



January 28, 2005

HOUSE BILL No. 1530

DIGEST OF HB 1530 (Updated January 26, 2005 11:22 am - DI 109)

Citations Affected: IC 20-8.1; noncode.

Synopsis: Mandatory school attendance age. Raises the age of mandatory school attendance from 16 to 18 years of age. Requires a student who seeks to withdraw from school before becoming 18 years of age or graduating to sign a written acknowledgment that the student and the student's parent or guardian understand that withdrawing from school is likely to reduce the student's future earnings and increase the student's likelihood of being unemployed or incarcerated in the future. Requires the department of education to develop a written consent to withdraw from school form for a school corporation to use in implementing the written acknowledgment. Expands the reasons a work permit and driver's license may be denied.

Effective: Upon passage; July 1, 2005.

Messer, Woodruff

January 18, 2005, read first time and referred to Committee on Education.
January 27, 2005, amended, reported — Do Pass.

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January 28, 2005

First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

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HOUSE BILL No. 1530



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 20-8.1-3-17 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Subject to the
3 specific exceptions under this chapter, each individual shall attend
4 either a public school which the individual is entitled to attend under
5 IC 20-8.1-6.1 or some other school which is taught in the English
6 language.

7 (b) An individual is bound by the requirements of this chapter from
8 the earlier of the date on which the individual officially enrolls in a
9 school or, except as provided in subsection (h), the beginning of the fall
10 school term for the school year in which the individual becomes seven
11 (7) years of age until the date on which the individual:

- 12 (1) graduates; **or**
- 13 (2) reaches at least ~~sixteen (16)~~ **eighteen (18)** years of age ~~but~~
14 ~~who is less than eighteen (18) years of age~~ and the requirements
15 under subsection (j) concerning an exit interview are met enabling
16 the individual to withdraw from school before graduation. ~~or~~
17 (3) reaches at least ~~eighteen (18)~~ years of age;

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1 ~~whichever occurs first.~~

2 (c) An individual who:

3 (1) enrolls in school before the fall school term for the school year

4 in which the individual becomes seven (7) years of age; and

5 (2) is withdrawn from school before the school year described in

6 subdivision (1) occurs;

7 is not subject to the requirements of this chapter until the individual is

8 reenrolled as required in subsection (b). Nothing in this section shall

9 be construed to require that a child complete grade 1 before the child

10 reaches eight (8) years of age.

11 (d) An individual for whom education is compulsory under this

12 section shall attend school each year:

13 (1) for the number of days public schools are in session in the

14 school corporation in which the individual is enrolled in Indiana;

15 or

16 (2) if the individual is enrolled outside Indiana, for the number of

17 days the public schools are in session where the individual is

18 enrolled.

19 (e) In addition to the requirements of subsections (a) through (d), an

20 individual must be at least five (5) years of age on July 1 of the

21 2001-2002 school year or any subsequent school year to officially

22 enroll in a kindergarten program offered by a school corporation.

23 However, subject to subsection (g), the governing body of the school

24 corporation shall adopt a procedure affording a parent of an individual

25 who does not meet the minimum age requirement set forth in this

26 subsection the right to appeal to the superintendent of the school

27 corporation for enrollment of the individual in kindergarten at an age

28 earlier than the age that is set forth in this subsection.

29 (f) In addition to the requirements of subsections (a) through (e),

30 and subject to subsection (g), if an individual enrolls in school as

31 permitted under subsection (b) and has not attended kindergarten, the

32 superintendent of the school corporation shall make a determination as

33 to whether the individual shall enroll in kindergarten or grade 1 based

34 on the particular model assessment adopted by the governing body

35 under subsection (g).

36 (g) To assist the principal and governing bodies, the department

37 shall do the following:

38 (1) Establish guidelines to assist each governing body in

39 establishing a procedure for making appeals to the superintendent

40 of the school corporation under subsection (e).

41 (2) Establish criteria by which a governing body may adopt a

42 model assessment which will be utilized in making the

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1 determination under subsection (f).

2 (h) If the parents of an individual who would otherwise be subject
3 to compulsory school attendance under subsection (b), upon request of
4 the superintendent of the school corporation, certify to the
5 superintendent of the school corporation that the parents intend to:
6 (1) enroll the individual in a nonaccredited, nonpublic school; or
7 (2) begin providing the individual with instruction equivalent to
8 that given in the public schools as permitted under section 34 of
9 this chapter;

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

13 (i) The governing body of each school corporation shall designate
14 the appropriate employees of the school corporation to conduct the exit
15 interviews for students described in subsection (b)(2). Each exit
16 interview must be personally attended by:
17 (1) the student's parent or guardian;
18 (2) the student;
19 (3) each designated appropriate school employee; and
20 (4) the student's principal.

21 (j) A student who is at least ~~sixteen (16)~~ **seventeen (17)** years of age
22 but less than ~~eighteen (18)~~ **nineteen (19)** years of age is bound by the
23 requirements of compulsory school attendance and may not withdraw
24 from school before graduation unless:
25 (1) the student, the student's parent or guardian, and the principal
26 agree to the withdrawal; and
27 (2) at the exit interview:
28 (A) the student provides written acknowledgment of the
29 withdrawal and the student's parent or guardian and the school
30 principal each provide written consent for the student to
31 withdraw from school;
32 (B) **the school principal provides to the student a copy of**
33 **statistics compiled by the department of education**
34 **concerning the likely consequences of life without a high**
35 **school diploma; and**
36 (C) **the school principal advises the student that a driver's**
37 **license may not be issued to the student upon the student's**
38 **withdrawal from school, for a reason other than financial**
39 **hardship (as prescribed under IC 9-24-2-1).**

40 (k) For the purposes of this section, "school year" has the meaning
41 set forth in IC 21-2-12-3(h).

42 (l) **A written acknowledgment of withdrawal provided under**

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1 subsection (j) must include a statement that the student and the
 2 student's parent or guardian understand that withdrawing from
 3 school is likely to:

- 4 (1) reduce the student's future earnings; and
 5 (2) increase the student's likelihood of being unemployed or
 6 incarcerated in the future.

7 SECTION 2. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2005]: **Sec. 17.7. (a) This section applies to an
 10 individual who:**

- 11 (1) is at least sixteen (16) years of age but less than eighteen
 12 (18) years of age;
 13 (2) has not completed the requirements for graduation; and
 14 (3) wishes to withdraw from school before graduation.

15 (b) An individual to whom this section applies may withdraw
 16 from school only if all the following conditions are met:

- 17 (1) An exit interview is conducted.
 18 (2) The individual's parent consents to the withdrawal.
 19 (3) Upon making a determination that the individual will not
 20 benefit from continuing in school, the principal of the
 21 individual's school consents to the withdrawal.
 22 (4) The withdrawal is based on the individual's need to be
 23 employed to support the individual's family or dependents.

24 (c) For purposes of this section, the following must be in written
 25 form:

- 26 (1) An individual's request to withdraw from school.
 27 (2) A parent's consent to a withdrawal.
 28 (3) A principal's consent to a withdrawal.

29 (d) If the principal of an individual's school does not consent to
 30 the individual's withdrawal under this section, the individual's
 31 parent may appeal the denial of consent to the governing body of
 32 the school corporation.

33 (e) This subsection does not apply to a home school. A school
 34 corporation, nonpublic school (as defined in IC 20-10.1-1-3), or
 35 charter school (as defined in IC 20-5.5-1-4) shall provide an annual
 36 report to the department setting forth the following information
 37 for the year most recently ended:

- 38 (1) The total number of individuals:
 39 (A) who withdrew from school under this section; and
 40 (B) who either:
 41 (i) failed to return to school at the beginning of a
 42 semester; or

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1 (ii) stopped attending school during a semester;
 2 and for whom there is no record of transfer to another
 3 school.
 4 (2) The number of individuals who withdrew from school for
 5 each reason set forth in subsection (b)(4).
 6 SECTION 3. IC 20-8.1-4-3 IS REPEALED [EFFECTIVE JULY 1,
 7 2005].
 8 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The department
 9 of education shall develop a form for the written consent to
 10 withdraw from school for a school corporation's use in
 11 implementing IC 20-8.1-3-17(j), as amended by this act.
 12 (b) The department of education shall compile and make
 13 available to schools statistics concerning the likely consequences of
 14 life without a high school diploma. The statistics must include, but
 15 are not limited to, statistics that show the likelihood of an
 16 individual's:
 17 (1) unemployment or a lower paying job; and
 18 (2) involvement in criminal activity;
 19 as the consequence of not obtaining a high school diploma.
 20 (c) This SECTION expires December 31, 2005.
 21 SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1530, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 27, after "interview" delete "," and insert ":

(A)".

Page 3, line 30, after "school" delete "." and insert ";".

Page 3, between lines 30 and 31, begin a new line double block indented and insert:

"(B) the school principal provides to the student a copy of statistics compiled by the department of education concerning the likely consequences of life without a high school diploma; and

(C) the school principal advises the student that a driver's license may not be issued to the student upon the student's withdrawal from school, for a reason other than financial hardship (as prescribed under IC 9-24-2-1)."

Page 3, after line 32, begin a new paragraph and insert:

"(l) A written acknowledgment of withdrawal provided under subsection (j) must include a statement that the student and the student's parent or guardian understand that withdrawing from school is likely to:

- (1) reduce the student's future earnings; and**
- (2) increase the student's likelihood of being unemployed or incarcerated in the future.**

SECTION 2. IC 20-8.1-3-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17.7. (a) This section applies to an individual who:

- (1) is at least sixteen (16) years of age but less than eighteen (18) years of age;**
- (2) has not completed the requirements for graduation; and**
- (3) wishes to withdraw from school before graduation.**

(b) An individual to whom this section applies may withdraw from school only if all the following conditions are met:

- (1) An exit interview is conducted.**
- (2) The individual's parent consents to the withdrawal.**
- (3) Upon making a determination that the individual will not benefit from continuing in school, the principal of the individual's school consents to the withdrawal.**
- (4) The withdrawal is based on the individual's need to be**



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employed to support the individual's family or dependents.

(c) For purposes of this section, the following must be in written form:

- (1) An individual's request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the principal of an individual's school does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the school corporation.

(e) This subsection does not apply to a home school. A school corporation, nonpublic school (as defined in IC 20-10.1-1-3), or charter school (as defined in IC 20-5.5-1-4) shall provide an annual report to the department setting forth the following information for the year most recently ended:

- (1) The total number of individuals:
 - (A) who withdrew from school under this section; and
 - (B) who either:
 - (i) failed to return to school at the beginning of a semester; or
 - (ii) stopped attending school during a semester; and for whom there is no record of transfer to another school.
- (2) The number of individuals who withdrew from school for each reason set forth in subsection (b)(4).

SECTION 3. IC 20-8.1-4-3 IS REPEALED [EFFECTIVE JULY 1, 2005].

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) The department of education shall develop a form for the written consent to withdraw from school for a school corporation's use in implementing IC 20-8.1-3-17(j), as amended by this act.

(b) The department of education shall compile and make available to schools statistics concerning the likely consequences of life without a high school diploma. The statistics must include, but are not limited to, statistics that show the likelihood of an individual's:

- (1) unemployment or a lower paying job; and
- (2) involvement in criminal activity;

as the consequence of not obtaining a high school diploma.

(c) This SECTION expires December 31, 2005.

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SECTION 5. An emergency is declared for this act."

and when so amended that said bill do pass.

(Reference is to HB 1530 as introduced.)

BEHNING, Chair

Committee Vote: yeas 11, nays 1.

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