



February 15, 2013

HOUSE BILL No. 1381

DIGEST OF HB 1381 (Updated February 12, 2013 1:15 pm - DI 116)

Citations Affected: IC 20-18; IC 20-26.

Synopsis: Public school transfers. Requires the governing body of a school corporation to establish the number of transfer students the school corporation has the capacity to accept in each school building and grade level. Requires the governing body to establish a date by which transfer requests must be received. Provides that, with certain exceptions, a governing body may not deny a request to transfer from another school corporation to a school within the school corporation or between two schools within the school corporation for any reason other than capacity. Requires the governing body to publish the deadline for transfer requests on the school corporation's Internet web site and to report the deadline to the department of education. Requires the department of education to publish school corporations' transfer request deadlines on the department's Internet web site. Provides that if the number of transfer requests a school corporation receives exceeds the school's capacity, admissions must be determined by a random drawing at a public meeting. Allows a governing body to limit the number of transfers to a particular school building or grade level to ensure that a student who has already transferred to a school may continue attending the same school and to allow the members of the same household as a transfer student to attend a particular school. Allows a governing body to deny a request for a student to transfer, or to establish terms and conditions for enrollment that prevent a student from enrolling, if the student was suspended in the 12 months preceding the student's request to transfer: (1) for 10 or more school days; (2) for causing a physical injury; (3) for possession of a firearm; or (4) for a violation of drug or alcohol rules. Provides that for purposes of determining a school's graduation rate, if a student would be unable to graduate on time, the student shall be included in the cohort for students in the transferee school who are in the current grade level as the transferring student.

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Effective: July 1, 2013.

Karickhoff, Clere, Mahan, Austin

January 22, 2013, read first time and referred to Committee on Education.
February 14, 2013, amended, reported — Do Pass.

HB 1381—LS 7334/DI 116+



February 15, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1381

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

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

1 SECTION 1. IC 20-18-2-24, AS ADDED BY P.L.1-2005,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 24. (a) "Transfer", **for purposes of this title**
4 **(except IC 20-26-11-32)**, with respect to a student refers to the
5 situation in which the student, for all or part of the student's education,
6 attends school in a public school of a school corporation other than the
7 school corporation in which the student has legal settlement.
8 (b) "Transfer", **for purposes of IC 20-26-11-32, with respect to**
9 **a student refers to the situation in which the student, for all or part**
10 **of the student's education, attends school in a public school:**
11 (1) **of a school corporation other than the school corporation**
12 **in which the student has legal settlement; or**
13 (2) **within the school corporation in which the student resides,**
14 **but not the public school with the attendance area in which**
15 **the student resides.**

HB 1381—LS 7334/DI 116+



1 SECTION 2. IC 20-26-11-32 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2013]: **Sec. 32. (a) The governing body of a**
4 **school corporation shall annually establish:**

5 (1) the number of transfer students the school corporation has
6 the capacity to accept in each:

7 (A) school building; and

8 (B) grade level within each school building; and

9 (2) the date by which requests to transfer into or within the
10 school corporation must be received by the governing body.

11 (b) After establishing the date under subsection (a)(2), the
12 governing body shall:

13 (1) publish the date on the school corporation's Internet web
14 site; and

15 (2) report the date to the department.

16 (c) The department shall publish the dates received from school
17 corporations under subsection (b)(2) on the department's Internet
18 web site.

19 (d) A student to whom this section applies may not request to
20 transfer under this section primarily for athletic reasons to a
21 school corporation in which the student does not have legal
22 settlement.

23 (e) If the number of requests to transfer into or within a school
24 corporation received by the date established for the school
25 corporation under subsection (a)(2) exceeds the capacity
26 established for the school corporation under subsection (a)(1), each
27 timely request must be given an equal chance to be accepted, with
28 the exception that a student described in subsection (g) shall be
29 given priority. The governing body must determine which students
30 will be admitted as transfer students to each school building and
31 each grade level within the school corporation by a random
32 drawing in a public meeting.

33 (f) Except as provided in subsections (h) and (i), the governing
34 body of a school corporation may not deny a request for a student
35 to transfer into or within the school corporation based upon the
36 student's academic record, scores on ISTEP tests, disciplinary
37 record, or disability, or upon any other factor not related to the
38 school corporation's capacity.

39 (g) Except as provided in subsections (h) and (i), the governing
40 body of a school corporation may not deny a request for a student
41 to transfer into or within the school corporation if the student
42 requesting to transfer is a member of a household in which any



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1 other member of the household is a student in the transferee
2 school.

3 (h) A governing body of a school corporation may limit the
4 number of new transfers to a school building or grade level within
5 the school corporation:

6 (1) to ensure that a student who attends a school within the
7 school corporation as a transfer student during a school year
8 may continue to attend the school in subsequent school years;
9 and

10 (2) to allow a student described in subsection (g) to attend a
11 school within the school corporation.

12 (i) Notwithstanding subsections (f) and (g), a governing body of
13 a school corporation may deny a request for a student to transfer
14 to or within the school corporation, or establish terms or
15 conditions for enrollment that prevent a student from enrolling in
16 a school if the student has been suspended (as defined in
17 IC 20-33-8-7) or expelled (as defined in IC 20-33-8-3) during the
18 twelve (12) months preceding the student's request to transfer
19 under this section:

20 (1) for ten (10) or more school days. For purposes of this
21 clause, student discipline received under IC 20-33-8-25(b)(7)
22 for a violation described in subdivisions (2) through (4) shall
23 be included in the calculation of the number of school days
24 that a student has been suspended;

25 (2) for a violation under IC 20-33-8-16;

26 (3) for causing physical injury to a student, a school employee,
27 or a visitor to the school; or

28 (4) for a violation of a school corporation's drug or alcohol
29 rules.

30 (j) The parent of a student for whom a request to transfer is
31 made is responsible for providing the school corporation to which
32 the request is made with records or information necessary for the
33 school corporation to determine whether the request to transfer
34 may be denied under subsection (i).

35 (k) This subsection applies to a student who transfers at least
36 one (1) year after the reporting year in which the student is first
37 considered by a school corporation to have entered grade 9. If, at
38 the time the student transfers, the student would be unable to
39 graduate in the student's expected graduation year even if the
40 student, after transferring, were to successfully complete the
41 courses necessary for the student to graduate, the student shall be
42 considered for purposes of determining the student's cohort under

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1 **IC 20-26-13, as a member of the cohort for students at the**
2 **transferee school who are in the current grade level as the student**
3 **at the time the student transfers to the school.**

4 SECTION 3. IC 20-26-13-2, AS AMENDED BY P.L.229-2007,
5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2013]: Sec. 2. As used in this chapter, "cohort" refers to,
7 **except as provided in IC 20-26-11-32(k)**, a class of students who:

- 8 (1) attend the same high school; and
9 (2) are first considered to have entered grade 9 in the same year.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1381, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 18 and 19, begin a new paragraph and insert:

"(d) A student to whom this section applies may not request to transfer under this section primarily for athletic reasons to a school corporation in which the student does not have legal settlement."

Page 2, line 19, delete "(d)" and insert "(e)".

Page 2, line 24, delete "(f)" and insert "(g)".

Page 2, line 29, delete "(e)" and insert "(f)".

Page 2, line 29, delete "(g) and (h)," and insert "(h) and (i)".

Page 2, line 35, delete "(f)" and insert "(g)".

Page 2, line 35, delete "(g) and (h)," and insert "(h) and (i)".

Page 2, line 41, delete "(g)" and insert "(h)".

Page 3, line 6, delete "(f)" and insert "(g)".

Page 3, line 8, delete "(h)" and insert "(i)".

Page 3, line 8, delete "(e) and (f)," and insert "(f) and (g)".

Page 3, line 26, delete "(i)" and insert "(j)".

Page 3, line 30, delete "(h)" and insert "(i)".

Page 3, line 31, delete "(j)" and insert "(k)".

Page 4, line 3, delete "IC 20-26-11-32(j)" and insert "**IC 20-26-11-32(k)**".

and when so amended that said bill do pass.

(Reference is to HB 1381 as introduced.)

BEHNING, Chair

Committee Vote: yeas 9, nays 0.

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