

## **IC 20-26-11**

### **Chapter 11. Legal Settlement and Transfer of Students; Transfer Tuition**

#### **IC 20-26-11-0.2**

##### **Application of certain amendments to prior law**

Sec. 0.2. The amendments made to IC 20-8.1-6.1-9 (before its repeal, now codified at section 14 of this chapter) by P.L.260-1997 apply only to school years beginning after June 30, 1996.

*As added by P.L.220-2011, SEC.330.*

#### **IC 20-26-11-1**

##### **"Residence", "resides", and comparable terms**

Sec. 1. As used in this chapter with respect to legal settlement, transfers, and the payment of tuition, the words "residence", "resides", or other comparable language means a permanent and principal habitation that an individual uses for a home for a fixed or indefinite period, at which the individual remains when not called elsewhere for work, studies, recreation, or other temporary or special purpose. These terms are not synonymous with legal domicile. Except as provided in section 2(3) of this chapter, where a court order grants an individual custody of a student, the residence of the student is where that individual resides.

*As added by P.L.1-2005, SEC.10. Amended by P.L.13-2006, SEC.1.*

#### **IC 20-26-11-2**

##### **Legal settlement**

Sec. 2. The legal settlement of a student is governed by the following provisions:

(1) If the student:

(A) is less than eighteen (18) years of age; or

(B) is at least eighteen (18) years of age but is not emancipated;

the legal settlement of the student is in the attendance area of the school corporation where the student's parents reside.

(2) If the student's mother and father, in a situation to which subdivision (1) otherwise applies, are divorced or separated, the legal settlement of the student is the school corporation whose attendance area contains the residence of the parent with whom the student is living, in the following situations:

(A) If a court order has not been made establishing the custody of the student.

(B) Except as provided in subdivision (3), if both parents have agreed on the parent or person with whom the student will live.

(C) If the parent granted custody of the student has abandoned the student.

In the event of a dispute between the parents of the student, or

between the parents and a student at least eighteen (18) years of age, the legal settlement of the student shall be determined as otherwise provided in this section.

(3) If, in a situation in which subdivision (1) otherwise applies, the student's mother and father are divorced or separated, and if a court order grants the student's:

- (A) mother;
- (B) father; or
- (C) both mother and father;

custody of the student, the legal settlement of the student is the school corporation whose attendance area contains the residence of the mother or father, as elected under section 2.5(a) of this chapter. If the custodial parent (or the student, if at least eighteen (18) years of age) does not make an election under section 2.5(a) of this chapter, the legal settlement of the student is the school corporation whose attendance area contains the residence of the parent granted physical custody by the court order.

(4) If the legal settlement of a student, in a situation to which subdivision (1) otherwise applies, cannot reasonably be determined and the student is being supported by, cared for by, and living with some other individual, the legal settlement of the student is in the attendance area of that individual's residence, except where the parents of the student are able to support the student but have placed the student in the home of another individual, or allowed the student to live with another individual, primarily for the purpose of attending school in the attendance area where the other individual resides. The school may, if the facts are in dispute, condition acceptance of the student's legal settlement on the appointment of that individual as legal guardian or custodian of the student, and the date of legal settlement will be fixed to coincide with the commencement of the proceedings for the appointment of a guardian or custodian. However, if a student does not reside with the student's parents because the student's parents are unable to support the child and the child is not residing with an individual other than a parent primarily to attend a particular school, the student's legal settlement is where the student resides, and the establishment of a legal guardianship may not be required by the school. In addition, a legal guardianship or custodianship established solely to attend school in a particular school corporation does not affect the determination of the legal settlement of the student under this chapter.

(5) If a student, to whom subdivision (1) would otherwise apply, is married and living with a spouse, the legal settlement of that student is in the attendance area of the school corporation where the student and the student's spouse reside.

(6) If the student's parents:

- (A) are living outside the United States due to educational

pursuits or a job assignment;

(B) do not maintain a permanent home in any school corporation in the United States; and

(C) have placed the student in the home of another individual;

the legal settlement of the student is in the attendance area where the other individual resides.

(7) If the student is emancipated, the legal settlement is the attendance area of the school corporation of the student's residence.

(8) If a student's legal settlement is changed after the student has begun attending school in a school corporation in any school year, the effective date of change may:

(A) at the election of:

(i) the parent;

(ii) the student, if the student is at least eighteen (18) years of age; or

(iii) a juvenile court conducting a proceeding under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal);

be extended until the end of that semester; or

(B) at the discretion of the school, until the end of that school year.

However, that election, where a student has completed grade 11 in any school year, shall extend to the end of the following school year in grade 12.

(9) If a juvenile court has:

(A) made findings of fact concerning the legal settlement of a student under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal); and

(B) jurisdiction over the student under IC 31-34 or IC 31-37; the legal settlement of the student is the attendance area specified as the legal settlement in the latest findings of fact issued by the juvenile court.

*As added by P.L.1-2005, SEC.10. Amended by P.L.13-2006, SEC.2.*

## **IC 20-26-11-2.5**

### **Election to have legal settlement**

Sec. 2.5. (a) In the case of a student described in section 2(3) of this chapter, the:

(1) parent granted physical custody by a court; or

(2) student, if the student is at least eighteen (18) years of age; may elect for the student to have legal settlement in the school corporation whose attendance area contains the residence of the student's mother or the school corporation whose attendance area contains the residence of the student's father.

(b) An election under subsection (a) shall be made on a yearly basis and applies throughout the school year unless the student's

parent no longer resides within the attendance area of the school corporation.

(c) The parent or student who makes an election under subsection (a) is not required to pay transfer tuition.

*As added by P.L.13-2006, SEC.3. Amended by P.L.141-2006, SEC.93; P.L.219-2015, SEC.2.*

### **IC 20-26-11-3**

#### **Forms concerning legal settlement**

Sec. 3. The state superintendent shall prepare the form of agreement to be used under section 2(2) of this chapter and a form to be executed by any individual with whom the student is living under section 2(2), 2(3), 2(4), or 2(6) of this chapter. The execution of the form by the individual and its continuance in force is a condition to the application of section 2(2), 2(3), 2(4), or 2(6) of this chapter. The form must contain an agreement of the individual that the individual shall, with respect to dealing with the school corporation and for all other purposes under this article, assume all the duties and be subject to all the liabilities of a parent of the student in the same manner as if the individual were the student's parent. On the execution of that form and for as long as it remains in force, the individual has these duties and liabilities.

*As added by P.L.1-2005, SEC.10. Amended by P.L.13-2006, SEC.4.*

### **IC 20-26-11-4**

#### **Appeal from determination of legal settlement**

Sec. 4. A student is emancipated when the student:

- (1) furnishes the student's support from the student's own resources;
- (2) is not dependent in any material way on the student's parents for support;
- (3) files or is required by applicable law to file a separate tax return; and
- (4) maintains a residence separate from that of the student's parents.

*As added by P.L.1-2005, SEC.10.*

### **IC 20-26-11-5**

#### **Transfer at request of parent or student; approval; appeal**

Sec. 5. (a) The parents of any student, regardless of the student's age, or the student after the student has become eighteen (18) years of age may request a transfer from a school corporation in which the student has a legal settlement to a transferee school corporation in Indiana or another state if the student may be better accommodated in the public schools of the transferee corporation. Whether the student can be better accommodated depends on such matters as:

- (1) crowded conditions of the transferee or transferor corporation; and
- (2) curriculum offerings at the high school level that are

important to the vocational or academic aspirations of the student.

(b) The request for transfer must be made in writing to the transferor corporation, which shall immediately mail a copy to the transferee corporation. The request for transfer must be made at the times provided under rules adopted by the state board. The transfer is effected if both the transferee and the transferor corporations approve the transfer not more than thirty (30) days after that mailing. If the transferor school corporation fails to act on the transfer request within thirty (30) days after the request is received, the transfer is considered approved. The transfer is denied when either school corporation: mails a written denial by certified mail to the requesting parents or student at their last known address.

(c) If a request for transfer is denied under subsection (b), an appeal may be taken to the state board by the requesting parents or student, if commenced not more than ten (10) days after the denial. An appeal is commenced by mailing a notice of appeal by certified mail to the superintendent of each school corporation and the state board. The state superintendent shall develop forms for this purpose, and the transferor corporation shall assist the parents or student in the mechanics of commencing the appeal. An appeal hearing must comply with section 15 of this chapter.

*As added by P.L.1-2005, SEC.10. Amended by P.L.89-2005, SEC.3.*

#### **IC 20-26-11-6**

##### **Transfer tuition**

Sec. 6. (a) A school corporation may accept a transferring student without approval of the transferor corporation under section 5 of this chapter.

(b) A transfer may be accepted regardless of whether, as a condition of the transfer, the transferee school requires the requesting parents or student to pay transfer tuition in an amount determined under the formula established in section 13 of this chapter for the payment of transfer tuition by a transferor school corporation. However, if the transferee school elects to charge transfer tuition, the transferee school may not offset the amounts described in section 13(b) STEP TWO (B) through section 13(b) STEP TWO (D) of this chapter from the amount charged to the requesting parents or student.

(c) When the transferee school elects to charge tuition to the requesting parents or student, the tuition determined under subsection (b) must be paid by the parents or the student before the end of the school year in installments as determined by the transferee corporation.

(d) Failure to pay a tuition installment that is agreed to by the parents or student and the transferee school corporation is a ground for exclusion from school.

(e) If the transferee school elects not to charge transfer tuition to the parents or student under this section, the transferee school may not charge transfer tuition or fees to the transferor school.

*As added by P.L.1-2005, SEC.10. Amended by P.L.30-2010, SEC.1.*

#### **IC 20-26-11-6.5**

##### **Transfers of children of school corporation employees**

Sec. 6.5. (a) Notwithstanding this chapter, a school corporation shall accept a transferring student who does not have legal settlement in the school corporation and who has a parent who is a current employee of the transferee school corporation who resides in Indiana if the transferee school corporation has the capacity to accept the student.

(b) If the number of students who request to transfer to a transferee school corporation under this section causes the school corporation to exceed the school corporation's maximum student capacity, the governing body shall determine which students will be admitted as transfer students by a random drawing in a public meeting.

*As added by P.L.17-2015, SEC.1.*

#### **IC 20-26-11-6.7**

##### **Transfer agreements; school corporation and nonpublic school**

Sec. 6.7. (a) This section:

- (1) applies to a school corporation that does not have a policy of accepting transfer students having legal settlement outside the attendance area of the transferee school corporation; and
- (2) does not apply to a school corporation that has more than one (1) high school.

(b) Notwithstanding this chapter, a school corporation shall accept a transferring student who resides in Indiana and who does not have legal settlement in the school corporation if:

- (1) the student attended an accredited nonpublic elementary school located in the attendance area of the transferee school corporation for at least two (2) school years immediately preceding the school year in which the student transfers to a high school in the transferee school corporation under this section;
- (2) the student is transferring because the accredited nonpublic school from which the student is transferring does not offer grades 9 through 12;
- (3) the majority of the students in the same grade as the transferring student at the accredited nonpublic school have legal settlement in the transferee school corporation and will attend a school under the authority of the transferee school corporation; and
- (4) the transferee school corporation has the capacity to accept students.

(c) If the number of students who request to transfer to a transferee school corporation under this section causes the school corporation to exceed the school corporation's maximum student capacity, the governing body shall determine which students will be admitted as

transfer students by a random drawing in a public meeting.  
*As added by P.L.17-2015, SEC.2.*

#### **IC 20-26-11-7**

##### **Transfers; students with disabilities**

Sec. 7. (a) A school corporation may transfer a student with a physical, emotional, or mental disability to a transferee corporation that maintains special programs or facilities for children with the disability of the transferred student.

(b) A transferee corporation may refuse the transfer under subsection (a) by mailing a notice by certified mail to:

- (1) the transferor corporation;
- (2) the parents of the student; and
- (3) the state board.

(c) If a transferee corporation refuses transfer under subsection (b), the state board shall determine the question of granting a transfer under the procedures set out in section 15 of this chapter.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-11-8**

##### **Payment of transfer tuition for students in public and private institutions or in foster homes**

Sec. 8. (a) A student who is placed in a state licensed private or public health care facility or child care facility:

- (1) by or with the consent of the department of child services;
- (2) by a court order; or
- (3) by a child placing agency licensed by the department of child services;

may attend school in the school corporation in which the facility is located. If the school corporation in which the facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

- (1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and
- (2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to

the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as having a disability under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as having a disability under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under IC 20-35-2-1(b)(5).

(c) A student who is placed in:

(1) an institution operated by the division of disability and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) This subsection applies to a student who is placed:

(1) by or with the consent of the department of child services;

(2) by a court order; or

(3) by a child placing agency licensed by the department of child services;

in a foster family home or the home of a relative or other unlicensed caretaker that is not located in the school corporation in which the student has legal settlement. The student may attend school in either the school corporation in which the foster family home or other home is located or the school corporation in which the student has legal settlement. The department of child services and the student's foster parents or caretaker shall make the determination concerning where the student attends school unless that determination is made by a court that has jurisdiction over the student. If a licensed child placing agency is responsible for oversight of the foster family home in which the student is placed or for providing services to the student, the department of child services must consult with the licensed child placing agency concerning the determination of, or the recommendations made to the court concerning, where the student attends school. Except as provided in subsection (e), transfer tuition is not required for the student.

(e) If a student to whom subsection (d) applies is attending school in a school corporation that is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay transfer tuition to the school corporation in which the student is enrolled in school if all of the

following conditions apply:

- (1) The student was previously placed in a child caring institution licensed under IC 31-27-3.
- (2) While placed in the child caring institution, the student was enrolled in a school that is:
  - (A) administered by the school corporation in which the child caring institution is located; and
  - (B) located at the child caring institution.
- (3) The student was moved from the child caring institution to a licensed foster family home supervised by the child caring institution either:
  - (A) with the approval of the department of child services and the court having jurisdiction over the student in a case under IC 31-34; or
  - (B) by a court order in a case under IC 31-37.
- (4) After moving from the child caring institution to the foster family home, the student continues to attend the school located at the child caring institution.
- (5) The legal settlement of the student was determined by a juvenile court under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6.

(f) A student:

- (1) who is placed in a facility, home, or institution described in subsection (a), (b), or (c);
- (2) to whom neither subsection (d) nor (e) applies; and
- (3) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

*As added by P.L.1-2005, SEC.10. Amended by P.L.89-2005, SEC.4; P.L.231-2005, SEC.33; P.L.1-2006, SEC.331; P.L.141-2006, SEC.94; P.L.145-2006, SEC.148; P.L.99-2007, SEC.168; P.L.159-2007, SEC.1; P.L.65-2012, SEC.2; P.L.160-2012, SEC.48.*

#### **IC 20-26-11-8.5**

#### **No effect of P.L.36-1994 on rights, liabilities, penalties, crimes, proceedings before July 1, 1995, relating to paying transfer tuition**

Sec. 8.5. With regard to the transfer of responsibility for paying transfer tuition for certain students from the county to the school corporation of the student's legal settlement as described in IC 20-8.1-6.1-5 (as amended by P.L.36-1994, before its repeal, now codified at section 8 of this chapter), P.L.36-1994 does not affect:

- (1) rights or liabilities accrued;
- (2) penalties incurred;

(3) crimes committed; or  
(4) proceedings begun;  
before July 1, 1995. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if P.L.36-1994 had not been enacted.  
*As added by P.L.220-2011, SEC.331.*

#### **IC 20-26-11-9**

##### **Notice of legal settlement and placement**

Sec. 9. (a) This section applies to each student:

- (1) described in section 8(a) of this chapter;
- (2) who is placed in a home or facility in Indiana that is outside the school corporation where the student has legal settlement; and
- (3) for which the state is not obligated to pay transfer tuition.

(b) Not later than ten (10) days after the department of child services or a probation department places or changes the placement of a student, the department of child services or probation department that placed the student shall notify the school corporation where the student has legal settlement and the school corporation where the student will attend school of the placement or change of placement. Before June 30 of each year, the department of child services or a probation department that places a student in a home or facility shall notify the school corporation where a student has legal settlement and the school corporation in which a student will attend school if a student's placement will continue for the ensuing school year. The notifications required under this subsection must be made by:

- (1) the department of child services, if the child is a child in need of services; or
- (2) if subdivision (1) does not apply, the court or other agency making the placement.

*As added by P.L.1-2005, SEC.10. Amended by P.L.145-2006, SEC.149; P.L.146-2008, SEC.469; P.L.131-2009, SEC.3.*

#### **IC 20-26-11-10**

##### **Tuition for children of certain state employees and foreign exchange students**

Sec. 10. (a) A student who is the child of a state employee who resides on state owned property, resides on state owned property, or is the child of a full-time employee of a state educational institution, who resides on property owned or operated by the state educational institution and used for educational, research, or public service programs is considered a transferred student if:

- (1) the student attends a public school in the school corporation located nearest to the student's residence within the county in which all or a part of either the state owned property, or the property owned or operated by the state supported postsecondary institution, is located; or
- (2) the state owned property is the Soldiers' and Sailors'

Children's Home and the student attends a public school in the county in which the home is located or in an adjacent county. Transfer tuition for a student transferred under this subsection shall be paid by the state. However, this subsection does not apply to children of state employees residing in student housing on property owned by any state educational institution.

(b) A foreign student visiting in Indiana under any student exchange program approved by the state board is considered a resident student with legal settlement in the school corporation where the foreign exchange student resides. The student may attend a school in the school corporation in which the family with whom the student is living resides. A school corporation that receives a foreign student may not be paid any transfer tuition. The school corporation shall include the foreign student in computations to determine the amount of state aid that it is entitled to receive.

*As added by P.L.1-2005, SEC.10. Amended by P.L.2-2007, SEC.212.*

### **IC 20-26-11-11**

#### **Tuition for suspended, expelled, or excluded emotionally disturbed students**

Sec. 11. (a) A school corporation may enter into an agreement with:

- (1) a nonprofit corporation that operates a federally approved education program; or
- (2) a nonprofit corporation that:
  - (A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
  - (B) for its classroom instruction, employs teachers who are certified by the department;
  - (C) employs other professionally and state licensed staff as appropriate; and
  - (D) educates children who:
    - (i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to have an emotional disturbance;
    - (ii) have been placed with the nonprofit corporation by court order;
    - (iii) have been referred by a local health department;
    - (iv) have been placed in a state licensed private or public health care or child care facility as described in section 8 of this chapter; or
    - (v) have been placed by or with the consent of the department under IC 20-35-6-2;

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon that may not exceed the total of:

- (1) the transfer tuition costs for the student that otherwise would be payable to the transferee corporation; and
- (2) a proportionate amount of any state or local distributions to the transferee corporation that are computed in any part using current ADM or any other student count in which the student is included, if the transferee corporation includes the student in the transferee corporation's current ADM for the period in which the student is being educated by the nonprofit corporation.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon, which may not exceed the total of:

- (1) the transfer tuition costs that otherwise would be payable to a transferee school corporation; and
- (2) a proportionate amount of any state or local distributions to the transferor corporation that are computed in any part using current ADM or any other student count in which the student is included, if the transferor corporation includes the student in the transferor corporation's ADM for the period in which the student is being educated by the nonprofit corporation.

*As added by P.L.1-2005, SEC.10. Amended by P.L.246-2005, SEC.131; P.L.99-2007, SEC.169; P.L.159-2007, SEC.2; P.L.205-2013, SEC.241.*

#### **IC 20-26-11-11.5**

##### **Payments by school corporations to certain facilities providing education services to students**

Sec. 11.5. (a) The following definitions apply to this section:

- (1) "ADM" means average daily membership (as defined in IC 20-18-2-2).
- (2) "Facility" means a secure private facility described in IC 31-9-2-115(a)(1).
- (3) "School corporation" means the Indiana school or charter school that is receiving state tuition support for the student at the time of the student's admission to the facility.
- (4) "Student" means an individual who:
  - (A) is more than five (5) years of age and less than twenty-three (23) years of age;
  - (B) has been admitted to a facility; and
  - (C) was enrolled in a school corporation during the school year immediately preceding the student's admission to the facility.

(b) This section applies to a student if:

- (1) the student is placed in a facility under the written order of a physician licensed under IC 25-22.5;
- (2) the written order of the physician licensed under IC 25-22.5 is based on medical necessity, as determined by a physician licensed under IC 25-22.5; and
- (3) the student receives educational services provided by the

facility.

(c) A facility shall provide written notice to the school corporation not later than five (5) business days (excluding weekends and holidays) after a student described in subsection (b) is admitted to the facility. The written notice must include the following:

- (1) The student's name, address, and date of birth.
- (2) The date on which the student was admitted to the facility.
- (3) A copy of the physician's written order.
- (4) A statement that the student has opted out of attending school under IC 20-26-11-8.
- (5) A statement that the facility will provide all educational services to the student during the student's admission in the facility.

(d) The school corporation shall pay the facility a daily per diem as determined under subsection (e) for the educational services provided by the facility to the student during the student's admission in the facility. The school corporation may not be required to pay for any educational services provided to the student by the facility exceeding one hundred eighty (180) instructional days or an amount exceeding the student's proportionate share of state distributions paid to the school corporation, as determined under subsection (e).

(e) A school corporation shall pay to the facility an amount, prorated according to the number of instructional days for which the student receives the educational services, equal to:

- (1) the student's proportionate share (as compared to the school corporation's total ADM) of basic tuition support (as determined under IC 20-43-6-3(b)) distributions that are made to the school corporation for the school year; and
- (2) any special education grants received by the school corporation for the student under IC 20-43-7.

Upon request of a facility, the department shall verify the amounts described in this subsection for a student admitted to the facility.

(f) A school corporation responsible for making a per diem payment under this section shall pay the facility not later than sixty (60) days after receiving an invoice from the facility. The school corporation and the facility are entitled to the same remedies for disagreements over amounts or nonpayment of an amount due as are provided under the laws governing transfer tuition.

(g) For each student admitted to a facility, the facility shall provide the following in accordance with rules adopted by the state board:

- (1) An educational opportunity, including special education and related services, that is comparable to that of a student attending a school in the school corporation.
- (2) A level of educational services from the facility that is comparable to that of a student attending a school in the school corporation.
- (3) Unless otherwise provided in a student's individualized education program (as defined in IC 20-18-2-9), educational

services that include at least the following:

(A) An instructional day that meets the requirements of IC 20-30-2-2.

(B) A school year with at least one hundred eighty (180) student instructional days as provided under IC 20-30-2-3.

(C) Educationally appropriate textbooks and other materials.

(D) Educational services provided by licensed teachers.

(h) The state board shall adopt a rule that addresses the responsibilities of the school corporation and the facility with regard to a student with an individualized education program.

(i) This section does not limit a student's right to attend a school as provided in IC 20-26-11-8.

(j) The state board shall adopt rules under IC 4-22-2 as necessary to implement this section.

(k) The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section.

*As added by P.L.129-2013, SEC.1.*

### **IC 20-26-11-12**

#### **Interstate transfers**

Sec. 12. (a) If a student is transferred under section 5 of this chapter from a school corporation in Indiana to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee may not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount may not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(b) If a child is:

(1) placed by or with the consent of the department of child services in an out-of-state institution or other facility; and

(2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the department of child services shall pay to the public school corporation in which the child is enrolled, the amount of transfer tuition specified in subsection (c).

(c) The transfer tuition for which the department of child services is obligated under subsection (b) is equal to the following:

(1) The amount under a written agreement among the department of child services, the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.

(2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor

corporation for the same class of school, or if the school does not have the same classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(d) If a child is:

(1) placed by or with the consent of the department of child services in an out-of-state institution or other facility; and

(2) provided:

(A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or

(B) educational programs and services by a nonpublic school;

the department of child services shall pay in an amount and in the manner specified in a written agreement between the department of child services and the institution or other facility.

(e) For purposes of IC 4-13-2, an agreement described in subsection (c) or (d) shall not be treated as a contract.

*As added by P.L.1-2005, SEC.10. Amended by P.L.145-2006, SEC.150; P.L.146-2008, SEC.470.*

### **IC 20-26-11-13**

#### **Determination of transfer tuition**

Sec. 13. (a) As used in this section, the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, career and technical education, or career education.

(2) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized education program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

(3) "Student enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the state board.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by

the state board.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) student. The state board may select a different date for counts under this subdivision. However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 6 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's current ADM, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school:

(A) State tuition support distributions received during the calendar year in which the school year ends.

(B) Property tax levies under IC 20-45-7 and IC 20-45-8 for the calendar year in which the school year ends.

(C) The sum of the following excise tax revenue received for deposit in the calendar year in which the school year begins:

(i) Financial institution excise tax revenue (IC 6-5.5).

(ii) Motor vehicle excise taxes (IC 6-6-5).

(iii) Commercial vehicle excise taxes (IC 6-6-5.5).

(iv) Boat excise tax (IC 6-6-11).

(v) Aircraft license excise tax (IC 6-6-6.5).

(D) Allocations to the transferee school under IC 6-3.5.

STEP THREE: Determine the greater of:

(A) zero (0); or

(B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

If a child is placed in an institution or facility in Indiana by or with the approval of the department of child services, the institution or facility shall charge the department of child services for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

- (1) capital outlay;
- (2) debt service;
- (3) costs of transportation;
- (4) salaries of board members;
- (5) contracted service for legal expenses; and
- (6) any expenditure that is made from extracurricular account receipts;

for the school year.

(d) The capital cost of special equipment for a school year is equal to:

- (1) the cost of the special equipment; divided by
- (2) the product of:
  - (A) the useful life of the special equipment, as determined under the rules adopted by the state board; multiplied by
  - (B) the number of students using the special equipment during at least part of the school year.

(e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it shall be prorated to all classes of schools on the basis of the student enrollment of each class in the transferee corporation compared with the total student enrollment in the school corporation.

(f) Operating costs shall be allocated to a transfer student for each school year by dividing:

- (1) the transferee school corporation's operating costs for the class of school in which the transfer student is enrolled; by
- (2) the student enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of student attendance, the transfer tuition shall be calculated by the part of the school year for which the transferred student is enrolled. A school year of student attendance consists of the number of days school is in session for student attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. If an agreement cannot be reached, the amount shall be determined by the state board, and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

- (1) the total amount of revenues received during a period; by
- (2) the current ADM of the transferee school for the period in which the revenues are received.

However, for state tuition support distributions or any other state distribution computed using less than the total current ADM of the

transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive during the period by the student count used to compute the state distribution.

(h) Instead of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into a long term contract with the transferee corporation governing the transfer of students. The contract may:

- (1) be entered into for a period of not more than five (5) years with an option to renew;
- (2) specify a maximum number of students to be transferred; and
- (3) fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that provided in section 14 of this chapter.

(i) A school corporation may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may:

- (1) be for one (1) year or longer; and
- (2) fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 14 of this chapter.

A school corporation may not transfer a student under this section without the prior approval of the child's parent.

*As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.130; P.L.1-2007, SEC.144; P.L.234-2007, SEC.105; P.L.146-2008, SEC.471; P.L.229-2011, SEC.173; P.L.205-2013, SEC.242.*

#### **IC 20-26-11-14**

##### **Estimated transfer tuition payments; statements of amount; method of payment**

Sec. 14. (a) Not later than March 1, a school corporation shall estimate the:

- (1) transfer tuition payments that the school corporation is required to pay for students transferring from the school corporation; and
- (2) transfer tuition payments that the school corporation is entitled to receive on behalf of students transferring to the school corporation.

A school corporation shall send a preliminary statement of the amount of transfer tuition due to the state agency and to any school corporation that owes transfer tuition to the school corporation.

(b) Not later than October 1 following the end of a school year, a school corporation shall send a final statement of the amount of transfer tuition due to the state agency and to any school corporation that owes transfer tuition to the school corporation.

(c) A statement sent under subsection (a) or (b) must include the following:

(1) A statement, to the extent known, of all transfer tuition costs chargeable to the state or school corporation for the school year ending in the current calendar year.

(2) A statement of any transfer tuition costs chargeable to the state or school corporation and not previously billed for the school year ending in the immediately preceding calendar year.

(3) A statement of any transfer tuition costs previously billed to the state or school corporation and not yet paid.

(d) Transfer tuition for each school year shall be paid by the transferor corporation or state, if the entity is obligated to pay the tuition, in not more than four (4) installments. These installments must be paid not later than October 30, January 10, April 10, and July 10 following the school year in which the obligation is incurred, unless another schedule is mutually agreed upon.

(e) Payment of operating costs shall be paid from and received to the respective general funds of the transferor and transferee corporations. Payment of capital costs shall be made by the transferor corporation at its discretion from any fund or source and shall be received by the transferee corporation at its discretion either to the capital projects fund or to the debt service fund, or if the transferee corporation has neither of these two (2) funds, to its general fund.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-11-15**

##### **Determination by state board**

Sec. 15. (a) The state board shall hear the following:

(1) All appeals from an order expelling a child under IC 20-33-8-17.

(2) All appeals provided in this chapter.

(3) All disputes on the following:

(A) Legal settlement.

(B) Right to transfer.

(C) Right to attend school in any school corporation.

(D) Amount of transfer tuition.

(E) Any other matter arising under this chapter.

The board shall hold a hearing on the timely written application of any interested party.

(b) The state board shall make its determination under the following procedure:

(1) A hearing shall be held on each matter presented.

(2) Each interested party, including where appropriate, the parents, the student, the transferor corporation, the transferee corporation, or the state, shall be given at least ten (10) days notice of the hearing by certified mail or by personal delivery.

(3) The date of giving the notice is the date of mailing or delivery.

(4) Any interested party may appear at the hearing in person or by counsel, present evidence, cross-examine witnesses, and present in writing or orally summary statements of position.

- (5) A written or recorded transcript of the hearing shall be made.
- (6) The hearing may be held by the state board or by a hearing examiner appointed by it who must be a state employee.
- (7) The hearing, at the option of the state board or hearing examiner, may be held at any place in Indiana.
- (8) The hearing examiner shall make written findings of fact and recommendations.
- (9) The determination of the state board must be made on the basis of the record, summaries, and findings, but it is required to examine only those parts of the entire record as it considers necessary.
- (c) The hearing and proceedings are not governed by IC 4-21.5.
- (d) The determination of the state board is final and binding on the parties to the proceeding.
- (e) A notice of the state board's determination shall be mailed to each party by certified mail. An action to contest the validity of the decision may not be instituted more than thirty (30) days after the mailing of the notice.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-11-16**

##### **Rules of implementation and enforcement; award to prevailing school corporation**

- Sec. 16. (a) The provisions to implement this chapter, including:
- (1) the calculation of transfer tuition;
  - (2) the credits for state distribution; and
  - (3) the time in the year when requests for transfer must be filed;
- shall be implemented by rules adopted by the state board.
- (b) The state board shall adopt rules for the enforcement of the payment of transfer tuition. The enforcement may include withholding state support from the transferor corporation for the benefit of the transferee corporation, charging interest, penalties for late payment, and the costs of collection.
- (c) If a school corporation prevails at the final adjudication of:
- (1) an administrative proceeding under this chapter; or
  - (2) a lawsuit against a school corporation;
- to compel payment of transfer tuition owed by the school corporation under this chapter, the administrative body or the court shall award to the prevailing party the transfer tuition owed, if any, plus reasonable attorney's fees and interest as provided by law.

*As added by P.L.1-2005, SEC.10.*

#### **IC 20-26-11-17**

##### **Tuition support reporting requirements**

- Sec. 17. (a) Each year before the date specified in the rules adopted by the state board, a school corporation shall report the information specified in subsection (b) for each student:
- (1) for whom tuition support is paid by another school corporation;

(2) for whom tuition support is paid by the state; and  
(3) who is enrolled in the school corporation but has the equivalent of a legal settlement in another state or country;  
to the department.

(b) Each school corporation shall provide the following information for each school year for each category of student described in subsection (a):

(1) The amount of tuition support and other support received for the students described in subsection (a).

(2) The operating expenses, as determined under section 13 of this chapter, incurred for the students described in subsection (a).

(3) Special equipment expenditures that are directly related to educating students described in subsection (a).

(4) The number of transfer students described in subsection (a).

(5) Any other information required under the rules adopted by the state board after consultation with the office of the secretary of family and social services.

(c) The information required under this section shall be reported in the format and on the forms specified by the state board.

(d) Not later than November 30 of each year the department shall compile the information required from school corporations under this section and submit the compiled information in the form specified by the office of the secretary of family and social services to the office of the secretary of family and social services.

(e) Not later than December 31 of each year, the office of the secretary of family and social services shall submit a report to the members of the budget committee and the executive director of the legislative services agency that compiles and analyzes the information required from school corporations under this section. The report must identify the types of state and local funding changes that are needed to provide adequate state and local money to educate transfer students. A report submitted under this subsection to the executive director of the legislative services agency must be in an electronic format under IC 5-14-6.

*As added by P.L.1-2005, SEC.10. Amended by P.L.146-2008, SEC.472.*

### **IC 20-26-11-18**

#### **Joint liability of health care facility or child care institution for transfer tuition**

Sec. 18. (a) If a student:

(1) has legal settlement in the attendance area of a school corporation in another state, when legal settlement is determined without regard to the appointment of a guardian in Indiana solely to facilitate the placement of the student in a facility described in subdivision (2);

(2) is placed in a state licensed private or public health care facility, private or public child care institution, or treatment

center in Indiana by:

(A) the parent of the student; or

(B) a governmental entity in another state; and

(3) is enrolled in a school corporation in Indiana;

the state licensed private or public health care facility, private or public child care institution, or treatment center where the student is placed, regardless of when the student is placed, is jointly liable with the person placing the student for transfer tuition under this chapter.

(b) Notwithstanding subsection (a), a sole proprietorship, a partnership, an association, a corporation, a limited liability company, a fiduciary, an individual who is not the student's parent, or another entity in Indiana that accepts the placement of a student who:

(1) has legal settlement in the attendance area of a school corporation in another state; and

(2) is enrolled in a school corporation in Indiana;

is the guarantor for the student's transfer tuition under this chapter unless there is another guarantor. The state board shall hear all appeals under this subsection in accordance with section 15 of this chapter.

*As added by P.L.1-2005, SEC.10.*

## **IC 20-26-11-19**

### **Court ordered transfers; application**

Sec. 19. (a) This section through section 29 of this chapter concern the transfer of students for education from one (1) school corporation (transferor corporation) to another school corporation (transferee corporation) in compliance with a court order as described in this section. This chapter applies solely in a situation where a court of the United States or of Indiana in a suit to which the transferor or transferee corporation or corporations are parties has found the following:

(1) A transferor corporation has violated the equal protection clause of the Fourteenth Amendment to the Constitution of the United States by practicing de jure racial segregation of the students within its borders.

(2) A unitary school system within the meaning of the Fourteenth Amendment cannot be implemented within the boundaries of the transferor corporation.

(3) The Fourteenth Amendment compels the court to order a transferor corporation to transfer its students for education to one (1) or more transferee corporations to effect a plan of desegregation in the transferor corporation that is acceptable within the meaning of the Fourteenth Amendment.

(b) This chapter does not apply until all appeals from the order, whether taken by the transferor corporation, any transferee corporation or any party to the action, have been exhausted or the time for taking the appeals has expired, except where all stays of a transfer order pending appeal or further court action have been denied.

(c) This section expires January 1, 2017.  
*As added by P.L.1-2005, SEC.10. Amended by P.L.233-2015, SEC.140.*

#### **IC 20-26-11-20**

##### **Court ordered transfers; definitions**

Sec. 20. (a) As used in sections 19 through 29 of this chapter, "class of school" refers to a classification of each school in the transferee corporation by the grades taught therein (generally denominated as elementary schools, middle schools or junior high schools, high schools, and special schools such as schools for special education, career and technical education, or career education). Elementary schools include schools containing kindergarten, but for purposes of this chapter, a kindergarten student shall be counted as one-half (1/2) student.

(b) As used in sections 19 through 29 of this chapter, "transferee corporation" means the school corporation receiving students under a court order described in section 19 of this chapter.

(c) As used in sections 19 through 29 of this chapter, "transferor corporation" means the school corporation transferring students under a court order described in section 19 of this chapter.

(d) As used in sections 19 through 29 of this chapter, "transferred student" means any student transferred under a court order described in section 19 of this chapter.

(e) This section expires January 1, 2017.  
*As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.131; P.L.234-2007, SEC.106; P.L.233-2015, SEC.141.*

#### **IC 20-26-11-21**

##### **Court ordered transfers; governing body of transferee corporation**

Sec. 21. (a) The governing body of a transferee corporation may add two (2) members, one (1) of whom must be a resident of the contributing geographic area within the transferor corporation from which students are being bused, to the transferee corporation's governing body for each transferor corporation that the transferee corporation serves. These members are in addition to the number of members of the governing body who are residents of the transferee corporation.

(b) Each member who is a resident of a contributing transferor corporation added to the governing body of a transferee corporation by this section:

- (1) shall be elected by a majority of all registered and eligible voters who vote in each applicable school board election in the school corporation;
- (2) must have the same qualifications, other than residency or property ownership, that are required for a member of the governing body who is a resident of the transferee corporation; and
- (3) serves for the same number of years as members of the

governing body who are residents of the transferee corporation.

(c) The members of the governing body of the transferee corporation shall appoint by majority vote the first additional members of a governing body under this section. The members appointed under this subsection serve until replacement members are elected under subsections (d) and (e).

(d) The first elected members of a governing body from a transferor corporation shall be elected at the first election after the members are added under subsection (a):

- (1) that occurs in the transferor corporation; and
- (2) where one (1) or more members of the governing body of the transferor corporation are elected.

The election shall be conducted in the manner required by law for the conduct of elections of governing bodies of school corporations.

(e) This subsection applies to an additional member of a governing body appointed under subsection (c) to whom subsection (d) does not apply. The first additional elected member of a governing body must be elected at the first election after the members are added under subsection (a) where one (1) or more members of the governing body of the transferee corporation are elected. The election must be conducted in the manner required by law for the conduct of elections of governing bodies of school corporations.

(f) This section expires January 1, 2017.

*As added by P.L.1-2005, SEC.10. Amended by P.L.233-2015, SEC.142.*

## **IC 20-26-11-22**

### **Court ordered transfers; determination of transfer tuition**

Sec. 22. (a) The transferee corporation is entitled to receive from the transferor corporation transfer tuition for each transferred student for each school year calculated in two (2) parts as follows:

- (1) Operating cost.
- (2) Capital cost.

These costs must be allocated on a per student basis separately for each class of school.

(b) The operating cost for each class of school must be based on the total expenditures of the transferee corporation for the class from its general fund expenditures as set out on the classified budget forms prescribed by the state board of accounts, excluding from the calculation capital outlay, debt service, costs of transportation, salaries of board members, contracted service for legal expenses, and any expenditure that is made out of the general fund from extracurricular account receipts, for the school year.

(c) The capital cost for each class of school must consist of the lesser of the following alternatives:

- (1) The capital cost must be based on an amount equal to five percent (5%) of the cost of transferee corporation's physical plant, equipment, and all items connected to the physical plant or equipment, including:

(A) buildings, additions, and remodeling to the buildings, excluding ordinary maintenance; and

(B) on-site and off-site improvements such as walks, sewers, waterlines, drives, and playgrounds;

that have been paid or are obligated to be paid in the future out of the general fund, capital projects fund, or debt service fund, including principal and interest, lease rental payments, and funds that were legal predecessors to these funds. If an item of the physical plant, equipment, appurtenances, or part of the item is more than twenty (20) years old at the beginning of the school year, the capital cost of the item shall be disregarded in making the capital cost computation.

(2) The capital cost must be based on the amount budgeted from the general fund for capital outlay for physical plant, equipment, and appurtenances and the amounts levied for the debt service fund and the capital projects fund for the calendar year in which the school year ends.

(d) If an item of expense or cost cannot be allocated to a class of school, the item shall be prorated to all classes of schools on the basis of the ADM of each class in the transferee corporation, as determined in the fall count of ADM in the school year, compared to the total current ADM therein, as determined in the fall count of ADM in the school year.

(e) The transfer tuition for each student transferred for each school year shall be calculated by dividing the transferee school corporation's total operating costs and the total capital costs for the class of school in which the student is enrolled by the ADM of students therein, as determined in the fall count of ADM in the school year. If a transferred student is enrolled in a transferee corporation for less than the full school year, the transfer tuition shall be calculated by the proportion of such school year for which the transferred student is enrolled. A school year for this purpose consists of the number of days school is in session for student attendance. A student shall be enrolled in a transferee school, whether or not the student is in attendance, unless the:

(1) student's residence is outside the area of students transferred to the transferee corporation;

(2) student has been excluded or expelled from school; or

(3) student has been confirmed as a school dropout.

The transferor and transferee corporations may enter into written agreements concerning the amount of transfer tuition. If an agreement cannot be reached, the amount shall be determined by the state superintendent, with costs to be established, where in dispute, by the state board of accounts.

(f) The transferor corporation shall pay the transferee corporation, when billed, the amount of curricular material rental due from transferred students who are unable to pay the curricular material rental amount. The transferor corporation is entitled to collect the amount of the curricular material rental from the appropriate

township trustee, from its own funds, or from any other source, in the amounts and manner provided by law.

(g) This section expires January 1, 2017.

*As added by P.L.1-2005, SEC.10. Amended by P.L.205-2013, SEC.243; P.L.286-2013, SEC.59; P.L.2-2014, SEC.84; P.L.233-2015, SEC.143.*

#### **IC 20-26-11-23**

##### **Court ordered transfers; emergency funds for transfer**

Sec. 23. (a) If a transfer is ordered to commence in a school year, where the transferor corporation has net additional costs over savings (on account of any transfer ordered) allocable to the state fiscal year in which the school year begins, and where the transferee corporation does not have budgeted funds for the net additional costs, the net additional costs may be recovered by one (1) or more of the following methods in addition to any other methods provided by applicable law:

(1) An emergency loan made under IC 20-48-1-7 to be paid, out of the debt service levy and fund, or a loan from any state fund made available for the net additional costs.

(2) An advance in the state fiscal year of state funds, which would otherwise become payable to the transferee corporation after such state fiscal year under law.

(3) A grant or grants in the calendar year from any funds of the state made available for the net additional costs.

(b) The net additional costs must be certified by the department of local government finance. Repayment of any advance or loan from the state shall be made from state tuition support distributions or other money available to the school corporation.

(c) This section expires January 1, 2017.

*As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.132; P.L.146-2008, SEC.473; P.L.182-2009(ss), SEC.317; P.L.205-2013, SEC.244; P.L.233-2015, SEC.144.*

#### **IC 20-26-11-24**

##### **Court ordered transfers; time of payment of transfer tuition**

Sec. 24. (a) Transfer tuition for each school year shall be paid by the transferor corporation during the term of the year and following the end of term in four (4) installments within ten (10) days after the first day of November, February, May and August, respectively. The first three (3) payments shall be calculated on the basis of estimates based on the previous year's cost per student and the enrollment for the day schools are open in the transferee corporation next preceding the applicable payment date.

(b) This section expires January 1, 2017.

*As added by P.L.1-2005, SEC.10. Amended by P.L.233-2015, SEC.145.*

#### **IC 20-26-11-25**

**Court ordered transfers; payment and receipt of funds**

Sec. 25. (a) Payment of the operating cost must be paid from and received to the respective general funds of the transferor and transferee corporations.

(b) Payment of capital costs must be made by the transferor corporation, at its discretion, from any fund or source and be received by the transferee corporation, at its discretion, either to the capital projects fund or to the debt service fund.

(c) This section expires January 1, 2017.

*As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.133; P.L.233-2015, SEC.146.*

**IC 20-26-11-26**

**Court ordered transfers; transportation**

Sec. 26. (a) The transferor corporation shall provide each transferred student transportation to and from the school in the transferee corporation to which the student is assigned. However, the transferor corporation may require the transferred student to walk a reasonable distance from the student's home to school or to a transportation pickup point.

(b) This section expires January 1, 2017.

*As added by P.L.1-2005, SEC.10. Amended by P.L.233-2015, SEC.147.*

**IC 20-26-11-27**

**Court ordered transfers; transportation contracts**

Sec. 27. (a) Transportation must be provided by the transferor corporation to each transferred student under IC 20-27. However, the transferor corporation may contract with the transferee corporation to provide transportation to the transferred students at the expense of the transferor corporation, and that the transferor corporation, in addition to the other means of financing the purchase of transportation equipment, may make the purchases out of its capital projects fund.

(b) This section expires January 1, 2017.

*As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.134; P.L.233-2015, SEC.148.*

**IC 20-26-11-28**

**Repealed**

*(As added by P.L.1-2005, SEC.10. Repealed by P.L.2-2006, SEC.199.)*

**IC 20-26-11-29**

**Court ordered transfers; implementation**

Sec. 29. (a) The provisions of sections 19 through 29 of this chapter concerning the calculation of transfer tuition, the credits for state distribution, state reimbursement of transportation costs, or other state reimbursement may be implemented by rules adopted by

the state board.

(b) The state board shall adopt rules for the enforcement of the payment of transfer tuition. The payment enforcement may include the withholding of state support from the transferor corporation for the benefit of the transferee corporation.

(c) A transferor or the transferee corporation may dispute the amount of transfer tuition or state reimbursement by petitioning the state superintendent. Any dispute in the amount of transfer tuition or state reimbursement shall be determined by the state superintendent.

(d) This section expires January 1, 2017.

*As added by P.L.1-2005, SEC.10. Amended by P.L.233-2015, SEC.149.*

### **IC 20-26-11-30**

#### **School attendance in former school corporation**

Sec. 30. (a) This section applies to a student who resided in a school corporation where the student had legal settlement for at least two (2) consecutive school years immediately before moving to an adjacent school corporation.

(b) A school corporation in which a student had legal settlement for at least two (2) consecutive years as described in subsection (a):

(1) shall allow the student to attend an appropriate school within the school corporation in which the student formerly resided;

(2) may not request the payment of transfer tuition for the student from the school corporation in which the student currently resides and has legal settlement or from the student's parent; and

(3) shall include the student in the school corporation's current ADM;

if the principal and superintendent in both school corporations jointly agree to enroll the student in the school.

(c) If a student enrolls under this section in a school described in subsection (b)(1), the student's parent must provide for the student's transportation to school.

(d) A student to whom this section applies may not enroll primarily for athletic reasons in a school in a school corporation in which the student does not have legal settlement. However, a decision to allow a student to enroll in a school corporation in which the student does not have legal settlement is not considered a determination that the student did not enroll primarily for athletic reasons.

*As added by P.L.133-2008, SEC.2. Amended by P.L.205-2013, SEC.245.*

### **IC 20-26-11-31**

#### **State tuition support for certain students**

Sec. 31. (a) This section applies to a school corporation that enrolls a student who has legal settlement in another school corporation for the purpose of the student receiving services from an

accredited nonpublic alternative high school described in IC 20-19-2-10(f).

(b) A school corporation is entitled to receive state tuition support for a student described in subsection (a) in an amount equal to:

(1) the amount received by the school corporation in which the student is enrolled for ADM purposes; or

(2) the amount received by the school corporation in which the student has legal settlement;

whichever is greater.

*As added by P.L.65-2012, SEC.3.*

### **IC 20-26-11-32**

#### **Capacity; deadline; publication; and grounds and prohibited grounds for denial of transfer request**

Sec. 32. (a) This section does not apply to a school corporation if the governing body has adopted a policy of not accepting the transfer of any student who does not have legal settlement within the school corporation.

(b) The governing body of a school corporation shall annually establish:

(1) except as provided in subsection (m), the number of transfer students the school corporation has the capacity to accept in each grade level; and

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

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

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

(2) report the date to the department.

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

(e) 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.

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

(g) Except as provided in subsections (i), (j), (k), and (m), the governing body of a school corporation may not deny a request for a student to transfer into the school corporation based upon the student's academic record, scores on ISTEP tests, disciplinary record,

or disability, or upon any other factor not related to the school corporation's capacity.

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

- (1) is a member of a household in which any other member of the household is a student in the transferee school; or
- (2) has a parent who is an employee of the school corporation.

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

- (1) to ensure that a student who attends a school within the school corporation as a transfer student during a school year may continue to attend the school in subsequent school years; and
- (2) to allow a student described in subsection (h) to attend a school within the school corporation.

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

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

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

(k) 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.

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

(m) Notwithstanding this section, the governing body of a school corporation may authorize the school corporation to enter into an agreement with an accredited nonpublic school or charter school to allow students of the accredited nonpublic school or charter school

to transfer to a school within the school corporation.

(n) A school corporation that has adopted a policy to not accept student transfers after June 30, 2013, is not prohibited from enrolling a:

- (1) transfer student who attended a school within the school corporation during the 2012-2013 school year; or
- (2) member of a household in which any other member of the household was a transfer student who attended a school within the school corporation during the 2012-2013 school year.

However, if a school corporation enrolls a student described in subdivision (1) or (2), the school corporation shall also allow a student or member of the same household of a student who attended an accredited nonpublic school within the attendance area of the school corporation during the 2012-2013 school year to enroll in a school within the school corporation.

*As added by P.L.282-2013, SEC.2. Amended by P.L.39-2014, SEC.1.*