

HOUSE BILL No. 1302

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-2; IC 20-51-1.

Synopsis: Age for mandatory school attendance. Beginning with the 2013-2014 school year, requires a student to enroll in a kindergarten program that is at least a half-day program not later than the fall term of the school year in which the student becomes five years of age. Makes conforming changes.

Effective: July 1, 2013.

VanDenburgh

January 14, 2013, read first time and referred to Committee on Education.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1302



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 20-33-2-6, AS ADDED BY P.L.242-2005,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]: Sec. 6. A student is bound by the requirements of this
4 chapter from the earlier of the date on which the student officially
5 enrolls in a school or, except as provided in section 8 of this chapter,
6 the beginning of the fall school term for the school year in which the
7 student becomes ~~seven (7)~~ **five (5)** years of age until the date on which
8 the student:
9 (1) graduates;
10 (2) becomes eighteen (18) years of age; or
11 (3) becomes sixteen (16) years of age but is less than eighteen
12 (18) years of age and the requirements under section 9 of this
13 chapter concerning an exit interview are met enabling the student
14 to withdraw from school before graduation;
15 whichever occurs first.
16 SECTION 2. IC 20-33-2-7, AS ADDED BY P.L.246-2005,
17 SECTION 177, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) In addition to the
 2 requirements of sections 4 through 6 of this chapter, a student must be
 3 at least five (5) years of age on:

4 (1) July 1 of the 2005-2006 school year; or

5 (2) August 1 of the 2006-2007 school year or any subsequent
 6 school year;

7 to officially enroll in a kindergarten program offered by a school
 8 corporation. However, subject to subsection (c), the governing body of
 9 the school corporation shall adopt a procedure affording a parent of a
 10 student who does not meet the minimum age requirement set forth in
 11 this subsection the right to appeal to the superintendent for enrollment
 12 of the student in kindergarten at an age earlier than the age set forth in
 13 this subsection.

14 (b) In addition to the requirements of sections 4 through 6 of this
 15 chapter and subsection (a); and subject to subsection (c), if a student
 16 enrolls in school as allowed under section 6 of this chapter and has not
 17 attended kindergarten, the superintendent shall make a determination
 18 as to whether the student shall enroll in kindergarten or grade 1 based
 19 on the particular model assessment adopted by the governing body
 20 under subsection (c).

21 (c) 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 under subsection (a).

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

29 **For the 2013-2014 school year and any subsequent school year, a**
 30 **student shall enroll in a kindergarten program that is at least a**
 31 **half-day program not later than the fall term of the school year in**
 32 **which the student becomes five (5) years of age.**

33 SECTION 3. IC 20-33-2-8, AS ADDED BY P.L.1-2005, SECTION
 34 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 35 2013]: Sec. 8. A student is not bound by the requirements of this
 36 chapter until the student becomes ~~seven (7)~~ **five (5)** years of age, if,
 37 upon request of the superintendent of the school corporation, the parent
 38 of a student who would otherwise be subject to compulsory school
 39 attendance under section 6 of this chapter certifies to the
 40 superintendent that the parent intends to:

41 (1) enroll the student in a nonaccredited, nonpublic school; or

42 (2) begin providing the student with instruction equivalent to that

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1 given in the public schools as permitted under section 28 of this
 2 chapter;
 3 not later than the date on which the student becomes ~~seven (7)~~ **five (5)**
 4 years of age.

5 SECTION 4. IC 20-51-1-4.5, AS ADDED BY P.L.92-2011,
 6 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2013]: Sec. 4.5. "Eligible individual" refers to an individual
 8 who:

- 9 (1) has legal settlement in Indiana;
- 10 (2) is at least five (5) years of age and less than twenty-two (22)
 11 years of age ~~on the date~~ in the school year specified in
 12 IC 20-33-2-7;
- 13 (3) either has been or is currently enrolled in an accredited school;
- 14 (4) is a member of a household with an annual income of not
 15 more than one hundred fifty percent (150%) of the amount
 16 required for the individual to qualify for the federal free or
 17 reduced price lunch program; and
- 18 (5) either:
 - 19 (A) was enrolled in grade 1 through 12 in a school corporation
 20 that did not charge the individual transfer tuition for at least
 21 two (2) semesters immediately preceding the first semester for
 22 which the individual receives a choice scholarship under
 23 IC 20-51-4; or
 - 24 (B) received a scholarship from a scholarship granting
 25 organization under IC 20-51-3 or a choice scholarship under
 26 IC 20-51-4 in a preceding school year, including a school year
 27 that does not immediately precede a school year in which the
 28 individual receives a scholarship from a scholarship granting
 29 organization under IC 20-51-3 or a choice scholarship under
 30 IC 20-51-4.

31 SECTION 5. IC 20-51-1-5, AS AMENDED BY P.L.129-2012,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2013]: Sec. 5. "Eligible student" refers to an individual who:

- 34 (1) has legal settlement in Indiana;
- 35 (2) is at least five (5) years of age and less than twenty-two (22)
 36 years of age ~~on the date~~ in the school year specified in
 37 IC 20-33-2-7;
- 38 (3) either has been or is currently enrolled in a participating
 39 school;
- 40 (4) is a member of a household with an annual income of not
 41 more than two hundred percent (200%) of the amount required for
 42 the individual to qualify for the federal free or reduced price



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- 1 lunch program; and
- 2 (5) meets at least one (1) of the following conditions:
- 3 (A) The individual is enrolling in kindergarten.
- 4 (B) The individual was enrolled in a public school during the
- 5 school year preceding the first school year for which a
- 6 scholarship granting organization provides a scholarship to the
- 7 individual.
- 8 (C) The individual received a scholarship in the previous year
- 9 from a nonprofit scholarship granting organization that
- 10 qualifies for certification as a school scholarship program.
- 11 (D) The individual received a school scholarship from a
- 12 scholarship granting organization in a preceding year,
- 13 including a school year that does not immediately precede a
- 14 school year in which the individual receives a scholarship
- 15 from a scholarship granting organization.

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