

# HOUSE BILL No. 1241

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Military student transfers. Defines "military student". Provides that the parent or guardian of a military student may request a transfer from a school corporation in which the military student has a legal settlement to another school corporation. Provides that a request to transfer must be made under certain conditions. Requires a school corporation to approve a transfer request from a military student.

**Effective:** July 1, 2024.

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## Miller D, Bartels

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January 9, 2024, read first time and referred to Committee on Education.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# HOUSE BILL No. 1241

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 20-26-11-32, AS AMENDED BY P.L.92-2020,  
2 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2024]: Sec. 32. (a) This section does not apply to a school  
4 corporation if the governing body has adopted a policy of not accepting  
5 the transfer of any student who does not have legal settlement within  
6 the school corporation.  
7 (b) The governing body of a school corporation shall annually  
8 establish:  
9 (1) except as provided in subsection (m), the number of transfer  
10 students the school corporation has the capacity to accept in each  
11 grade level; and  
12 (2) the date by which requests to transfer into the school  
13 corporation must be received by the governing body.  
14 (c) After establishing the date under subsection (b)(2), the  
15 governing body shall:  
16 (1) publish the date on the school corporation's Internet web site;  
17 and



- 1 (2) report the date to the department.
- 2 (d) The department shall publish the dates received from school  
3 corporations under subsection (c)(2) on the department's Internet web  
4 site.
- 5 (e) A student to whom this section applies may not request to  
6 transfer under this section primarily for athletic reasons to a school  
7 corporation in which the student does not have legal settlement.
- 8 (f) If the number of requests to transfer into a school corporation  
9 received by the date established for the school corporation under  
10 subsection (b)(2) exceeds the capacity established for the school  
11 corporation under subsection (b)(1), each timely request must be given  
12 an equal chance to be accepted, with the exception that a student  
13 described in subsection (h) shall be given priority. The governing body  
14 must determine which students will be admitted as transfer students to  
15 each school building and each grade level within the school corporation  
16 by using a publicly verifiable random selection process.
- 17 (g) Except as provided in subsections (i), (j), (k), and (m), the  
18 governing body of a school corporation may not deny a request for a  
19 student to transfer into the school corporation based upon the student's  
20 academic record, scores on statewide assessment program tests,  
21 disciplinary record, or disability, or upon any other factor not related  
22 to the school corporation's capacity.
- 23 (h) Except as provided in subsections (i), (j), and (k), the governing  
24 body of a school corporation may not deny a request for a student to  
25 transfer into the school corporation if the student requesting to transfer:  
26 (1) is a member of a household in which any other member of the  
27 household is a student in the transferee school; ~~or~~  
28 (2) has a parent who is an employee of the school corporation; **or**  
29 **(3) is a military student (as defined in section 34 of this**  
30 **chapter).**
- 31 (i) A governing body of a school corporation may limit the number  
32 of new transfers to a school building or grade level in the school  
33 corporation:  
34 (1) to ensure that a student who attends a school within the school  
35 corporation as a transfer student during a school year may  
36 continue to attend the school in subsequent school years; and  
37 (2) to allow a student described in subsection (h) to attend a  
38 school within the school corporation.
- 39 (j) Notwithstanding subsections (f), (g), and (h), a governing body  
40 of a school corporation may deny a request for a student to transfer to  
41 the school corporation or may discontinue enrollment currently or in a  
42 subsequent school year, or establish terms or conditions for enrollment



1 or for continued enrollment in a subsequent school year, if:

2 (1) the student has been suspended (as defined in IC 20-33-8-7)  
 3 or expelled (as defined in IC 20-33-8-3) during the twelve (12)  
 4 months preceding the student's request to transfer under this  
 5 section:

6 (A) for ten (10) or more school days;

7 (B) for a violation under IC 20-33-8-16;

8 (C) for causing physical injury to a student, a school employee,  
 9 or a visitor to the school; or

10 (D) for a violation of a school corporation's drug or alcohol  
 11 rules; or

12 (2) the student has had a history of unexcused absences and the  
 13 governing body of the school corporation believes that, based  
 14 upon the location of the student's residence, attendance would be  
 15 a problem for the student if the student is enrolled with the school  
 16 corporation.

17 For purposes of subdivision (1)(A), student discipline received under  
 18 IC 20-33-8-25(b)(7) for a violation described in subdivision (1)(B)  
 19 through (1)(D) shall be included in the calculation of the number of  
 20 school days that a student has been suspended.

21 (k) The governing body of a school corporation with a school  
 22 building that offers a special curriculum may require a student who  
 23 transfers to the school building to meet the same eligibility criteria  
 24 required of all students who attend the school building that offers the  
 25 special curriculum.

26 (l) The parent of a student for whom a request to transfer is made is  
 27 responsible for providing the school corporation to which the request  
 28 is made with records or information necessary for the school  
 29 corporation to determine whether the request to transfer may be denied  
 30 under subsection (j).

31 (m) Notwithstanding this section, the governing body of a school  
 32 corporation may authorize the school corporation to enter into an  
 33 agreement with a state accredited nonpublic school or charter school  
 34 to allow students of the state accredited nonpublic school or charter  
 35 school to transfer to a school within the school corporation.

36 (n) A school corporation that has adopted a policy to not accept  
 37 student transfers after June 30, 2013, is not prohibited from enrolling  
 38 a:

39 (1) transfer student who attended a school within the school  
 40 corporation during the 2012-2013 school year; or

41 (2) member of a household in which any other member of the  
 42 household was a transfer student who attended a school within the



1 school corporation during the 2012-2013 school year.  
 2 However, if a school corporation enrolls a student described in  
 3 subdivision (1) or (2), the school corporation shall also allow a student  
 4 or member of the same household of a student who attended a state  
 5 accredited nonpublic school within the attendance area of the school  
 6 corporation during the 2012-2013 school year to enroll in a school  
 7 within the school corporation.

8 SECTION 2. IC 20-26-11-34 IS ADDED TO THE INDIANA  
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2024]: **Sec. 34. (a) As used in this section,**  
 11 **"active duty" means full-time service in:**

- 12 (1) the armed forces of the United States; or
- 13 (2) the national guard;

14 for a period that exceeds thirty (30) consecutive days in a calendar  
 15 year.

16 (b) As used in this section, "armed forces of the United States"  
 17 means the active or reserve components of:

- 18 (1) the Army;
- 19 (2) the Navy;
- 20 (3) the Air Force;
- 21 (4) the Coast Guard;
- 22 (5) the Marine Corps;
- 23 (6) the Merchant Marine; or
- 24 (7) the Space Force.

25 (c) As used in this section, "military student" refers to a student  
 26 who is:

- 27 (1) a biological child, adopted child, or stepchild of a person  
 28 who is a member of the armed forces of the United States or  
 29 national guard on active duty with a residence in Indiana; or
- 30 (2) an individual whose legal guardian is a person who is a  
 31 member of the armed forces of the United States or national  
 32 guard on active duty with a residence in Indiana.

33 (d) As used in this section, "national guard" means:

- 34 (1) the Indiana Army National Guard; or
- 35 (2) the Indiana Air National Guard.

36 (e) The parent or legal guardian of a military student, or the  
 37 military student if the military student is at least eighteen (18)  
 38 years of age, may request a transfer under this chapter from the  
 39 school corporation in which the military student has a legal  
 40 settlement to a transferee school corporation in Indiana.

41 (f) Notwithstanding this chapter, a school corporation shall  
 42 accept a transfer request made under subsection (e). The transfer



- 1 request must be:  
2 (1) made at the times provided under rules adopted by the  
3 state board;  
4 (2) made in writing to the transferor and transferee  
5 corporation; and  
6 (3) immediately sent by the transferor corporation to the  
7 transferee corporation upon receipt of the request.  
8 (g) If the number of students who request to transfer to a  
9 transferee school corporation under this section causes the school  
10 corporation to exceed the school corporation's maximum student  
11 capacity, the governing body shall determine which students will  
12 be admitted as transfer students by random drawing in a public  
13 meeting. However, the governing body of a school corporation  
14 located in a county with a consolidated city shall determine which  
15 students will be admitted by using a publicly verifiable random  
16 selection process.  
17 (h) A school corporation that receives a request to transfer  
18 made under subsection (e) must approve the transfer request  
19 regardless of whether the school corporation has adopted a policy  
20 of not accepting the transfer of any student who does not have legal  
21 settlement within the school corporation.  
22 (i) The secretary of education shall develop forms for the  
23 transfer of a military student.  
24 (j) The transferor school corporation shall assist the parent or  
25 military student in the transfer process.

