



February 28, 2014

**ENGROSSED
HOUSE BILL No. 1079**

DIGEST OF HB 1079 (Updated February 26, 2014 3:18 pm - DI 116)

Citations Affected: IC 20-26.

Synopsis: Student transfers. Provides that 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. Provides that a school corporation that has adopted a policy not to accept student transfers after June 30, 2013, is not prohibited from enrolling a 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. Provides that in the event a school corporation enrolls a transfer student or a member of the same household of a transfer student that attended a school corporation during the 2012-2013 school year, 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.

Effective: July 1, 2013 (retroactive).

**Karickhoff, Soliday, Slager,
Lawson L**

(SENATE SPONSORS — BANKS, SCHNEIDER, KRUSE)

January 9, 2014, read first time and referred to Committee on Education.
January 14, 2014, reported — Do Pass.
January 16, 2014, read second time, ordered engrossed. Engrossed.
January 21, 2014, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 4, 2014, read first time and referred to Committee on Education and Career Development.
February 27, 2014, amended, reported favorably — Do Pass.

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February 28, 2014

Second Regular Session 118th General Assembly (2014)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1079

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

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

- 1 SECTION 1. IC 20-26-11-32, AS ADDED BY P.L.282-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013 (RETROACTIVE)]: Sec. 32. (a) This section does not
4 apply to a school corporation if the governing body has adopted a
5 policy of not accepting the transfer of any student who does not have
6 legal settlement within the school corporation.
7 (b) The governing body of a school corporation shall annually
8 establish:
9 (1) **except as provided in subsection (m)**, the number of transfer
10 students the school corporation has the capacity to accept in each
11 grade level; and
12 (2) the date by which requests to transfer into the school
13 corporation must be received by the governing body.
14 (c) After establishing the date under subsection (b)(2), the
15 governing body shall:
16 (1) publish the date on the school corporation's Internet web site;

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



1 IC 20-33-8-3) during the twelve (12) months preceding the student's
2 request to transfer under this section:

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

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

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

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

22 **(m) Notwithstanding this section, the governing body of a school**
23 **corporation may authorize the school corporation to enter into an**
24 **agreement with an accredited nonpublic school or charter school**
25 **to allow students of the accredited nonpublic school or charter**
26 **school to transfer to a school within the school corporation.**

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

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

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

42 SECTION 2. An emergency is declared for this act.



COMMITTEE REPORT

MR. SPEAKER:

Your Committee on Education, to which was referred House Bill 1079, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1079 as introduced.)

Committee Vote: Yeas 11, Nays 0

Representative Behning

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1079, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 9, after "(1)" insert "**except as provided in subsection (m),**".

Page 2, line 17, strike "and".

Page 2, line 17, after "(k)," insert "**and (m),**".

Page 3, between lines 19 and 20, begin a new paragraph and insert:

"(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."

Page 3, line 20, strike "(m)" and insert "**(n)**".

and when so amended that said bill do pass.

(Reference is to HB 1079 as printed January 14, 2014.)

KRUSE, Chairperson

Committee Vote: Yeas 9, Nays 0.

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