

TRANSFER REQUEST APPLICATION INSTRUCTIONS FOR SCHOOL CORPORATIONS AND PARENTS

Initial Request

1. Parent(s) seeking a transfer should be given three (3) copies of the transfer request application form. The parent is to complete all three of these forms and return them to the transferor school corporation (the school corporation where the parent(s) has legal settlement) on or before April 1 of the school year prior to the one for which the transfer is requested. **A request for transfer shall be valid only for one (1) school year. A school corporation can grant a transfer only for one (1) school year.** Parent(s) seeking transfer for a subsequent school year must submit a new transfer request application for each school year for which transfer is sought.
2. In completing these forms, the parent(s) should be certain to fill out all sections of the form and to state specifically each of the reasons for the request to transfer.
3. Upon receiving the three completed applications, the transferor school corporation shall mail one (1) of the applications to the transferee school corporation (the school corporation to which the parent(s) seeks to transfer the student). The transferor shall retain the two remaining completed applications.
4. Both the transferor and the transferee school corporations have thirty (30) days from receipt by the transferor school corporation of the completed forms in which to act upon the request. A transfer is considered approved when both school corporations approve the transfer. A transfer is considered denied when either the transferor school corporation or the transferee school corporation mails a written denial by certified mail to the parent(s) within thirty (30) days of receipt of the completed application. **If the transferor school corporation fails to act on the transfer request within thirty (30) days after the request is received, the transfer is considered approved.** In any case, both the transferor and transferee school corporations shall return the applications (or a copy of the application) to the parent(s) requesting the transfer.

Appeal to the State Board

1. Parent(s) requesting a transfer may appeal a denial by submitting, by certified mail, one (1) copy of the application including the denying school corporation's written denial or a statement that the thirty (30) day period has elapsed. This written request must be sent to each of the following:
 - (1) superintendent of the transferor school corporation;
 - (2) superintendent of the transferee school corporation; and
 - (3) the Indiana State Board of Education.

*The appeal must be filed within **ten (10) days** of receiving a school corporation's denial.*
2. I.C. 20-26-11-5(c) states: "[T]he transferor corporation shall assist the parents or student in the mechanics of commencing the appeal."

3. A hearing examiner appointed by the Indiana State Board of Education will then notify all parties of the date, time, and place of the appeal hearing. Hearing rights are found generally at I.C. 20-26-11-15(b). Parties have the right to be represented by legal counsel, to present evidence, to cross-examine witnesses, and to present in writing or orally summary statements of respective positions. The hearing will be recorded, but the hearing site is determined by the hearing examiner. The hearing examiner will make written findings of fact and conclusions of law, with recommendations to the State Board of Education.

Definitions, Terms, and Conditions

1. “Legal settlement” of a student refers to the student’s status with respect to the public school corporation which has the responsibility to permit the student to attend its local public schools without the payment of tuition. I.C. 20-18-2-11. “Legal settlement,” in most cases, is determined by where the student’s parent lives. I.C. 20-26-11-2.
2. I.C. 20-26-11-5 permits a transfer from the school corporation of legal settlement (the “Transferor School Corporation”) to another public school corporation (the “Transferee School Corporation) if the student’s identified educational needs can be “better accommodated” at the Transferee School Corporation than at the Transferor School Corporation. Whether or not a student’s identified educational needs can be “better accommodated” is dependent upon such factors as crowded conditions in the Transferor School Corporation and curriculum offerings at the Transferee School Corporation which are important to the vocational or academic aspirations of the student. “Better accommodation” does not refer to convenience. The parent has the initial burden of proof in any hearing to contest a Transferor School Corporation’s denial of a transfer request.
3. Transfer Tuition refers to transfers between Indiana public school corporations. It does not refer to transfers from one school building in a school corporation to another school building within the same school corporation. A public school corporation means any public school corporation established under law by the State of Indiana. A school corporation may be known as a School City, School Town, School Township, Consolidated School Corporation, Metropolitan School District, Township School Corporation, County School Corporation, United School Corporation, School District, or Community School Corporation, although other names may also be used.
4. Where the school corporation of legal settlement (the Transferor School Corporation) agrees to a transfer, has acquiesced to a transfer, or is ordered to grant the transfer by the State Board of Education, the parent is responsible for the transportation of the student to the Transferee School Corporation.

Questions regarding these instructions may be directed to the Legal Section of the Indiana Department of Education at (317) 232-6676.

Revised: 7/05

TRANSFER REQUEST APPLICATION

All requests for transfer must be filed with the transferor school corporation (the school corporation within which the parent has legal settlement) on or before *April 1* of the school year **prior to the year for which the transfer would take effect. A transfer request shall be valid only for one (1) school year. A school corporation can grant a transfer only for one (1) year.** A parent seeking transfer for a subsequent school year must submit a new transfer request application for each school year for which transfer is sought.

All requests for transfer must be filed in triplicate.

Date _____

Comes Now, _____ (Parent, Guardian, or Custodian), living at the street address of _____ within the _____ School Corporation (the Transferor School Corporation),

and asks that _____ *Grade _____ Born _____

_____ *Grade _____ Born _____

_____ *Grade _____ Born _____

be transferred to _____ School Corporation (the Transferee School Corporation) for the _____ school year.

**The grade the student will be entering.*

GROUND FOR TRANSFER

Pursuant to 511 I.A.C. 1-6-3, a student may only be granted a transfer if the request is conditioned upon at least one of the following reasons:

1. A curriculum offering of the transferee high school is necessary for the student's established academic or vocational aspiration, and the same or a substantially similar curriculum offering is unavailable at the transferor's high school.
2. The transferee school offers courses that would allow the student to receive an Academic Honors Diploma, and the courses would otherwise be unavailable to that student if the student remained in the transferor school.
3. The transferor school is overcrowded and the transferee school is not. The overcrowded conditions at the transferor school must materially affect the student's opportunity to learn, while the conditions at the transferee school would be significantly less crowded.

The space below is the response from the transferor school corporation.

It is my (our) opinion that the above request(s) be APPROVED / DENIED (Circle One) for the following reason(s):

Signed: _____ Date: _____
(Superintendent, Secretary of the Board, or Township Trustee)

*Statement of Tuition charges, should the Request be approved, to be executed on forms provided by the Indiana State Board of Accounts.

TRANSFER APPEAL TO THE INDIANA STATE BOARD OF EDUCATION

*To be used when original request has been denied by the school corporation(s).

Appeal for approval of the request(s) for transfer is hereby made to the Indiana State Board of Education.

Signed: _____ Date: _____
(Parent, Guardian, or Custodian)

Street Address, City, Zip Code

Home Telephone Work Telephone Fax Number

Note: This must be sent by *certified mail* to the Indiana State Board of Education, Room 229, State House, Indianapolis, Indiana 46204-2798, and to the superintendents of both the transferor and transferee school corporations within ten (10) days after the receipt of the school corporation's denial.