

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1064

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-26-11-30, AS AMENDED BY P.L.205-2013, SECTION 245, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 30. (a) This section applies to a student who resided in a school corporation where the student had legal settlement for at least two (2) consecutive school years immediately before moving to an adjacent school corporation.

(b) A school corporation in which a student had legal settlement for at least two (2) consecutive years as described in subsection (a):

- (1) shall allow the student to attend an appropriate school within the school corporation in which the student formerly resided;
- (2) may not request the payment of transfer tuition for the student from the school corporation in which the student currently resides and has legal settlement or from the student's parent; and
- (3) shall include the student in the school corporation's current ADM;

if the principal and superintendent in both school corporations jointly agree to enroll the student in the school.

(c) If a student enrolls under this section in a school described in subsection (b)(1), the student's parent must provide for the student's transportation to school.

~~(d) A student to whom this section applies may not enroll primarily for athletic reasons in a school in a school corporation in which the~~

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~~student does not have legal settlement. However, a decision to allow a student to enroll in a school corporation in which the student does not have legal settlement is not considered a determination that the student did not enroll primarily for athletic reasons.~~

SECTION 2. IC 20-26-11-32, AS AMENDED BY P.L.92-2020, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 32. (a) This section does not apply to a school corporation if the governing body has adopted a policy of not accepting the transfer of any student who does not have legal settlement within the school corporation.

(b) The governing body of a school corporation shall annually establish:

- (1) except as provided in subsection ~~(m)~~, **(l)**, the number of transfer students the school corporation has the capacity to accept in each grade level; and
- (2) the date by which requests to transfer into the school corporation must be received by the governing body.

(c) After establishing the date under subsection (b)(2), the governing body shall:

- (1) publish the date on the school corporation's ~~Internet web site;~~ **website;** and
- (2) report the date to the department.

(d) The department shall publish the dates received from school corporations under subsection (c)(2) on the department's ~~Internet web site;~~ **website.**

~~(e) A student to whom this section applies may not request to transfer under this section primarily for athletic reasons to a school corporation in which the student does not have legal settlement.~~

~~(f)~~ **(e)** If the number of requests to transfer into a school corporation received by the date established for the school corporation under subsection (b)(2) exceeds the capacity established for the school corporation under subsection (b)(1), each timely request must be given an equal chance to be accepted, with the exception that a student described in subsection ~~(h)~~ **(g)** shall be given priority. The governing body must determine which students will be admitted as transfer students to each school building and each grade level within the school corporation by using a publicly verifiable random selection process.

~~(g)~~ **(f)** Except as provided in subsections ~~(i)~~, ~~(j)~~, ~~(k)~~, and ~~(m)~~, **(h)**, **(i)**, **(j)**, and **(l)**, the governing body of a school corporation may not deny a request for a student to transfer into the school corporation based upon the student's academic record, scores on statewide assessment program tests, disciplinary record, or disability, or upon any



other factor not related to the school corporation's capacity.

~~(h)~~ **(g)** Except as provided in subsections ~~(i)~~, ~~(j)~~, and ~~(k)~~, **(h)**, **(i)**, and **(j)**, the governing body of a school corporation may not deny a request for a student to transfer into the school corporation if the student requesting to transfer:

- (1) is a member of a household in which any other member of the household is a student in the transferee school; or
- (2) has a parent who is an employee of the school corporation.

~~(i)~~ **(h)** A governing body of a school corporation may limit the number of new transfers to a school building or grade level in the school corporation:

- (1) to ensure that a student who attends a school within the school corporation as a transfer student during a school year may continue to attend the school in subsequent school years; and
- (2) to allow a student described in subsection ~~(h)~~ **(g)** to attend a school within the school corporation.

~~(j)~~ **(i)** Notwithstanding subsections ~~(f)~~, ~~(g)~~, and ~~(h)~~, **(e)**, **(f)**, and **(g)**, a governing body of a school corporation may deny a request for a student to transfer to the school corporation or may discontinue enrollment currently or in a subsequent school year, or establish terms or conditions for enrollment or for continued enrollment in a subsequent school year, if:

- (1) the student has been suspended (as defined in IC 20-33-8-7) or expelled (as defined in IC 20-33-8-3) during the twelve (12) months preceding the student's request to transfer under this section:
 - (A) for ten (10) or more school days;
 - (B) for a violation under IC 20-33-8-16;
 - (C) for causing physical injury to a student, a school employee, or a visitor to the school; or
 - (D) for a violation of a school corporation's drug or alcohol rules; or
- (2) the student has had a history of unexcused absences and the governing body of the school corporation believes that, based upon the location of the student's residence, attendance would be a problem for the student if the student is enrolled with the school corporation.

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

~~(k)~~ **(j)** The governing body of a school corporation with a school



building that offers a special curriculum may require a student who transfers to the school building to meet the same eligibility criteria required of all students who attend the school building that offers the special curriculum.

~~(h)~~ **(k)** The parent of a student for whom a request to transfer is made is responsible for providing the school corporation to which the request is made with records or information necessary for the school corporation to determine whether the request to transfer may be denied under subsection ~~(j)~~: **(i)**.

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

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

- (1) transfer student who attended a school within the school corporation during the 2012-2013 school year; or
- (2) member of a household in which any other member of the household was a transfer student who attended a school within the school corporation during the 2012-2013 school year.

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

SECTION 3. IC 20-26-11-33, AS ADDED BY P.L.127-2016, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 33. (a) Notwithstanding a policy adopted under section 32(a) of this chapter, a school corporation may accept a student who does not have legal settlement in the school corporation into an alternative education program (as defined in IC 20-30-8-1).

(b) A school corporation that accepts students under subsection (a) is not subject to the requirements set forth in section 32 of this chapter other than those requirements set forth in section ~~32(g), 32(h), 32(j), 32(k), and 32(h)~~ **32(f), 32(g), 32(i), 32(j), and 32(k)** of this chapter.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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