

**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.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House 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
 22 establish:
 23 (1) the number of transfer students the school corporation has

1 the capacity to accept in each grade level; and

2 (2) the date by which requests to transfer into the school
3 corporation must be received by the governing body.

4 (c) After establishing the date under subsection (b)(2), the
5 governing body shall:

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

8 (2) report the date to the department.

9 (d) The department shall publish the dates received from school
10 corporations under subsection (c)(2) on the department's Internet
11 web site.

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

16 (f) If the number of requests to transfer into a school
17 corporation received by the date established for the school
18 corporation under subsection (b)(2) exceeds the capacity
19 established for the school corporation under subsection (b)(1), each
20 timely request must be given an equal chance to be accepted, with
21 the exception that a student described in subsection (h) shall be
22 given priority. The governing body must determine which students
23 will be admitted as transfer students to each school building and
24 each grade level within the school corporation by a random
25 drawing in a public meeting.

26 (g) Except as provided in subsections (i), (j), and (k), the
27 governing body of a school corporation may not deny a request for
28 a student to transfer into the school corporation based upon the
29 student's academic record, scores on ISTEP tests, disciplinary
30 record, or disability, or upon any other factor not related to the
31 school corporation's capacity.

32 (h) Except as provided in subsections (i), (j), and (k), the
33 governing body of a school corporation may not deny a request for
34 a student to transfer into the school corporation if the student
35 requesting to transfer:

36 (1) is a member of a household in which any other member of
37 the household is a student in the transferee school; or

38 (2) has a parent who is an employee of the school corporation.

39 (i) A governing body of a school corporation may limit the
40 number of new transfers to a school building or grade level in the
41 school corporation:

42 (1) to ensure that a student who attends a school within the
43 school corporation as a transfer student during a school year
44 may continue to attend the school in subsequent school years;
45 and

46 (2) to allow a student described in subsection (h) to attend a
47 school within the school corporation.

48 (j) Notwithstanding subsections (g) and (h), a governing body of
49 a school corporation may deny a request for a student to transfer
50 to the school corporation, or establish terms or conditions for
51 enrollment that prevent a student from enrolling in a school, if the

1 student has been suspended (as defined in IC 20-33-8-7) or expelled
2 (as defined in IC 20-33-8-3) during the twelve (12) months
3 preceding the student's request to transfer under this section:

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

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

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

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

24 (m) A school corporation that has adopted a policy to not accept
25 student transfers after June 30, 2013, is not prohibited from
26 enrolling a transfer student who attended a school within the
27 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