

STUDENT TRANSFERS AND TRANSFER TUITION

Students in Indiana are allowed to attend tuition free the school corporation in which they have legal settlement. In some instances, students may attend another school corporation in the state. This document is designed to answer some common questions on student transfers and transfer tuition.

1. Which school corporation is a student entitled to attend?

A student in Indiana is entitled to attend tuition free the school corporation in which the student has legal settlement.

2. What is legal settlement?

Legal settlement is generally defined as the attendance area of the school corporation in which a student's parent(s) resides. If a student's parents are divorced, the student's legal settlement is where the physical custodial parent resides. If the student resides with someone other than a parent and that person is the student's legal custodian/guardian, the student's legal settlement is where that person resides. If the student is emancipated, the student's legal settlement is where the student resides.

3. Which school within a school corporation does a student attend?

Legal settlement only determines which school corporation a student can attend free of charge. The school within the school corporation the student attends is determined by the local school board. Generally, that determination is based on the student's residence within the school corporation.

4. May a student attend a school corporation in which the student does not have legal settlement?

A student may attend another school corporation in Indiana if:

- (1) the school corporation has decided to accept nonresident students with or without the payment of transfer tuition. (A school corporation that accepts nonresident students may not discriminate on the basis of disability or any other factor unrelated to the school's capacity unless the student meets one of the statutory exceptions in IC 20-26-11-32(j));
- (2) the student can be better accommodated in another school corporation;
- (3) the student has been placed in a licensed health care facility, child care facility, or foster home in an area outside the student's legal settlement;
- (4) the student's parents move to an adjacent school corporation after having had legal settlement at least two consecutive years in the original corporation, and upon agreement of the principal and superintendent of both schools, the student may continue attending the original school tuition free; or

(5) the parent with physical custody (or the student who is at least age 18) has elected to have legal settlement in either the school corporation of the mother's residence or of the father's residence. (This election must be made on a yearly basis.)

5. What is the definition of better accommodated?

A student will be determined to be better accommodated in another school corporation if the student can prove one of the following:

- The student has established an academic or vocational aspiration; a high school level curriculum offering at another school corporation is important and necessary to the student's aspiration, and the same or substantially similar high school curriculum offering is not available at the school corporation of legal settlement.
- The student is capable of earning an academic honors diploma and the school corporation of legal settlement does not offer the required academic honors diploma courses, while another school corporation does.
- The school corporation of legal settlement is so overcrowded that the student's opportunity to learn is materially affected and conditions at another school corporation would be significantly less crowded.
- The student has a medical condition that would cause the student to be physically ill if required to attend the school corporation of legal settlement and, in the opinion of two physicians, the student's medical condition would be substantially reduced if the student attended another school corporation.
- The school in the school corporation of legal settlement that the student attends is not fully accredited by the State Board of Education, and the student's request is related to the reasons the school was accorded probationary accreditation status.

6. How can a student transfer?

If a student seeks to transfer to a school corporation that accepts nonresident students, the student/parent(s) may apply for transfer pursuant to that school corporation's transfer procedures. The school corporation of legal settlement does not have to approve the request to transfer.

When a student seeks to transfer on the grounds the student can be better accommodated in another school corporation, the student must request the transfer in writing by April 1 preceding the first day of school at the school corporation of legal settlement in the school year for which transfer is requested. The Department of Education has developed forms for such a request.

The school corporation of legal settlement is required to forward the request for transfer to the school corporation in which the student seeks to enroll. Both local school boards must act on the request within thirty days of the student's request. Failure to act on the request means the request has been approved. If both boards approve the transfer, the student may attend the other school corporation. If, however, one school corporation denies the request, the student may not transfer.

If the transfer request is approved, the student may attend the other school corporation and the school corporation of legal settlement must pay the transfer tuition.

7. May a denial by a school corporation be appealed?

Yes, but only when the student seeks to transfer because the student can be better accommodated. In that case, if the student's request to transfer is denied, the student may appeal to the State Board of Education. An appeal must be filed within 10 days of the denial.

8. How does the appeal process work?

The State Board of Education will appoint a hearing officer who will conduct an administrative hearing to receive the evidence relevant to the student's request. The hearing officer will then prepare a recommended decision for the State Board of Education to consider. Any party may file written objections to the recommended decision and appear at the meeting of the State Board where the matter will be considered. The decision of the State Board of Education is final unless appealed to a local court.

9. What is transfer tuition?

Transfer tuition is the amount of money charged to a parent or the school corporation of legal settlement. The amount is determined through a formula that is outlined in the statute. While the formula is the same for all school corporations, the amount charged by the school corporations differs because it is based on that school corporation's costs of educating its students. The accepting school corporation is required to determine the amount based on the formula.

10. Who must pay transfer tuition?

If a student seeks to transfer without the approval of the school corporation of legal settlement, the student or the student's parent(s) must pay transfer tuition unless the accepting school corporation has elected not to charge transfer tuition.

If the transfer is because the student can be better accommodated in another school corporation, the school corporation of legal settlement must pay the transfer tuition.

If the student has been placed in a licensed child care facility, health care facility or foster home (under certain circumstances) by the state or by a court order, the school corporation of the student's legal settlement must pay the transfer tuition.

If placement in a health or child care facility is by the parent and the placement is necessary for the student's physical or emotional health (and is recommended by a physician if the placement is in a health care facility) and the placement is for no less than 14 consecutive calendar days or an aggregate of 20 days, the school corporation of legal settlement must pay the transfer tuition.

11. What if a parent fails to pay transfer tuition?

Failure of the student or the student's parent(s) to pay transfer tuition may result in the student being expelled from the accepting school corporation.

The statutes on legal settlement, student transfers and transfer tuition can be found at I.C. 20-26-11. The applicable regulations of the State Board of Education appear at 511 1AC 1-6.

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