to the adjusted assessed valuation per average daily attendance (AAV/ADA) of the school corporations. School corporations with low AAV/ADA rankings shall have priority. (*Indiana State Board of Education; 511 IAC 1-2.5-4; filed Mar 10, 1988, 4:18 pm: 11 IR 2621; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

511 IAC 1-2.5-5 Approval of advancement

Authority: IC 20-19-2-8; IC 20-49-6-7

Affected: IC 20-49-6

Sec. 5. The board shall annually approve advancements from the account and announce the rate of interest at a meeting in September. (*Indiana State Board of Education; 511 IAC 1-2.5-5; filed Mar 10, 1988, 4:18 pm: 11 IR 2622; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

511 IAC 1-2.5-6 Interest on advancements

Authority: IC 20-19-2-8; IC 20-49-6-7

Affected: IC 20-49-6

Sec. 6. Interest on advancements from the account shall accrue at a rate that is one percentage point lower than the lowest published average municipal bond rate as determined by a nationally recognized index at any time between one (1) month and two (2) months prior to the September meeting of the board. Any fractional percentage rate of interest shall be rounded down to the next lowest whole number. (*Indiana State Board of Education; 511 IAC 1-2.5-6; filed Mar 10, 1988, 4:18 pm: 11 IR 2622; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

511 IAC 1-2.5-7 Repayment of advancement

Authority: IC 20-19-2-8; IC 20-49-6-7

Affected: IC 20-49-6

Sec. 7. Depending on the amount of the advancement, a school corporation shall repay the advancement in accordance with the following schedule:

Amount	Years
\$20,000–\$50,999	2
\$51,000–\$100,999	3
\$101,000–\$300,000	4
over \$300,000	5

(*Indiana State Board of Education; 511 IAC 1-2.5-7; filed Mar 10, 1988, 4:18 pm: 11 IR 2622; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

Rule 2.6. Tax Credit for Computer Equipment Donations (Expired)

(*Expired under IC 4-22-2.5, effective January 1, 2002.*)

Rule 3. Determining and Reporting Attendance and Membership for State Support

511 IAC 1-3-1 Definitions

Authority: IC 20-19-2-8

Affected: IC 20-33-2

Sec. 1. (a) "ADA flat grant" means the distribution of funds provided for in IC 21-3-4.5 [*IC 21-3-4.5 was repealed by P.L.246-2005, SECTION 227, effective January 1, 2006.*].

(b) "Additional pupil count" or "APC" means the number of pupils enrolled in programs as specified in IC 21-3-2.1 [*IC 21-3 was repealed by P.L.2-2006, SECTION 199, effective July 1, 2006.*].

(c) "Aggregate days of attendance" means the total days of attendance accumulated by all students enrolled in grades K-12.

(d) "Aggregate days of enrollment" means the total student instructional days of enrollment accumulated by all students in grades K-12 during the regular school year.

(e) "Aggregate days of unexcused absence" means the total days of unexcused absence accumulated by all students under eighteen (18) years of age enrolled in grades kindergarten through 12.

(f) "Average daily attendance" or "ADA" means the result of dividing the number of aggregate days of attendance for the reporting period by the number of student instructional days during the reporting period.

(g) "Average daily enrollment" means the result of dividing the aggregate days of enrollment by the number of student instructional days during the regular school year.

(h) "Average daily membership" or "ADM" means the number of pupils with legal settlement in the school corporation enrolled in the school corporation or in a transferee corporation on the second Friday following Labor Day. Kindergarten pupils attending half-time or more shall be counted as one-half (½). Beginning in the 2004-2005 school year, the ADM shall be adjusted on December 1 of that same year. The board shall monitor changes that occur after the ADM count, in the number of students enrolled in programs for children with disabilities, and shall, on December 1 of that same year and, beginning in the 2004-2005 school year, on April 1 of the following calendar year, make an adjusted count of students enrolled in programs for children with disabilities.

(i) "Board" means the Indiana state board of education.

(j) "Department" means the department of education.

(k) "Postgraduate student" means a person who has received a high school diploma or its equivalent.

(l) "Reporting period" means:

(1) for purposes of determining ADA for the ADA flat grant, the three (3) week period beginning the first Monday following Labor Day;

(2) for purposes of determining ADA for the regular school year, the period beginning the first day of the regular school year and ending the last day of the regular school year;

(3) for purposes of determining ADA for summer school, the period beginning the first day of the summer school session and ending the last day of the summer school session; and

(4) for other purposes, the period determined by the board.

(m) "Student attendance rate" means the result of dividing the number of aggregate days of attendance for the regular school year by the number of aggregate days of enrollment.

(n) "Truancy rate" means the result of dividing the number of aggregate days of unexcused absence for the regular school year by the number of aggregate days of enrollment.

(o) "Unexcused absence" means an absence from school that is:

(1) not authorized by the local school administrator or local school corporation rule; and

(2) a violation of IC 20-33-2.

An out-of-school suspension is not an unexcused absence. (*Indiana State Board of Education; Rule A-1, Sec 1; filed May 8, 1978, 3:21 p.m.; Rules and Regs. 1979, p. 78; filed Mar 15, 1988, 10:45 a.m.: 11 IR 2857; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; filed Jun 22, 2004, 5:15 p.m.: 27 IR 3504; filed Oct 22, 2004, 10:25 a.m.: 28 IR 965; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306*) NOTE: Transferred from the Commission on General Education (510 IAC 2-1-1) to the Indiana State Board of Education (511 IAC 1-3-1) by P.L.20-1984, SECTION 206. Effective July 1, 1984.

511 IAC 1-3-2 Attendance and membership reporting requirements

Authority: IC 20-19-2-8

Affected: IC 20-26-11-10

Sec. 2.(a) School corporations shall annually submit all reports for state support in accordance with the schedule established by the department. These reports shall be certified to the department by the superintendent or chief administrative official of the school corporation.

(b) Adjustments of ADA, ADM, APC, eligible regular bus students, or other reports for state support may be requested if the school corporation determines that the reports as defined in 511 IAC 1-3 are unrepresentative. Requests and reasons for the adjustment shall be submitted to the department. The school corporation may appeal a decision of the department to the board.

(1) If unusual circumstances affect attendance, the department may substitute the following method for determining ADA:

(A) School officials shall choose any three (3) of the past five (5) years' reported ADA, and compute an average.

(B) The current ADA shall be adjusted to the average computed above.

(2) If unusual circumstances occur on or about the ADM reporting date, the school corporation may petition the department to set an alternate date and may appeal the decision to the board.

(c) Post-graduate students shall not be counted for ADA or ADM reports.

(d) All pupils shall be counted once by the corporation in which they have legal settlement. Pupils attending cooperative, joint, or area schools shall be counted by the sending corporation only.

(e) The following students shall be counted by the receiving school corporation:

(1) students placed in the school corporation by the Indiana welfare department;

(2) wards of the court;

(3) cash (private) transfers from another school corporation;

(4) state employees' children under IC 20-26-11-10;

(5) students placed in an institution operated by the Indiana department of mental health; and

(6) foreign exchange students under IC 20-26-11-10.

(f) School corporations shall initially report APC and eligible regular bus pupils at the same time as ADM is reported and the count shall be taken on the same day as ADM.

(g) For purposes of calculating ADA for the ADA flat grant, school corporations shall count only those students in grades 1 through 12. A student in attendance during any part of a full student instructional day shall be counted as one (1). A student in attendance during any part of a partial student instructional day shall be counted as one-half (1/2). A full student instructional day shall be counted as one (1) in determining the number of student instructional days in the reporting period. A partial student instructional day shall be counted as one-half (1/2). (*Indiana State Board of Education; Rule A-1, Sec 2; filed May 8, 1978, 3:21 pm: Rules and Regs. 1979, p. 79; filed Mar 15, 1988, 10:45 am: 11 IR 2858; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306*) NOTE: Transferred from the Commission on General Education (510 IAC 2-1-2) to the Indiana State Board of Education (511 IAC 1-3-2) by P.L.20-1984, SECTION 206. Effective July 1, 1984.

511 IAC 1-3-3 Average daily enrollment

Authority: IC 20-19-2-8

Affected: IC 20-26-11

Sec. 3. (a) For purposes of computing ADA for the regular school year, school corporations shall count all students enrolled in grades K through 12.

(b) Attendance shall be taken twice during each full student instructional day, once in the morning session and once in the afternoon session. A student in attendance during any part of the day, up to and including one-half (1/2) of the day, shall be counted as one-half (1/2). A student in attendance for more than one-half (1/2) of the day shall be counted as one (1). A full student instructional day shall be counted as one (1) in determining the number of student instructional days in the regular school year.

(c) Attendance shall be taken once during each partial student instructional day. A student in attendance during any part of the day shall be counted as one-half (1/2). A partial student instructional day counts as one-half (1/2) in determining the number of student instructional days in the regular school year.

(d) ADA for summer school shall be determined according to procedures established by the department. (*Indiana State Board of Education; 511 IAC 1-3-3; filed Mar 15, 1988, 10:45 am: 11 IR 2859; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

Rule 3.5. Special Education Expenditures (Repealed)

(*Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972*)

Rule 4. Reimbursement for Extended Services

511 IAC 1-4-1 Adult education programs; reimbursement (Repealed)

Sec. 1. *(Repealed by Indiana State Board of Education; filed Oct 22, 1985, 8:35 am: 9 IR 512)*

511 IAC 1-4-2 Summer school programs; reimbursement (Repealed)

Sec. 2. *(Repealed by Indiana State Board of Education; 511 IAC 1-4-2; filed Dec 2, 1987, 11:15 am: 11 IR 1268)*

Rule 5. Teaching Experience Credit for Computing State Support (Repealed)

(Repealed by Indiana State Board of Education; filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972)

Rule 6. Transfers and Transfer/Tuition

511 IAC 1-6-1 Definitions

Authority: IC 20-26-11-16

Affected: IC 20-26-11

Sec. 1. As used in this rule, 511 IAC 1-6:

(1) "Curriculum offering" means an academic or vocational course offered for credit, as defined at 511 IAC 6-1-1 [511 IAC 6-1-1 was repealed filed Feb 9, 1999, 4:18 p.m.: 22 IR 1972.]. The term does not include non-credit, extracurricular activities such as athletics or school clubs.

(2) "Transferee" means the school corporation to which a transfer is requested or granted.

(3) "Transferor" means the school corporation in which the student has legal settlement, as provided by IC 20-26-11.

(Indiana State Board of Education; Rule A-4, Sec 2; filed Aug 31, 1981, 10:00 am: 4 IR 1974; filed Oct 13, 1987, 2:38 pm: 11 IR 935; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA) NOTE: Transferred from the Commission on General Education (510 IAC 2-4-2) to the Indiana State Board of Education (511 IAC 1-6-1) by P.L.20-1984, SECTION 206. Effective July 1, 1984.

511 IAC 1-6-2 Transfer at request of parents or student

Authority: IC 20-26-11-16

Affected: IC 20-26-11-5

Sec. 2. Requests for transfers under IC 20-26-11-5 shall be made, in writing, to the transferor by April 1 preceding the first day of school at the transferor in the school year for which transfer is requested. All requests shall be for only one (1) school year. The requests shall be made on the form prescribed by the superintendent of public instruction and shall set forth specifically the reason(s) for the request. *(Indiana State Board of Education; Rule A-4, Sec 3; filed Aug 31, 1981, 10:00 a.m.: 4 IR 1974; filed Oct 13, 1987, 2:38 p.m.: 11 IR 935; filed Sep 26, 1997, 4:00 p.m.: 21 IR 379, eff Oct 1, 1997 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #96-283 was filed Sep 26, 1997.]; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306) NOTE: Transferred from the Commission on General Education (510 IAC 2-4-3) to the Indiana State Board of Education (511 IAC 1-6-2) by P.L.20-1984, SECTION 206. Effective July 1, 1984.*

511 IAC 1-6-3 Determination of better accommodation

Authority: IC 20-26-11-16

Affected: IC 20-26-11-5

Sec. 3. Except where section 4 of this rule applies, a student will be determined to be better accommodated in the transferee than in the transferor, as provided in IC 20-26-11-5, on a showing of one (1) or more of the following:

(1) Curriculum:

(A) the student has established an academic or vocational aspiration, a curriculum offering at the high school level that is important and necessary to that aspiration is available to the student at the transferee, and that curriculum offering at the high school level or a substantially similar curriculum offering at the high school level is unavailable to the student at the transferor; or

(B) the student is capable of earning an academic honors diploma, the school corporation does not offer the required academic honors diploma courses, and the student has completed academic honors diploma courses offered by the transferor and available to the student.

(2) Crowded conditions:

(A) overcrowding at the transferor materially affects the student's opportunity to learn; and

(B) conditions at the transferee would be significantly less crowded.

(3) Medical:

(A) attendance by the student at the transferor entails the risk of physical illness; and

(B) in the opinion, as supported by written documentation, of two (2) persons holding unlimited licenses to practice medicine in Indiana who have examined the student, attendance at the transferee would substantially reduce this risk.

(4) Accreditation:

(A) the school to which the student is assigned in the transferor is not fully accredited by the board; and

(B) the student's request is related to the reason that the school has been accorded probationary accreditation status.

(Indiana State Board of Education; Rule A-4, Sec 4; filed Aug 31, 1981, 10:00 a.m.: 4 IR 1974; filed Mar 24, 1987, 3:00 p.m.: 10 IR 1694; filed Oct 13, 1987, 2:38 p.m.: 11 IR 935; filed Sep 26, 1997, 4:00 p.m.: 21 IR 379, eff Oct 1, 1997 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #96-283 was filed Sep 26, 1997.]; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306) NOTE: Transferred from the Commission on General Education (510 IAC 2-4-4) to the Indiana State Board of Education (511 IAC 1-6-3) by P.L.20-1984, SECTION 206. Effective July 1, 1984.

511 IAC 1-6-4 Relation to state board rule on special education

Authority: IC 20-26-11-16

Affected: IC 20-35; IC 20-26-11

Sec. 4. No student who is a handicapped child as defined in IC 20-35-1-2 will be determined to be better accommodated in the transferee than in the transferor where the hearing procedures provided by the state board's rules on special education, 511 IAC 7-30-3, are available or have been utilized by the student, parent, or guardian. *(Indiana State Board of Education; Rule A-4, Sec 5; filed Aug 31, 1981, 10:00 a.m.: 4 IR 1975; filed Oct 13, 1987, 2:38 p.m.: 11 IR 936; filed Sep 26, 1997, 4:00 p.m.: 21 IR 380, eff Oct 1, 1997 [IC 4-22-2-36 suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #96-283 was filed Sep 26, 1997.]; readopted filed Jul 23, 2003, 10:15 a.m.: 26 IR 3960; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306) NOTE: Transferred from the Commission on General Education (510 IAC 2-4-5) to the Indiana State Board of Education (511 IAC 1-6-4) by P.L.20-1984, SECTION 206. Effective July 1, 1984.*

511 IAC 1-6-5 Payment of transfer tuition; interest; due date; determination of penalty, interest

Authority: IC 20-26-11-16

Affected: IC 20-26-11-14

Sec. 5. (a) Transfer tuition for each school year shall be paid according to IC 20-26-11-14, unless the parties to a transfer agree to a schedule of payments other than that provided by IC 20-26-11-14.

(b) Interest shall accrue at the rate as provided for judgments against the state under IC 34-2-22-1 *[IC 34-2 was repealed by P.L.1-1998, SECTION 221, effective July 1, 1998.]* commencing with the eleventh day following the due date of the installment and continuing until the installment is paid. Interest shall not accrue if:

(1) the amount of transfer tuition is in dispute and that dispute is brought to the state board prior to the due date of the installment that is in dispute;

(2) the right to transfer is in dispute and that dispute is brought to the state board in a timely manner; or

(3) the obligation to pay transfer tuition is in dispute and that dispute is brought to the state board in a timely manner.

(c) Transfer tuition found by the state board to be due shall be paid within thirty (30) days of the mailing of the state board's

notice of determination unless court action is brought to contest the validity of the state board's determination. In that event, the amount due shall be paid within thirty (30) days of the final court decision. Interest shall accrue at the rate provided in subsection (b) of this section commencing on the thirty-first day following the mailing of the notice and continuing until the amount due is paid.

(d) If any amount of transfer tuition remains unpaid for thirty (30) days beyond the due date as provided by 511 IAC 1-6, there shall be added, in addition to any interest, a late-payment penalty equal to ten percent (10%) of the unpaid principal amount of transfer tuition.

(e) Upon application of the transferred student or the student's parent, the transferor, or the transferee alleging that there is unpaid transfer tuition, the state board shall determine the amount of transfer tuition together with any penalty, interest and reasonable attorney's fees. The state board shall withhold state support from the transferor for the benefit of the transferee in an amount equal to any unpaid transfer tuition plus any penalty and interest which has accrued to the date of the state board's determination and reasonable attorney's fees. This withholding may be made in a lump sum or on application of the transferor showing that withholding in a lump sum would cause a serious financial hardship on the transferor, the lump sum amount may be withheld in installments of no less than ten percent (10%) of the lump sum amount. (*Indiana State Board of Education; Rule A-4, Sec 6; filed Aug 31, 1981, 10:00 am: 4 IR 1975; filed Oct 13, 1987, 2:38 pm: 11 IR 936; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*) NOTE: Transferred from the Commission on General Education (510 IAC 2-4-6) to the Indiana State Board of Education (511 IAC 1-6-5) by P.L.20-1984, SECTION 206. Effective July 1, 1984.

Rule 7. Residence Standards

511 IAC 1-7-1 Residence in state longer than 30 days

Authority: IC 20-33-2-3

Affected: IC 20-33-2

Sec. 1. In accordance with IC 20-33-2-3 IC 20-33-2 shall apply to a person who is not domiciled in Indiana and who intends to remain for a period of time in excess of thirty (30) calendar days. (*Indiana State Board of Education; Rule A-5; filed Nov 4, 1979, 10:55 am: 2 IR 1739; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*) NOTE: Transferred from the Commission on General Education (510 IAC 2-5-1) to the Indiana State Board of Education (511 IAC 1-7-1) by P.L.20-1984, SECTION 206, effective July 1, 1984.

Rule 8. PRIME TIME Program

511 IAC 1-8-1 Purpose

Authority: IC 20-43-9-11

Affected: IC 21-1-30

Sec. 1. The PRIME TIME program and fund is established for providing money to encourage school corporations to lower the pupil/teacher ratio in kindergarten through third grade. (*Indiana State Board of Education; 511 IAC 1-8-1; filed Aug 28, 1984, 10:56 am: 7 IR 2522; filed Sep 4, 1985, 2:47 pm: 9 IR 32; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

511 IAC 1-8-2 Definitions

Authority: IC 20-43-9-11

Affected: IC 20-26-11

Sec. 2. As used in 511 IAC 1-8:

"Actual classroom teacher" means a teacher in a regular instructional program. The term does not include teachers in specialized areas such as art, music, physical education or special education.

"Adequate classroom space" means an instructional area containing thirty (30) square feet of space per student to be accommodated.

"Base year" means the school year immediately preceding the school year that the school corporation implements PRIME

TIME for a particular grade level.

"Classroom instructional aide" means a person employed to assist the actual classroom teacher in performing instructional duties, who meets the qualifications and performs the duties as specified in 511 IAC 1-8-7.5. If a school corporation is granted approval under 511 IAC 1-8-7, the school corporation may include in its computation for funding under 511 IAC 1-8 each classroom instructional aide as one-third (1/3) of a teacher.

"Number of pupils" means the number used in determining ADM, as defined by IC 21-3-1.6 [*IC 21-3 was repealed by P.L. 2-2006, SECTION 199, effective July 1, 2006.*], for the current year. However, for purposes of 511 IAC 1-8, students who are transferred under IC 20-26-11 shall be counted as students having legal settlement in the transferee corporation and not having legal settlement in the transferor corporation. The number of pupils is determined on the annual ADM count date. Kindergarten students shall be counted as five-tenths (0.5). All other students shall be counted as one (1). (*Indiana State Board of Education; 511 IAC 1-8-2; filed Aug 28, 1984, 10:56 am: 7 IR 2522; filed Sep 4, 1985, 2:47 pm: 9 IR 32; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306*)

511 IAC 1-8-3 Documentation prior to receipt of funds

Authority: IC 20-43-9-11

Affected: IC 21-1-30

Sec. 3. In order to receive a distribution under 511 IAC 1-8, a school corporation must substantiate, on forms prescribed by the state board of education:

(1) that, unless included in the number used in 511 IAC 1-8-4(a)(3)(B) and/or 511 IAC 1-8-4.5(a)(3)(B), the school corporation did not increase the combined pupil/teacher ratio or decrease the number of classroom instructional aides in the grade levels not affected by this rule, through and including sixth grade, in order to meet the requirements of funding under 511 IAC 1-8; and

(2) the reasons for reassigning teachers and instructional aides, since the base year, to grade levels affected by 511 IAC 1-8 from grade levels not affected by 511 IAC 1-8.

(*Indiana State Board of Education; 511 IAC 1-8-3; filed Aug 28, 1984, 10:56 am: 7 IR 2522; filed Sep 4, 1985, 2:47 pm: 9 IR 33; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

511 IAC 1-8-4 Distribution formula: kindergarten or first grade

Authority: IC 20-43-9-11

Affected: IC 21-1-30

Sec. 4. If a school corporation has implemented PRIME TIME in kindergarten or first grade, the department of education shall distribute the amount determined under subdivision (6) of the following formula for each respective grade:

(1) Determine, to the nearest ten thousandth, the quotient of:

- (A) the number of pupils in kindergarten or first grade for the current school year; divided by
- (B) 18.

(2) Determine the lesser of:

- (A) the amount determined under subdivision (1); or
- (B) the number of full-time teacher equivalents employed by the school corporation for the current school year in kindergarten or first grade classes.

(3) Determine the sum of:

- (A) the number of full-time teacher equivalents allocated by the school corporation to kindergarten and first grade classes for the respective base year; and
- (B) the net number of full-time teacher equivalents that the school corporation has reassigned, since the base year, to the grade levels affected by 511 IAC 1-8-4 from grade levels not affected by 511 IAC 1-8, as determined by the state board of education, and as measured in the current year.

(4) Determine the remainder of:

- (A) the amount determined under subdivision (2); minus
- (B) the amount determined under subdivision (3).

(5) Determine the greater of:

- (A) the amount determined under subdivision (4); or
- (B) zero (0).

(6) Determine the product of:

- (A) the amount determined under subdivision (5); and
- (B) \$21,500 for the 1987-88 school year and \$22,500 for each subsequent school year.

(Indiana State Board of Education; 511 IAC 1-8-4; filed Aug 28, 1984, 10:56 am: 7 IR 2523; filed Sep 4, 1985, 2:47 pm: 9 IR 33, filed Dec 2, 1987, 11:19 am: 11 IR 1265; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937) NOTE: Transferred from the Commission on General Education (510 IAC 2-6-4) to the Indiana State Board of Education (511 IAC 1-8-4) by P.L.20-1984, Section 206. Effective July 1, 1984.

511 IAC 1-8-4.5 Distribution formula: second or third grade

Authority: IC 20-43-9-11

Affected: IC 21-1-30

Sec. 4.5. If a school corporation has implemented PRIME TIME in second or third grade, the department of education shall distribute the amount determined under subdivision (6) of the following formula for each respective grade:

(1) Determine, to the nearest ten thousandth, the quotient of:

- (A) the number of pupils in second or third grade for the current school year; divided by
- (B) 20.

(2) Determine the lesser of:

- (A) the amount determined under subdivision (1); or
- (B) the number of full-time teacher equivalents employed by the school corporation for the current school year in second or third grade classes.

(3) Determine the sum of:

- (A) the number of full-time teacher equivalents allocated by the school corporation to second or third grade classes for the respective base year; and
- (B) the net number of full-time teacher equivalents that the school corporation has reassigned, since the base year, to the grade levels affected by 511 IAC 1-8-4.5 from the grade levels not affected by 511 IAC 1-8, as determined by the state board of education, and as measured in the current year.

(4) Determine the remainder of:

- (A) the amount determined under subdivision (2); minus
- (B) the amount determined under subdivision (3).

(5) Determine the greater of:

- (A) the amount determined under subdivision (4); or
- (B) zero (0).

(6) Determine the product of:

- (A) the amount determined under subdivision (5); and
- (B) \$21,500 for the 1987-88 school year and \$22,500 for each subsequent school year.

(Indiana State Board of Education; 511 IAC 1-8-4.5; filed Sep 4, 1985, 2:47 pm: 9 IR 34; filed Dec 2, 1987, 11:19 am: 11 IR 1265; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)

511 IAC 1-8-5 Alternative distribution formula

Authority: IC 20-43-9-11

Affected: IC 21-1-30

Sec. 5. (a) If the amount determined under 511 IAC 1-8-4(a)(6) or 511 IAC 1-8-4.5(a)(6) is zero (0) because the school corporation has an average pupil/teacher ratio of eighteen to one (18:1), or lower, in kindergarten and first grade and an average pupil/teacher ratio of twenty to one (20:1), or lower, in second and third grade, the amount to be distributed to that school corporation is the amount determined under subdivision (3) of the following formula:

(1) Determine the number of full-time teacher equivalents allocated by the school corporation to kindergarten, first, second and third grade classes for the respective base years.

- (2) Determine the lesser of:
- (A) the amount determined under subdivision (1); or
 - (B) the number of full-time teacher equivalents in the current year, allocated to kindergarten and first grade classes with a pupil/teacher ratio of eighteen to one (18:1), or lower and the number of full-time teacher equivalents in the current year, allocated to second and third grade classes with a pupil/teacher ratio of twenty to one (20:1), or lower.
- (3) Determine the product of:
- (A) the amount determined in subdivision (2); and
 - (B) three thousand six hundred dollars (\$3,600).
- (b) A school corporation shall include in 511 IAC 1-8-5(a)(1) and 511 IAC 1-8-5(a)(2)(B) only the figures for the grade levels at which PRIME TIME has been implemented. (*Indiana State Board of Education; 511 IAC 1-8-5; filed Aug 28, 1984, 10:56 am: 7 IR 2523; filed Sep 4, 1985, 2:47 pm: 9 IR 34; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

511 IAC 1-8-6 Additional allocation for hiring instructional aides

Authority: IC 20-43-9-11
 Affected: IC 21-1-30

Sec. 6. If a school corporation qualifies under 511 IAC 1-8-7 for use of classroom instructional aides and the number determined under 511 IAC 1-8-4(a)(3)(B) and 511 IAC 1-8-4.5(a)(3)(B) is greater than zero (0), that school corporation is entitled to an additional amount for hiring classroom instructional aides. The additional amount is equal to the sum of the amounts determined under 511 IAC 1-8-4(a)(3)(B) and 511 IAC 1-8-4.5(a)(3)(B) multiplied by six thousand dollars (\$6,000). (*Indiana State Board of Education; 511 IAC 1-8-6; filed Aug 28, 1984, 10:56 am: 7 IR 2523; filed Sep 4, 1985, 2:47 pm: 9 IR 35; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

511 IAC 1-8-7 Approval of use of instructional aides in computation for funding

Authority: IC 20-43-9-11
 Affected: IC 20-26-11-13

Sec. 7. (a) The state board of education shall approve the counting of classroom instructional aides as teachers for purposes of computation for funding under 511 IAC 1-8-4 and 511 IAC 1-8-4.5 or the negotiation of transfer tuition agreements between school corporations under IC 20-26-11-13(h), if the school corporation can substantiate each year that providing adequate classroom space for the attainment of an average pupil/teacher ratio of eighteen to one (18:1) in kindergarten and first grade and twenty to one (20:1) in second and third grade creates an unreasonable hardship for that school corporation. On or before August 1 the school corporation shall submit to the state board of education a plan concerning that school corporation's instructional aides program.

(b) The use of aides shall not be approved unless the school corporation has, insofar as practical, reduced its average pupil/teacher ratio through the use of teachers.

(c) The number of aides that shall be approved for purposes of funding under 511 IAC 1-8 is equal to the lesser of:

- (1) the number needed to attain the number of full time teacher equivalents computed under 511 IAC 1-8-4(a)(1) and 511 IAC 1-8-4.5(a)(1); or
- (2) the number of kindergarten, first, second and third grade classes in the school corporation.

(*Indiana State Board of Education; 511 IAC 1-8-7; filed Aug 28, 1984, 10:56 am: 7 IR 2523; filed Sep 4, 1985, 2:47 pm: 9 IR 35; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306*)

511 IAC 1-8-7.5 Qualification and duties of instructional aides

Authority: IC 20-43-9-11
 Affected: IC 21-1-30

Sec. 7.5. (a) To be qualified for the duties of a PRIME TIME instructional aide, a person must have a minimum of a high school diploma or its equivalent and one of the following additional requirements:

- (1) Post high school work in education or a related field;
- (2) Previous work experience in an early childhood program (i.e., day care, community program) documented by letter(s) of reference submitted to the local school corporation;

(3) Previous experience as an elementary classroom aide, documented by letter(s) of reference and record of duties performed; or

(4) Completion of a 15 contact hour training program conducted by the local school corporation. Plans for this program shall be filed with the department of education prior to the beginning of the school year.

(b) PRIME TIME instructional aide duties include:

(1) Working under the direction of the classroom teacher to:

(A) Assist individual students with learning tasks assigned by the teacher;

(B) Assist students in small group learning situations; and

(C) Monitor the class while the teacher works with groups or individuals.

(2) Assisting the teacher with making instructional materials; and

(3) Assisting the teacher with instruction-related clerical tasks.

(c) A PRIME TIME instructional aide shall not be assigned:

(1) The sole responsibility for teaching units of study;

(2) As a substitute for an absent teacher; or

(3) Exclusively to non-instructional/clerical responsibilities.

(d) To qualify as one-third (1/3) full time teacher equivalent for funding, a PRIME TIME instructional aide shall be:

(1) Employed full-time for at least five (5) hours per day or if employed part-time at least two and one-half [*sic.*] (2 1/2) hours per day. For state funding purposes, two (2) half-time aides are equivalent to one (1) full-time aide. Aides may not be employed for less than half-time if they are counted for state funding;

(2) Employed for at least the same number of days the students are in attendance;

(3) Assigned to work with no more than two (2) teachers; and

(4) Assigned to a classroom during the core curricular program

(3) [*sic., (e)*] Nothing in 511 IAC 1-8 shall be interpreted to prohibit a school corporation from establishing additional qualifications for a PRIME TIME instructional aide or employing additional classroom aides, not funded under IC 21-1-29 [*Repealed by P.L.170-1972, SECTION 1.*], for a PRIME TIME classroom. (*Indiana State Board of Education; 511 IAC 1-8-7.5; filed Sep 4, 1985, 2:47 pm: 9 IR 35; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; readopted filed Nov 20, 2007, 11:36 a.m.: 20071219-IR-511070386RFA*)

511 IAC 1-8-8 Receipt of funds from other sources

Authority: IC 20-43-9-11

Affected: IC 21-1-30

Sec. 8. A school corporation shall not receive funds under 511 IAC 1-8 for any teacher or aide and, at the same time, receive any federal or other state funds specifically for that teacher or aide. (*Indiana State Board of Education; 511 IAC 1-8-8; filed Aug 28, 1984, 10:56 am: 7 IR 2524; filed Sep 4, 1985, 2:47 pm: 9 IR 36; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937*)

511 IAC 1-8-9 Governor's early grades pilot projects; exception to funding penalty (Repealed)

Sec. 9. (*Repealed by Indiana State Board of Education; filed Dec 2, 1987, 11:19 am: 11 IR 1266*)

511 IAC 1-8-10 Grade levels eligible for funding

Authority: IC 20-43-9-11

Affected: IC 21-1-30

Sec. 10. (a) Regardless of the school year in which a school corporation initially applies for funding under 511 IAC 1-8, first grade shall be included in that year's computation for funding.

(b) Additional grade levels shall be added in the following order:

(1) second grade;

(2) third grade or kindergarten; and

(3) the grade not chosen under subdivision (2).

(*Indiana State Board of Education; 511 IAC 1-8-10; filed Aug 28, 1984, 10:56 am: 7 IR 2524; filed Sep 4, 1985, 2:47 pm: 9 IR 36;*)

readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)

511 IAC 1-8-11 Application for funding; computation of amount; appeal

Authority: IC 20-43-9-11
 Affected: IC 20-26-11-13

Sec. 11. (a) School corporations shall apply for funding under 511 IAC 1-8 on a form prescribed by the state board of education on or before September 30. School corporations seeking approval for counting of instructional aides or transfer tuition agreements under IC 20-26-11-13(h) shall annually apply for the approval on or before August 1.

(b) Upon receipt of an application for funding under 511 IAC 1-8, the department of education shall compute the amount to be distributed to the school corporation. The department of education shall distribute the funds in twelve (12) monthly installments to the school corporations on or before the fifteenth day of each month.

(c) School corporations may appeal decisions of the department of education under 511 IAC 1-8 to the state board of education.

(d) If the money appropriated in any fiscal year by the general assembly for the PRIME TIME program is insufficient to fund the state PRIME TIME distribution formulas in 511 IAC 1-8-4 and 511 IAC 1-8-4.5, all claims shall be reduced proportionately. *(Indiana State Board of Education; 511 IAC 1-8-11; filed Aug 28, 1984, 10:56 am: 7 IR 2524; filed Sep 4, 1985, 2:47 pm: 9 IR 36; filed Dec 2, 1987, 11:19 am: 11 IR 1266; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937; errata filed Jul 11, 2005, 10:00 a.m.: 28 IR 3306) NOTE: Transferred from the Commission on General Education (510 IAC 2-6-11) to the Indiana State Board of Education (511 IAC 1-8-11) by P.L.20-1984, Section 206. Effective July 1, 1984.*

511 IAC 1-8-12 Rounding off amounts

Authority: IC 20-43-9-11
 Affected: IC 21-1-30

Sec. 12. The amount determined under 511 IAC 1-8-4(a)(4) and 511 IAC 1-8-4.5(a)(4) shall be rounded in the following manner:

- (1) Greater than zero (0), but less than thirty-four hundredths (0.34) shall be treated as one-third (1/3).
- (2) At least thirty-four hundredths (0.34), but less than sixty-seven one hundredths (0.67) shall be treated as two-thirds (2/3).
- (3) At least sixty-seven hundredths (0.67), but less than one (1) shall be treated as one (1).

(Indiana State Board of Education; 511 IAC 1-8-12; filed Aug 28, 1984, 10:56 am: 7 IR 2524; filed Sep 4, 1985, 2:47 pm: 9 IR 37; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)

511 IAC 1-8-13 Alternative standards for computation of number of pupils

Authority: IC 20-43-9-11
 Affected: IC 21-1-30

Sec. 13. The state board of education may designate a day other than the annual ADM count date for determining the number of pupils in grade levels affected by 511 IAC 1-8 if extreme patterns of student in-migration or other unusual circumstances in a particular school corporation cause the enrollment in the corporation to increase prior to the ADM count date. The purpose of this section is to avoid penalizing school corporations who have made a good faith effort to comply with the requirements of 511 IAC 1-8 but who have experienced an increase in enrollment between the first day of school and the count date. *(Indiana State Board of Education; 511 IAC 1-8-13; filed Aug 28, 1984, 10:56 am: 7 IR 2524; filed Sep 4, 1985, 2:47 pm: 9 IR 37; readopted filed Oct 12, 2001, 12:55 p.m.: 25 IR 937)*

511 IAC 1-8-14 Use of instructional aides in computation for funding; filing of school plan; exception (Repealed)

Sec. 14. *(Repealed by Indiana State Board of Education; filed Sep 4, 1985, 2:47 pm: 9 IR 37)*

Rule 9. Alternative Education Grant Program

511 IAC 1-9-1 Eligibility to receive a diploma

Authority: IC 20-30-8-14

Affected: IC 20-30-8

Sec. 1. Students in alternative education programs must complete all graduation course requirements and fulfill the graduation examination requirement in order to be eligible to receive a diploma. (*Indiana State Board of Education; 511 IAC 1-9-1; filed Apr 1, 1998, 11:00 a.m.: 21 IR 2820; readopted filed Sep 7, 2004, 5:10 p.m.: 28 IR 323*)

511 IAC 1-9-2 Eligibility for funding

Authority: IC 20-30-8-14

Affected: IC 20-30-8

Sec. 2. To be eligible for funding under IC 21-3-11 [*IC 21-3 was repealed by P.L.2-2006, SECTION 199, effective July 1, 2006.*], an alternative education program session must be conducted for a minimum of two (2) hours. (*Indiana State Board of Education; 511 IAC 1-9-2; filed Apr 1, 1998, 11:00 a.m.: 21 IR 2820; readopted filed Sep 7, 2004, 5:10 p.m.: 28 IR 323*)

511 IAC 1-9-3 Academic instruction by teachers employed by a school corporation or cooperative

Authority: IC 20-30-8-14

Affected: IC 20-30-8

Sec. 3. To be eligible for funding under IC 21-3-11 [*IC 21-3 was repealed by P.L.2-2006, SECTION 199, effective July 1, 2006.*], a school corporation must provide an alternative education program of its own or as an area program in cooperation with other school corporations. If a school corporation provides a program on its own, academic instruction will be provided by teachers who are employed by the school corporation. For area programs, academic instruction will be provided by teachers who are employed by one (1) of the participating school corporations or by the cooperative. (*Indiana State Board of Education; 511 IAC 1-9-3; filed Apr 1, 1998, 11:00 a.m.: 21 IR 2821; readopted filed Sep 7, 2004, 5:10 p.m.: 28 IR 323*)

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