



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education
From: Chad E. Ranney, General Counsel
Date: September 2, 2020
RE: Proposed Modifications to 511 IAC 1-3 (Determining and Reporting Attendance and Membership for State Support)

MEMORANDUM

Recommendation: Direct the Executive Director of the State Board of Education to modify 511 IAC 1-3.

Under Executive Order 20-05, Section 13.B., the head of any state agency as defined by IC 4-2-6-1(a)(2) with authority to promulgate rules is authorized to waive, suspend, or modify any existing rule of their agency. As such, Board staff recommends the Board direct its executive director to modify 511 IAC 1-3 as outlined in the attached proposed modification.

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

511 IAC 1-3-1 Definitions

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 (a) "ADA flat grant" means the distribution of funds provided for in IC 21-3-4.5 [*IC 21-3-4.5 was repealed by P.L.246-2005, SECTION 227, effective January 1, 2006.*].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pupil count" or "APC" means the number of pupils enrolled in programs as specified in IC 21-3-2.1 [*IC 21-3 was repealed by P.L.2-2006, SECTION 199, effective July 1, 2006.*].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 **eligible** pupils ~~with legal settlement enrolled in the a 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 (1/2). 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.~~ **day fixed by the board for a count of students under IC 20-43-4-3 and as subsequently adjusted not later than the date specified by the board.**

(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.

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

Sec. 2. (a) ~~School corporations~~ **Each school corporation** shall annually submit **to the department** all reports **the department deems necessary** for the calculation of state tuition support in accordance with the schedule established by the department. ~~These~~ **All reports submitted to the department** shall be certified to the department by the superintendent or chief administrative official of the school corporation **submitting the report**.

(b) ~~Adjustments of ADA, ADM, APC, eligible regular bus students, or other reports for to~~ **a report the department deems necessary for the calculation of state tuition** support may be requested if the school corporation determines that the ~~reports as defined in 511 IAC 1-3 are~~ **report is** 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 **fixed by the board**, the school corporation may petition the ~~department~~ **board** 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).

(d) For purposes of determining a school corporation's basic tuition support under IC 20-43-6-3 using the fall count of ADM as described in IC 20-43-4-9(a), "virtual instruction" means instruction that is provided in an interactive learning environment created through technology in which the student is separated from a teacher by time or space, or both, unless said instruction is being provided to a student that meets the following requirements:

(1) The Student was not enrolled in a virtual education program (as defined in IC 20-19-9-1), a dedicated virtual education school, or a virtual charter school (as defined in IC 20-24-1-10) on the date fixed in February 2020 by the board for a count of students under IC 20-43-4-3; and

(2) The student is enrolled in a school corporation in which fewer than one hundred percent (100%) of the students that were enrolled in that corporation on the date fixed in February 2020 by the board for a count of students under IC 20-43-4-3 were receiving instruction in an interactive learning environment created through technology in which the student for whom the instruction is being provided is separated from a teacher by time or space, or both.