

Enrollment Issues Related to Nonresident Students

by Lisa F. Tanselle, ISBA General Counsel (ltanselle@isba-ind.org)

Back in 2013, the General Assembly passed legislation allowing school boards to accept students who did not reside in the school corporation without requiring the parents to pay transfer tuition to the receiving school corporation. This law is commonly referred to as the nonresident student transfer law. Shortly after the law was passed, it was amended to restrict the criteria a school board could use to deny enrollment to a student. Once a student was accepted, it was presumed the student could attend that school corporation until the student graduated. However, in 2017, the statute was amended again by adding language giving school corporations the authority to, under certain conditions, (1) "discontinue" the enrollment of a student in the current school year or in a subsequent school year or (2) establish terms or conditions for continued enrollment in a subsequent school year.

Criteria for Discontinuing Enrollment

The criteria for discontinuing the enrollment of a nonresident student are the same criteria that may be considered in accepting a nonresident student. Those criteria are:

- (1) the student has been suspended or expelled during the previous 12 months for:
 - (A) a total of 10 or more school days;
 - (B) violating the school's rules on possession of firearms, destructive devices, and deadly weapons;
 - (C) causing physical injury to a person; or
 - (D) violating the school's rules pertaining to drugs or alcohol; or
- (2) the student has a history of unexcused absences and the governing body believes that the location of the student's residence would be an attendance problem for the student.

Process for Discontinuing Enrollment

The statute does not specify a process for discontinuing the enrollment of a nonresident student. However, the statute clearly refers to the "governing body" as having the authority or responsibility for making the decision to discontinue the enrollment. Practically

speaking, principals and superintendents are the employees who would be familiar with a nonresident student's discipline issues and/or attendance records and therefore would be the persons who would initially make the determination on discontinuing the enrollment of the student. However, in light of the fact that the statute refers to the governing body, it would be prudent for the principal or superintendent to establish a process whereby the designated administrator would either make a recommendation to the school board that a student's enrollment be discontinued or allow the nonresident student and parent some opportunity to appeal the administrator's decision to the school board. Whichever process is selected, any discussion between a nonresident student, parent, and school board could and should be held in an executive session, under the provision authorizing discussion of an individual student's abilities, past performance, behavior, and needs, so as to avoid a violation of the Family Educational Rights and Privacy Act. School officials who are considering discontinuing enrollment of nonresident students based on the above criteria should consult with local counsel as to an appropriate process to use.

Mark your calendars!

2019 Fall Regional Meeting Dates:

- 11.4.2019—The Trails (Region 4)
- 11.6.2019—Goeglein's (Region 3)
- 11.7.2019—The Inn at DePauw (Region 7)
- 11.11.2019—Teibel's (Region 1)
- 11.12.2019—Klubhaus 61 (Region 9)
- 11.13.2019—The Pines (Region 10)
- 11.14.2019—Pastariffic (Region 5)
- 11.18.2019—Christo's (Region 2)
- 11.19.2019—The Nest (Region 8)
- 11.20.2019—Willie and Red's (Region 6)



These are a few photos of board members that reached Master level CAP status in 2018. Please click [HERE](#) to see the full list of 2018 CAP award recipients.

From top: Teresa Bottorff-Perkins, Craig Wagoner, Heather Reichenbach

Also pictured from top: ISBA Executive Director Terry Spradlin, Region 10 Director Becky Gardenour, Region 8 Director Jack Russell, Don Bokhart (Wawasee CSC Board Member)