

# TITLE 511 INDIANA STATE BOARD OF EDUCATION

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

### Rule 1. Submission of Authorized Reports (Expired)

(Expired under IC 4-22-2.5, effective January 1, 2008.)

### 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"Qualified position certificate" means the certificate issued to a taxpayer pursuant to IC 6-3-3.6-6 [Repealed by Acts 1984, P.L.51, SECTION 3].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; readopted filed Dec 2, 2013, 3:26 p.m.: 20140101-IR-511130419RFA*) 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 Subject to the limitations established in IC 6-3-3.6 [IC 6-3-3.6 was repealed by P.L.51-1984, SEC. 3.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; readopted filed Dec 2, 2013, 3:26 p.m.: 20140101-IR-511130419RFA*) 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; readopted filed Dec 2, 2013, 3:26 p.m.: 20140101-IR-511130419RFA) 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; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA*)

### **511 IAC 1-2.5-2 Advancement of money for purchases (Expired)**

Sec. 2. (*Expired under IC 4-22-2.5, effective January 1, 2008.*)

### **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; readopted filed Dec 2, 2013, 3:26 p.m.: 20140101-IR-511130419RFA)*

### **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; readopted filed Dec 2, 2013, 3:26 p.m.: 20140101-IR-511130419RFA*)

**511 IAC 1-2.5-5 Approval of advancement (Expired)**

Sec. 5. (*Expired under IC 4-22-2.5, effective January 1, 2008.*)

**511 IAC 1-2.5-6 Interest on advancements (Expired)**

Sec. 6. (*Expired under IC 4-22-2.5, effective January 1, 2008.*)

**511 IAC 1-2.5-7 Repayment of advancement (Expired)**

Sec. 7. (*Expired under IC 4-22-2.5, effective January 1, 2008.*)

**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; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA*) 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; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA*) 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 (Expired)**

Sec. 3. (*Expired under IC 4-22-2.5, effective January 1, 2008.*)

#### **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. The following definitions apply throughout this rule:

(1) "Curriculum offering" means an academic or vocational course offered for credit. The term does not include noncredit, 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 a.m.: 4 IR 1974; filed Oct 13, 1987, 2:38 p.m.: 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; filed Dec 21, 2010, 10:17 a.m.: 20110119-IR-511090384FRA*) 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; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA) 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; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA) 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 [IC 20-35-1-2 was repealed by P.L.233-2015, SECTION 272, effective July 1, 2015.] 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; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA*) 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; readopted filed Dec 2, 2013, 3:26 p.m.: 20140101-IR-511130419RFA*) 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 6.1. Physician Placed Students in Residential Facilities**

**511 IAC 1-6.1-1 Applicability**

Authority: IC 20-26-11-11.5

Affected: IC 20-26-11

Sec. 1. This rule applies to students who have been placed in a facility under the written order of a licensed physician in accordance with IC 20-26-11-11.5 and for whom the facility provides educational services. *(Indiana State Board of Education; 511 IAC 1-6.1-1; filed Nov 25, 2014, 3:37 p.m.: 20141224-IR-511130561FRA)*

**511 IAC 1-6.1-2 Definitions**

Authority: IC 20-26-11-11.5  
Affected: IC 20-26-11; IC 31-27

Sec. 2. The following definitions apply throughout this rule:

(1) "Facility" means a secure private facility licensed under IC 31-27 to operate as a private secure facility under 465 IAC 2-11.

(2) "Medically placed student" means a student as defined in IC 20-26-11-11.5(a)(4) who is placed in the facility under the written order of a physician.

(3) "School corporation" means the Indiana school or charter school that is receiving state tuition support for the student at the time of the student's admission to the facility except as provided in section 8 of this rule.

*(Indiana State Board of Education; 511 IAC 1-6.1-2; filed Nov 25, 2014, 3:37 p.m.: 20141224-IR-511130561FRA)*

**511 IAC 1-6.1-3 Applicable laws and regulations**

Authority: IC 20-26-11-11.5  
Affected: IC 20-26-11

Sec. 3. (a) For a medically placed student, the facility acts in loco scholae for all education services, including special education and related services.

(b) The following shall apply with respect to medically placed students who have been identified by a school corporation as being a student with a disability for whom the facility provides special education and related services:

(1) 511 IAC 7-32.

(2) 511 IAC 7-36-10.

(3) 511 IAC 7-38.

(4) 511 IAC 7-43-1.

(5) 511 IAC 7-43-5.

(6) 511 IAC 7-45-1.

*(Indiana State Board of Education, 511 IAC 1-6.1-3; filed Nov 25, 2014, 3:37 p.m.: 20141224-IR-511130561FRA)*

**511 IAC 1-6.1-4 Notice to school corporation**

Authority: IC 20-26-11-11.5  
Affected: IC 20-26-11

Sec. 4. (a) For each medically placed student as defined in this rule, the facility shall provide the school corporation with written notice that complies with the requirements of IC 20-26-11-11.5 and this rule.

(b) In addition to the notice requirements described in IC 20-26-11-11.5, the facility shall include the name and contact information for the primary contact at the facility.

(c) If a facility fails to timely provide the requisite notice, or the notice otherwise fails to comply with the requirements of IC 20-26-11-11.5, the school corporation shall not be liable for any per diem accruing between the date of admission and the date the school corporation receives the written notice from the facility. *(Indiana State Board of Education, 511 IAC 1-6.1-4; filed Nov 25, 2014, 3:37 p.m.: 20141224-IR-511130561FRA)*

**511 IAC 1-6.1-5 Consultation and reporting**

Authority: IC 20-26-11-11.5  
Affected: IC 20-26-11



Sec. 5. (a) Within five (5) business days of the school corporation's receipt of the written notice, the school corporation shall consult with the facility regarding the educational services, including any special education and related services to be provided to the medically placed student.

(b) As part of the consultation, the school corporation shall provide the facility with relevant documents from the medically placed student's education record, including the transcript of courses taken, current individualized education program (IEP) and most recent progress report or reports, and the name and contact information for the individual who will serve as the school's primary contact for the medically placed student.

(c) The facility shall immediately provide the medically placed student with the level of educational services and instruction comparable to that of a student attending the medically placed student's school corporation.

(d) For students previously identified under 511 IAC 7 as eligible to receive special education services, the facility shall do the following:

(1) Implement the IEP as written within three (3) business days of receiving a copy of the IEP from the school corporation.

(2) Provide the school with a copy of the periodic reports on the student's progress toward meeting annual goals at the same time it provides the report to the student's parent.

(3) Request that the school corporation convene a case conference committee meeting any time the facility believes the medically placed student's IEP needs to be modified.

(4) Implement any modified IEP as written.

(e) Any modifications to the IEP shall be made in accordance with 511 IAC 7-42. (*Indiana State Board of Education; 511 IAC 1-6.1-5; filed Nov 25, 2014, 3:37 p.m.: 20141224-IR-511130561FRA*)

#### **511 IAC 1-6.1-6 Qualifications of individuals providing services**

Authority: IC 20-26-11-11.5

Affected: IC 20-26-11

Sec. 6. (a) All personnel employed or contracted to provide special education or related services to medically placed students must be appropriately licensed or certified and must have the content knowledge and skills necessary to provide the services for which the individual is employed or contracted.

(b) Related service personnel who deliver services in their discipline may not have certification or licensure requirements waived on:

(1) an emergency;

(2) a temporary; or

(3) a provisional;

basis. (*Indiana State Board of Education; 511 IAC 1-6.1-6; filed Nov 25, 2014, 3:37 p.m.: 20141224-IR-511130561FRA*)

#### **511 IAC 1-6.1-7 Complaint process**

Authority: IC 20-26-11-11.5

Affected: IC 20-26-11

Sec. 7. (a) A complaint that a facility has failed to meet the requirements of this rule for students eligible to receive special education services under 511 IAC 7 may be filed as described in this section.

(b) Any individual, group of individuals, agency, or organization may file a complaint alleging that a facility has failed to comply with one (1) or more requirements of this rule. The complaint must:

(1) be in writing;

(2) include the name and address of the facility;

(3) include a statement alleging that the facility has violated one (1) or more requirements of this rule or 511 IAC 7;

(4) include the facts on which the alleged violation is based;

(5) be signed by the complainant or complainants and include contact information of the complainant or complainants; and

(6) be submitted to the facility and the division of special education.

(c) If the complaint alleges violations with respect to a specific medically placed student, the complaint must also include

the name of the student.

(d) The division of special education shall investigate the complaint as described in 511 IAC 7-45-1.

(e) The facility is required to complete any corrective action resulting from the complaint investigation within the timeline prescribed by the complaint investigation report. (*Indiana State Board of Education; 511 IAC 1-6.1-7; filed Nov 25, 2014, 3:37 p.m.: 20141224-IR-511130561FRA; errata filed Dec 30, 2014, 12:17 p.m.: 20150128-IR-511140516ACA*)

**511 IAC 1-6.1-8 School corporation of legal settlement for average daily membership and special education child counts**

Authority: IC 20-26-11-11.5

Affected: IC 20-26-11; IC 20-43-4

Sec. 8. (a) For purposes of 511 IAC 7-46, the school corporation that the medically placed student was attending at the time of admission shall include the student in the school corporation's average daily membership and special education child counts as long as the student remains eligible to be counted by the school corporation under IC 20-43-4.

(b) If, on the ADM count date in a subsequent school year, the medically placed student is no longer eligible to be counted by the school corporation that the student was attending at the time of admission to the facility, the school corporation shall not be liable for any payments to the facility for services provided subsequent to July 1 of that year.

(c) Upon learning that the medically placed student is no longer eligible to be counted by the school corporation, the school corporation shall provide the facility with written notice that includes the following:

(1) A statement that the student is no longer eligible, under IC 20-43-4, to be counted by the school corporation.

(2) An explanation of the reason the student is no longer eligible to be counted.

(3) If known, the school corporation in which the student may be eligible to be counted.

(d) The facility shall work with the placing entity to identify the school corporation in which the student has legal settlement and would be responsible for providing educational services to the student absent the student's placement in the facility.

(e) The facility shall report the student's attendance to the school as necessary for the school to report the student's attendance to the department. (*Indiana State Board of Education; 511 IAC 1-6.1-8; filed Nov 25, 2014, 3:37 p.m.: 20141224-IR-511130561FRA*)

**511 IAC 1-6.1-9 Process for discharge**

Authority: IC 20-26-11-11.5

Affected: IC 20-26-11

Sec. 9. (a) If a medically placed student is returning to a school corporation upon discharge from the facility, the facility shall consult with the school corporation regarding the student's educational services and progress during the student's admission to the facility prior to the actual discharge from the facility.

(b) Not later than ten (10) business days of receiving a request from a school corporation for the education records of a medically placed student who has been discharged from the facility, the facility shall provide the requested records to the school corporation. (*Indiana State Board of Education; 511 IAC 1-6.1-9; filed Nov 25, 2014, 3:37 p.m.: 20141224-IR-511130561FRA*)

**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; readopted filed Dec 2, 2013, 3:26 p.m.: 20140101-IR-511130419RFA*) 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 (Expired)**

Sec. 1. (Expired under IC 4-22-2.5, effective January 1, 2008.)

### **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; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA*)

### **511 IAC 1-8-3 Documentation prior to receipt of funds (Expired)**

Sec. 3. (Expired under IC 4-22-2.5, effective January 1, 2008.)

### **511 IAC 1-8-4 Distribution formula: kindergarten or first grade (Expired)**

Sec. 4. (Expired under IC 4-22-2.5, effective January 1, 2008.)

### **511 IAC 1-8-4.5 Distribution formula: second or third grade (Expired)**

Sec. 4.5. (Expired under IC 4-22-2.5, effective January 1, 2008.)

### **511 IAC 1-8-5 Alternative distribution formula (Expired)**

Sec. 5. (Expired under IC 4-22-2.5, effective January 1, 2008.)

### **511 IAC 1-8-6 Additional allocation for hiring instructional aides (Expired)**

Sec. 6. (Expired under IC 4-22-2.5, effective January 1, 2008.)

**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 [511 IAC 1-8-4 expired under IC 4-22-2.5, effective January 1, 2008.] and 511 IAC 1-8-4.5 [511 IAC 1-8-4.5 expired under IC 4-22-2.5, effective January 1, 2008.] 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) [511 IAC 1-8-4 expired under IC 4-22-2.5, effective January 1, 2008.] and 511 IAC 1-8-4.5(a)(1) [511 IAC 1-8-4.5 expired under IC 4-22-2.5, effective January 1, 2008.]; 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; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA)

**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; readopted filed Dec 2, 2013, 3:26 p.m.: 20140101-IR-511130419RFA)

#### **511 IAC 1-8-8 Receipt of funds from other sources (Expired)**

Sec. 8. (Expired under IC 4-22-2.5, effective January 1, 2008.)

#### **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 (Expired)**

Sec. 10. (Expired under IC 4-22-2.5, effective January 1, 2008.)

#### **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 [511 IAC 1-8-4 expired under IC 4-22-2.5, effective January 1, 2008.] and 511 IAC 1-8-4.5 [511 IAC 1-8-4.5 expired under IC 4-22-2.5, effective January 1, 2008.], 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; readopted filed Nov 28, 2011, 3:20 p.m.: 20111228-IR-511110558RFA) 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 (Expired)**

Sec. 12. (Expired under IC 4-22-2.5, effective January 1, 2008.)

**511 IAC 1-8-13 Alternative standards for computation of number of pupils (Expired)**

Sec. 13. *(Expired under IC 4-22-2.5, effective January 1, 2008.)*

**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 (Expired)**

Sec. 1. *(Expired under IC 4-22-2.5, effective January 1, 2011.)*

**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; readopted filed Oct 7, 2010, 3:27 p.m.: 20101103-IR-511100500RFA)*

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

Sec. 3. *(Expired under IC 4-22-2.5, effective January 1, 2011.)*

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