

BEFORE THE INDIANA STATE BOARD OF EDUCATION

In Re the Matter of:)
Metropolitan School District of)
Wabash County,) **Cause No.: 1-22016**
Petitioner,)
v.)
Gary Community School Corporation,)
and Indianapolis Public Schools,)
Respondents.)

Determination of Amount of Transfer Tuition

Pursuant to I.C. 20-26-11-15

**PARTIAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
RECOMMENDED ORDER**

Procedural History

In light of Senate Bill 567, designating the Gary Community School Corporation (“GCSC”) as a distressed political subdivision, this partial proposed determination will only address Indianapolis Public Schools (“IPS”). Further action may be taken in regards to GCSC after the appointment of an emergency manager, per Senate Bill 567.

Metropolitan School District of Wabash County (“Wabash”) asserts that it is seeking transfer tuition and transportation costs for students that Wabash provided education services to while the students had legal settlement within IPS’s district. On February 1, 2016, Wabash’s request for hearing was received by the Indiana State Board of Education staff. The undersigned was appointed as hearing examiner and the parties were so notified on March 24, 2016. The parties were notified of the hearing date and advised of their rights by notice dated April 18, 2017, which was sent to parties via certified mail. The hearing was scheduled for June 13, 2017. On June 8, 2017, IPS notified the hearing examiner a representative from IPS would not be attending the hearing. Wabash was represented by Mike Keaffaber, Wabash Superintendent, and Chris Kuhn, Assistant Superintendent of Finance for Wabash.

After consideration of the testimony and exhibits, the hearing examiner makes the following findings of fact, conclusions of law, and recommended orders:

Findings of Fact

In regards to IPS, Wabash has provided the hearing examiner with transfer tuition materials that provide a summary of students, school years, and transferor schools, which Wabash used to create transfer tuition statements for the 2012-2013, 2013-2014, and 2014-2015 school years. Additionally, Wabash has provided the collection letters sent to IPS seeking transfer tuition payments. In total, Wabash has determined that IPS owes Wabash a total of \$29,947.34.

For the 2012-2013 school year, Wabash provided documentation showing that two students from IPS attended Wabash's White's Jr/Sr High School ("White's") for 115 days total, amounting to \$7,349.81 in transfer tuition and transportation costs. One student was placed in White's by a court order, which did not name a legal settlement; however, Wabash provided other documentation placing the student's legal settlement within the IPS district. The other student was placed in White's with the consent of the Marion County Department of Children Services ("DCS").

For the 2013-2014 school year, nine students from IPS attended White's for a total of 390 days, amounting to \$16,854.91 in transfer tuition and transportation costs. Two students have court orders placing them in White's, which did not name the students' legal settlement; however, Wabash provided other documentation placing the students' legal settlement within the IPS district. Five students have court orders placing them in White's, which identify the students' legal settlement within the IPS district. Finally, Wabash provided information demonstrating that two additional students with legal settlement within IPS' district attended White's.

For the 2014-2015 school year, four students from IPS attended White's for 261 days total, amounting to \$5,742.62 in transfer tuition and transportation costs. Two students have court orders placing them in White's, which name a legal settlement within the IPS district. Finally, Wabash provided information demonstrating that two additional students with legal settlement within IPS' district attended White's.

Conclusions of Law

1. The Board has jurisdiction to determine the right to attend school in any school corporation. IC 20-26-11-15(a)(3).
2. Wabash has demonstrated that it provided education services and transportation to a number of students with legal settlement in IPS during the 2012-2013, 2013-2014, and 2014-2015 school years.
3. Based on the above evidence, Wabash is entitled to transfer tuition from IPS.

RECOMMENDED ORDER

Wabash provided evidence of legal settlement, via court orders and other materials deemed acceptable by the hearing examiner. Thus, IPS shall pay Wabash at total of \$29,947.34 for tuition support and transportation costs associated with students that had legal settlement within IPS, but attended Wabash schools during the 2012-2013, 2013-2014, and 2014-2015 school years.