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# SENATE BILL No. 275

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-24-2-1; IC 20-8.1-3-17; IC 31-37-19-27.

**Synopsis:** Emancipation and school attendance. Allows a child at least 16 years of age but less than 18 years of age to withdraw from school before graduation if a court emancipates the child with a specification that the child may withdraw from school. Allows a child less than 18 years of age who has been emancipated by a court with a specification that the child may withdraw from school to: (1) be issued; or (2) retain; a driver's license, subject to conditions required to obtain a driver's license.

**Effective:** July 1, 2004.

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### Skillman

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January 8, 2004, read first time and referred to Committee on Judiciary.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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## SENATE BILL No. 275



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 9-24-2-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) A driver's license or a  
3 learner's permit may not be issued to an individual less than eighteen  
4 (18) years of age who meets any of the following conditions:  
5 (1) Is a habitual truant under IC 20-8.1-3-17.2.  
6 (2) Is under at least a second suspension from school for the  
7 school year under IC 20-8.1-5.1-8 or IC 20-8.1-5.1-9.  
8 (3) Is under an expulsion from school under IC 20-8.1-5.1-8,  
9 IC 20-8.1-5.1-9, or IC 20-8.1-5.1-10.  
10 (4) Has withdrawn from school, for a reason other than financial  
11 hardship and the withdrawal was reported under  
12 IC 20-8.1-3-24(a) before graduating, **unless the individual has**  
13 **been emancipated by a court under IC 31-37-19-27(b)(8).**  
14 (b) At least five (5) days before holding an exit interview under  
15 IC 20-8.1-3-17(b)(2), the school corporation shall give notice by  
16 certified mail or personal delivery to the student, the student's parent,  
17 or the student's guardian of the following:



1 (1) That the exit interview will include a hearing to determine if  
 2 the reason for the student's withdrawal is financial hardship.  
 3 (2) If the principal determines that the reason for the student's  
 4 withdrawal is not financial hardship:  
 5 (A) **that** the student and the student's parent or guardian will  
 6 receive a copy of the determination; and  
 7 (B) **that** the student's name will be submitted to the bureau for  
 8 the bureau's use in denying or invalidating a driver's license or  
 9 learner's permit under this section.  
 10 SECTION 2. IC 20-8.1-3-17, AS AMENDED BY P.L.291-2001,  
 11 SECTION 111, IS AMENDED TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2004]: Sec. 17. (a) Subject to the specific  
 13 exceptions under this chapter, each individual shall attend either a  
 14 public school which the individual is entitled to attend under  
 15 IC 20-8.1-6.1 or some other school which is taught in the English  
 16 language.  
 17 (b) An individual is bound by the requirements of this chapter from  
 18 the earlier of the date on which the individual officially enrolls in a  
 19 school or, except as provided in subsection (h), the beginning of the fall  
 20 school term for the school year in which the individual becomes seven  
 21 (7) years of age until the date on which the individual:  
 22 (1) graduates;  
 23 (2) reaches at least sixteen (16) years of age but who is less than  
 24 eighteen (18) years of age and the requirements under subsection  
 25 (j) concerning an exit interview are met enabling the individual to  
 26 withdraw from school before graduation; or  
 27 (3) reaches at least eighteen (18) years of age;  
 28 whichever occurs first.  
 29 (c) An individual who:  
 30 (1) enrolls in school before the fall school term for the school year  
 31 in which the individual becomes seven (7) years of age; and  
 32 (2) is withdrawn from school before the school year described in  
 33 subdivision (1) occurs;  
 34 is not subject to the requirements of this chapter until the individual is  
 35 reenrolled as required in subsection (b). Nothing in this section shall  
 36 be construed to require that a child complete grade 1 before the child  
 37 reaches eight (8) years of age.  
 38 (d) An individual for whom education is compulsory under this  
 39 section shall attend school each year:  
 40 (1) for the number of days public schools are in session in the  
 41 school corporation in which the individual is enrolled in Indiana;  
 42 or

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1 (2) if the individual is enrolled outside Indiana, for the number of  
 2 days the public schools are in session where the individual is  
 3 enrolled.

4 (e) In addition to the requirements of subsections (a) through (d), an  
 5 individual must be at least five (5) years of age on July 1 of the  
 6 2001-2002 school year or any subsequent school year to officially  
 7 enroll in a kindergarten program offered by a school corporation.  
 8 However, subject to subsection (g), the governing body of the school  
 9 corporation shall adopt a procedure affording a parent of an individual  
 10 who does not meet the minimum age requirement set forth in this  
 11 subsection the right to appeal to the superintendent of the school  
 12 corporation for enrollment of the individual in kindergarten at an age  
 13 earlier than the age that is set forth in this subsection.

14 (f) In addition to the requirements of subsections (a) through (e),  
 15 and subject to subsection (g), if an individual enrolls in school as  
 16 permitted under subsection (b) and has not attended kindergarten, the  
 17 superintendent of the school corporation shall make a determination as  
 18 to whether the individual shall enroll in kindergarten or grade 1 based  
 19 on the particular model assessment adopted by the governing body  
 20 under subsection (g).

21 (g) To assist the principal and governing bodies, the department  
 22 shall do the following:

23 (1) Establish guidelines to assist each governing body in  
 24 establishing a procedure for making appeals to the superintendent  
 25 of the school corporation under subsection (e).

26 (2) Establish criteria by which a governing body may adopt a  
 27 model assessment which will be utilized in making the  
 28 determination under subsection (f).

29 (h) If the parents of an individual who would otherwise be subject  
 30 to compulsory school attendance under subsection (b), upon request of  
 31 the superintendent of the school corporation, certify to the  
 32 superintendent of the school corporation that the parents intend to:

33 (1) enroll the individual in a nonaccredited, nonpublic school; or  
 34 (2) begin providing the individual with instruction equivalent to  
 35 that given in the public schools as permitted under section 34 of  
 36 this chapter;

37 not later than the date on which the individual reaches seven (7) years  
 38 of age, the individual is not bound by the requirements of this chapter  
 39 until the individual reaches seven (7) years of age.

40 (i) The governing body of each school corporation shall designate  
 41 the appropriate employees of the school corporation to conduct the exit  
 42 interviews for students described in subsection (b)(2). Each exit

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1 interview must be personally attended by:  
 2 (1) the student's parent or guardian;  
 3 (2) the student;  
 4 (3) each designated appropriate school employee; and  
 5 (4) the student's principal.  
 6 (j) A student who is at least sixteen (16) years of age but less than  
 7 eighteen (18) years of age is bound by the requirements of compulsory  
 8 school attendance and may not withdraw from school before graduation  
 9 unless:  
 10 (1) the student, the student's parent or guardian, and the principal  
 11 agree to the withdrawal, and ~~(2)~~ at the exit interview, the student  
 12 provides written acknowledgment of the withdrawal and the  
 13 student's parent or guardian and the school principal each provide  
 14 written consent for the student to withdraw from school; **or**  
 15 **(2) the student has been emancipated by a court under**  
 16 **IC 31-37-19-27 with a specification by the court that the**  
 17 **student may withdraw from school under**  
 18 **IC 31-37-19-27(b)(8).**  
 19 (k) For the purposes of this section, "school year" has the meaning  
 20 set forth in IC 21-2-12-3(h).  
 21 SECTION 3. IC 31-37-19-27 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 27. (a) The juvenile  
 23 court may emancipate a child under section 1(5) or 5(b)(5) of this  
 24 chapter if the court finds that the child:  
 25 (1) wishes to be free from parental control and protection and no  
 26 longer needs that control and protection;  
 27 (2) has sufficient money for the child's own support;  
 28 (3) understands the consequences of being free from parental  
 29 control and protection; and  
 30 (4) has an acceptable plan for independent living.  
 31 (b) Whenever the juvenile court partially or completely emancipates  
 32 the child, the court shall specify the terms of the emancipation, which  
 33 may include the following:  
 34 (1) Suspension of the parent's or guardian's duty to support the  
 35 child. In this case the judgment of emancipation supersedes the  
 36 support order of a court.  
 37 (2) Suspension of:  
 38 (A) the parent's or guardian's right to the control or custody of the  
 39 child; and  
 40 (B) the parent's right to the child's earnings.  
 41 (3) Empowering the child to consent to marriage.  
 42 (4) Empowering the child to consent to military enlistment.

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- 1 (5) Empowering the child to consent to:
- 2 (A) medical;
- 3 (B) psychological;
- 4 (C) psychiatric;
- 5 (D) educational; or
- 6 (E) social;
- 7 services.
- 8 (6) Empowering the child to contract.
- 9 (7) Empowering the child to own property.
- 10 **(8) Authorization of withdrawal from compulsory school**
- 11 **attendance under IC 20-8.1-3.**
- 12 (c) **Except as provided under subsection (b)(8)**, an emancipated
- 13 child remains subject to:
- 14 (1) IC 20-8.1-3 concerning compulsory school attendance; and
- 15 (2) the continuing jurisdiction of the court.

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