

# SENATE BILL No. 364

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-26-11-34.

**Synopsis:** Transfer students. Allows the governing body of a school corporation to implement a policy to require and collect a transfer fee from the parents of a student or a student if: (1) the student does not have legal settlement in the school corporation; (2) the student attends a school in the school corporation; and (3) a property tax levy has been imposed as a result of having been approved by voters in a referendum. Provides that the amount of the transfer fee may not exceed the average property tax liability imposed on taxpayer homesteads in the school corporation attributable to the property tax rate or rates for the property tax levy or levies approved in the referendum. Provides that the transfer fee may be used only for the purpose or project for which the levy is imposed. Requires a county auditor to determine the maximum amount of the transfer fee. Provides that a transfer fee policy may not impose a transfer fee with respect to a student in foster care or placed by the department of child services. Provides that a school corporation may impose multiple fees on a family having multiple students attending a school or schools in the school corporation but the total amount of the transfer fees imposed upon the family may not exceed the amount of the maximum transfer fee.

**Effective:** July 1, 2019.

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## Bohacek

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January 10, 2019, read first time and referred to Committee on Education and Career Development.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 364

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 20-26-11-34 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2019]: **Sec. 34. (a) Except as provided in**
- 4 **subsection (e), the governing body of a school corporation may**
- 5 **develop and implement a policy to require and collect a transfer fee**
- 6 **from the parents of a student or a student, in addition to any other**
- 7 **fees paid under this chapter, if:**
- 8 (1) **the student does not have legal settlement in the school**
- 9 **corporation;**
- 10 (2) **the student attends a school in the school corporation; and**
- 11 (3) **a property tax levy is imposed as a result of having been**
- 12 **approved by the voters in a referendum for:**
- 13 (A) **a controlled project tax levy for the school corporation**
- 14 **under IC 6-1.1-20; or**
- 15 (B) **an operating referendum tax levy for the school**
- 16 **corporation under IC 20-46-1.**
- 17 (b) **The governing body of a school corporation may determine**



1 the amount of the transfer fee described in subsection (a), but the  
2 amount of the transfer fee may not exceed the average property tax  
3 liability imposed on taxpayer homesteads in the school corporation  
4 attributable to the property tax rate or rates for the property tax  
5 levy or levies described under subsection (a)(3) for the current  
6 calendar year.

7 (c) The transfer fee that is paid to the school corporation on  
8 account of:

9 (1) a controlled project tax levy described in subsection  
10 (a)(3)(A) may be used only for the controlled project or  
11 projects for which the levy is imposed; and

12 (2) an operating referendum tax levy described in subsection  
13 (a)(3)(B) may be used only for the purpose or purposes for  
14 which the levy or levies are being imposed.

15 (d) If a property tax levy described in subsection (a)(3) is  
16 imposed in the county, the county auditor shall determine the  
17 amount of the average property tax liability imposed on taxpayer  
18 homesteads in the school corporation attributable to the property  
19 tax rate or rates for the property tax levy or levies described under  
20 subsection (a)(3) for the current calendar year and provide it to the  
21 school corporations in the county.

22 (e) The following apply to a policy adopted under subsection (a):

23 (1) A fee may not be imposed with respect to a student in  
24 foster care or placed by the department of child services.

25 (2) A school corporation may impose multiple fees on a family  
26 having multiple students attending a school or schools in the  
27 school corporation. However, the total amount of the transfer  
28 fees imposed upon the family may not exceed the maximum  
29 transfer fee allowed under subsection (b).

