

**CONFERENCE COMMITTEE REPORT
DIGEST FOR EHB 1381**

Citations Affected: IC 20-18-2-18.3; IC 20-26-11-32.

Synopsis: Public school transfers. Requires the governing body of a school corporation that accepts transfer students to establish the number of transfer students the school corporation has the capacity to accept. 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 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 (department). Requires the department 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 the transfer student to attend a particular school. Provides that the governing body of a school corporation with a school building that offers a special curriculum may require a student who transfers to the school building to meet the same eligibility criteria required of all students who attend the school building that offers the special curriculum. Provides that a school corporation that has adopted a policy to not accept student transfers after June 30, 2013, is not prohibited from enrolling a transfer student who attended a school with the school corporation during the 2012-2013 school year. **(This conference committee report: (1) adds a provision that the governing body of each school corporation shall annually establish the number of transfer students the school corporation has the capacity to accept in each grade level; and (2) removes a provision that a school corporation may not provide transportation for a transfer student outside the attendance area for the school corporation.)**

Effective: July 1, 2013.

Adopted Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1381 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 20-18-2-18.3 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: **Sec. 18.3. "Special curriculum" means**
5 **a course of study embracing subject matter or a teaching**
6 **methodology that is not generally offered to students of the same**
7 **age or grade level in the same school corporation. The term does**
8 **not include:**
9 **(1) a course of study or a part of a course of study designed**
10 **solely for special education or limited English language**
11 **proficiency students; or**
12 **(2) a course of study or part of a course of study in which any**
13 **student is unable to participate because of the student's**
14 **limited financial resources.**
15 SECTION 2. IC 20-26-11-32 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2013]: **Sec. 32. (a) This section does not apply**
18 **to a school corporation if the governing body has adopted a policy**
19 **of not accepting the transfer of any student who does not have legal**
20 **settlement within the school corporation.**
21 **(b) The governing body of a school corporation shall annually**

- 1 establish:
- 2 (1) the number of transfer students the school corporation has
- 3 the capacity to accept in each grade level; and
- 4 (2) the date by which requests to transfer into the school
- 5 corporation must be received by the governing body.
- 6 (c) After establishing the date under subsection (b)(2), the
- 7 governing body shall:
- 8 (1) publish the date on the school corporation's Internet web
- 9 site; and
- 10 (2) report the date to the department.
- 11 (d) The department shall publish the dates received from school
- 12 corporations under subsection (c)(2) on the department's Internet
- 13 web site.
- 14 (e) A student to whom this section applies may not request to
- 15 transfer under this section primarily for athletic reasons to a
- 16 school corporation in which the student does not have legal
- 17 settlement.
- 18 (f) If the number of requests to transfer into a school
- 19 corporation received by the date established for the school
- 20 corporation under subsection (b)(2) exceeds the capacity
- 21 established for the school corporation under subsection (b)(1), each
- 22 timely request must be given an equal chance to be accepted, with
- 23 the exception that a student described in subsection (h) shall be
- 24 given priority. The governing body must determine which students
- 25 will be admitted as transfer students to each school building and
- 26 each grade level within the school corporation by a random
- 27 drawing in a public meeting.
- 28 (g) Except as provided in subsections (i), (j), and (k), the
- 29 governing body of a school corporation may not deny a request for
- 30 a student to transfer into the school corporation based upon the
- 31 student's academic record, scores on ISTEP tests, disciplinary
- 32 record, or disability, or upon any other factor not related to the
- 33 school corporation's capacity.
- 34 (h) Except as provided in subsections (i), (j), and (k), the
- 35 governing body of a school corporation may not deny a request for
- 36 a student to transfer into the school corporation if the student
- 37 requesting to transfer:
- 38 (1) is a member of a household in which any other member of
- 39 the household is a student in the transferee school; or
- 40 (2) has a parent who is an employee of the school corporation.
- 41 (i) A governing body of a school corporation may limit the
- 42 number of new transfers to a school building or grade level in the
- 43 school corporation:
- 44 (1) to ensure that a student who attends a school within the
- 45 school corporation as a transfer student during a school year
- 46 may continue to attend the school in subsequent school years;
- 47 and
- 48 (2) to allow a student described in subsection (h) to attend a
- 49 school within the school corporation.
- 50 (j) Notwithstanding subsections (g) and (h), a governing body of
- 51 a school corporation may deny a request for a student to transfer

1 to the school corporation, or establish terms or conditions for
2 enrollment that prevent a student from enrolling in a school, if the
3 student has been suspended (as defined in IC 20-33-8-7) or expelled
4 (as defined in IC 20-33-8-3) during the twelve (12) months
5 preceding the student's request to transfer under this section:

- 6 (1) for ten (10) or more school days;
7 (2) for a violation under IC 20-33-8-16;
8 (3) for causing physical injury to a student, a school employee,
9 or a visitor to the school; or
10 (4) for a violation of a school corporation's drug or alcohol
11 rules.

12 For purposes of subdivision (1), student discipline received under
13 IC 20-33-8-25(b)(7) for a violation described in subdivisions (2)
14 through (4) shall be included in the calculation of the number of
15 school days that a student has been suspended.

16 (k) The governing body of a school corporation with a school
17 building that offers a special curriculum may require a student
18 who transfers to the school building to meet the same eligibility
19 criteria required of all students who attend the school building that
20 offers the special curriculum.

21 (l) The parent of a student for whom a request to transfer is
22 made is responsible for providing the school corporation to which
23 the request is made with records or information necessary for the
24 school corporation to determine whether the request to transfer
25 may be denied under subsection (j).

26 (m) A school corporation that has adopted a policy to not accept
27 student transfers after June 30, 2013, is not prohibited from
28 enrolling a transfer student who attended a school within the
29 school corporation during the 2012-2013 school year.

(Reference is to EHB 1381 as printed April 5, 2013.)

Conference Committee Report
on
Engrossed House Bill 1381

Signed by:

Representative Karickhoff
Chairperson

Senator Banks

Representative Austin

Senator Taylor

House Conferees

Senate Conferees