



MEMORANDUM

TO: Superintendents and Principals

FROM: Catherine Danyluk, Director
Chief State Attendance Officer, Office of Student Services

DATE: June 10, 2015

SUBJECT: Guidance on House Enrolled Act 1056: Transfer of students from out of district

This memorandum is to provide information regarding HEA 1056 (2015), which changes the law surrounding certain rules related to the transfer of students into a school corporation for which the student does not have legal settlement.

Children of School Corporation Employees

Regardless of whether a school corporation has a policy of accepting transfer students, a school corporation must accept a student, who does not have legal settlement in that district, if all three conditions exist:

1. the student's parent is a current employee of the corporation;
2. the student's parent resides in Indiana; and,
3. the school corporation has the capacity to accept the student.

If all three conditions are not true, the school is not required to enroll a student who does not have legal settlement within the district.

Transfer of Students from a local nonpublic school

This recent change only applies to a school district that (1) does not have a policy of accepting transfer students and (2) only has one high school servicing the school corporation.

If a school meets this description, the school must accept a transferring student if all five (5) conditions exist:

1. the transfer student resides in Indiana;

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2. for the two (2) years prior to seeking enrollment at the school corporation, the student attended an accredited nonpublic elementary school located within the attendance area of the school district;
3. the student is seeking enrollment at the school corporation because the accredited nonpublic school that the student attended for the two years prior to seeking transfer does not offer a grade 9 through 12;
4. a majority of the students from the same accredited nonpublic school the student seeking transfer last attended have legal settlement in the school district and will attend school at the school corporation; and,
5. the school corporation has the capacity to accept the student.

Capacity issues

If a school has the capacity to accept one or more transfer students, but the number of students seeking transfer from the accredited nonpublic school exceeds the number of transfer students the school has the capacity to accept, the school must determine which transfer students the school will enroll by holding a random drawing of students at a meeting that is open to the public.

Additional Guidance:

Q: How do these changes affect our school if we do have a policy of accepting transfer students?

A: A school must enroll those students whose parent(s) live(s) within the school boundaries and is/are employed by the school corporation regardless of whether the school has a transfer policy. This is true even if the deadline to request a transfer, established by the school's governing body, has passed. In the event that the total number of students seeking to transfer in exceeds the school's capacity, the school must give priority to those students whose parent(s) live(s) within the school boundaries and is/are employed by the school corporation.

Nonpublic school transfers: If a school has a policy of accepting transfer students, then a student, who previously attended an accredited nonpublic school (as described in this guidance), should be treated in the same manner as any student who does not have legal settlement in the school corporation but is seeking to transfer in.

Q: What does "has the capacity to accept the student" mean?

A: Capacity is determined by grade level. A school may have the ability to enroll 10 students in grade 9, but only able to take on 5 students in grade 11. Schools should determine the school's capacity for each grade level rather than school-wide for that year.