

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 brochure 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, however, a student's parents are divorced, the student's legal settlement is where the physical custodial parent resides (unless that parent elects to send the student to the school corporation in which the other parent resides). If the student resides with someone other than a parent and that person is the student's legal guardian, the student's legal settlement is where the legal guardian 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. Which 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 the state if:

(1) the school corporation has decided to accept students *without* the payment of transfer tuition; or

(2) the school corporation is willing to accept the student, and the student or the student's parent(s) is required by the school to pay transfer tuition; or

(3) the student can be better accommodated in another school corporation; or

(4) 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; or

(5) the student's parents move to an adjacent school corporation after having had legal settlement at least two 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

(6) the parent with physical custody (or the student who is at least age 18) at least 14 days before the first day of school has elected to have legal settlement in either the school corporation of the mother's residence or of the father's residence regardless of the parent with whom the child lives.

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 status.*

6. How Can A Student Transfer?

If a student or the student's parent(s) pays transfer tuition, only the school corporation in which the student wishes to enroll needs to approve the transfer. The school corporation of legal settlement does not have to approve the request to transfer.

If, however, a student is seeking a 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 statute. While the formula is the same for all school corporations, the amount of transfer tuition charged by the school corporations differs because it is based on that school corporation's costs of educating its students.

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 to certain students.

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.

12. What Is the Amount of Transfer Tuition?

The accepting school corporation is required to determine the amount based on the Law's mandated formula.

The statutes on legal settlement, student transfers and transfer tuition can be found at I.C. 20-26-11.

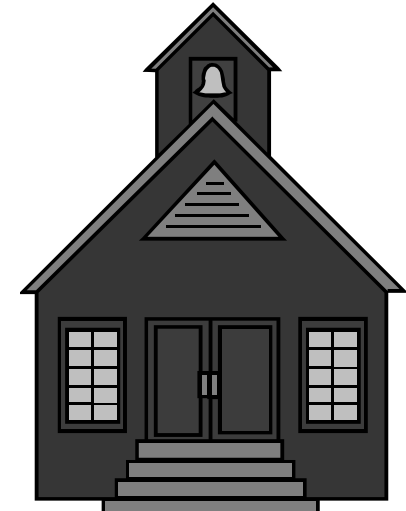
The applicable regulations of the State Board of Education appear at 511 IAC 1-6.

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An informational brochure explaining the law on legal settlement, student transfers and transfer tuition

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