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# HOUSE BILL No. 1460

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-18-2; IC 20-19-3-12; IC 20-20-8-8; IC 20-26-5-34; IC 20-30-2-2.2; IC 20-31-5-4; IC 20-32-4; IC 20-33.

**Synopsis:** School absenteeism. Makes changes to the definition of: (1) chronic absenteeism; and (2) habitual truant. Requires school corporations and schools to identify contributing factors to absenteeism and to develop chronic absence reduction plans. Provides that a school corporation must include the number of students who are habitually truant in the school corporation's annual performance report. Provides that a school corporation's strategic and continuous school improvement plan must include objectives relating to the educational needs of students who are chronically absent or habitually truant from school. Requires school corporations to share data on high chronic absence schools with the department of education (department) and with the office of the secretary of family and social services for the purpose of targeting allocation of resources and identifying or developing programs to improve student attendance. Provides that a student may not receive a graduation waiver unless the student has at least a 95% attendance rate. (Current law provides that a student must have at least a 95% attendance rate, excluding excused absences.) Provides that out-of-school suspension is an excused absence. Provides that a student participating in a court assisted resolution of a suspension or an expulsion case is not considered absent from school if the student is present for court supervised educational services or making up classroom assignments. Requires a public school and a nonpublic school to make its daily attendance record open to inspection to enable timely reporting and monitoring of chronic absenteeism and habitual truancy. Provides that a superintendent and a court having juvenile jurisdiction may enter into a voluntary agreement for a court assisted resolution of chronic absenteeism. Makes conforming amendments.

**Effective:** July 1, 2013.

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## Frizzell

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January 22, 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. 1460



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 20-18-2-2.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 2.7. "Chronic absenteeism" has the meaning set forth**  
4 **in IC 20-20-8-8.**

5 SECTION 2. IC 20-18-2-6.5 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2013]: **Sec. 6.5. "Habitual truant" has the meaning set forth in**  
8 **IC 20-33-2-11.**

9 SECTION 3. IC 20-19-3-12 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2013]: **Sec. 12. The department shall make reduction of**  
12 **absenteeism in schools a policy priority and direct school**  
13 **corporations and schools to:**

- 14 (1) **identify factors contributing to absenteeism; and**
- 15 (2) **develop chronic absence reduction plans.**

16 SECTION 4. IC 20-20-8-8, AS AMENDED BY P.L.3-2008,  
17 SECTION 115, IS AMENDED TO READ AS FOLLOWS



- 1 [EFFECTIVE JULY 1, 2013]: Sec. 8. The report must include the  
 2 following information:
- 3 (1) Student enrollment.
  - 4 (2) Graduation rate (as defined in IC 20-26-13-6).
  - 5 (3) Attendance rate.
  - 6 (4) The following test scores, including the number and  
 7 percentage of students meeting academic standards:
    - 8 (A) ISTEP program test scores.
    - 9 (B) Scores for assessments under IC 20-32-5-21, if  
 10 appropriate.
    - 11 (C) For a freeway school, scores on a locally adopted  
 12 assessment program, if appropriate.
  - 13 (5) Average class size.
  - 14 (6) The number and percentage of students in the following  
 15 groups or programs:
    - 16 (A) Alternative education, if offered.
    - 17 (B) Career and technical education.
    - 18 (C) Special education.
    - 19 (D) High ability.
    - 20 (E) Remediation.
    - 21 (F) Limited English language proficiency.
    - 22 (G) Students receiving free or reduced price lunch under the  
 23 national school lunch program.
    - 24 (H) School flex program, if offered.
  - 25 (7) Advanced placement, including the following:
    - 26 (A) For advanced placement tests, the percentage of students:
      - 27 (i) scoring three (3), four (4), and five (5); and
      - 28 (ii) taking the test.
    - 29 (B) For the Scholastic Aptitude Test:
      - 30 (i) test scores for all students taking the test;
      - 31 (ii) test scores for students completing the academic honors  
 32 diploma program; and
      - 33 (iii) the percentage of students taking the test.
  - 34 (8) Course completion, including the number and percentage of  
 35 students completing the following programs:
    - 36 (A) Academic honors diploma.
    - 37 (B) Core 40 curriculum.
    - 38 (C) Career and technical programs.
  - 39 (9) The percentage of grade 8 students enrolled in algebra I.
  - 40 (10) The percentage of graduates who pursue higher education.
  - 41 (11) School safety, including:
    - 42 (A) the number of students receiving suspension or expulsion

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- 1 for the possession of alcohol, drugs, or weapons; and  
 2 (B) the number of incidents reported under IC 20-33-9.
- 3 (12) Financial information and various school cost factors,  
 4 including the following:  
 5 (A) Expenditures per pupil.  
 6 (B) Average teacher salary.  
 7 (C) Remediation funding.
- 8 (13) Technology accessibility and use of technology in  
 9 instruction.
- 10 (14) Interdistrict and intradistrict student mobility rates, if that  
 11 information is available.
- 12 (15) The number and percentage of each of the following within  
 13 the school corporation:  
 14 (A) Teachers who are certificated employees (as defined in  
 15 IC 20-29-2-4).  
 16 (B) Teachers who teach the subject area for which the teacher  
 17 is certified and holds a license.  
 18 (C) Teachers with national board certification.
- 19 (16) The percentage of grade 3 students reading at grade 3 level.
- 20 (17) The number of students expelled, including the number  
 21 participating in other recognized education programs during their  
 22 expulsion.
- 23 (18) Chronic absenteeism. ~~which includes~~ **For purposes of this**  
 24 **section, "chronic absenteeism" means** the number of students  
 25 who have been absent ~~more than ten (10) days~~ from school ~~within~~  
 26 **a for ten percent (10%) or more of a school year without being**  
 27 ~~excused; for any reason.~~
- 28 **(19) Habitual truancy, which includes the number of students**  
 29 **who have been absent ten (10) days or more from school**  
 30 **within a school year without being excused.**
- 31 ~~(19)~~ **(20)** The number of students who have dropped out of  
 32 school, including the reasons for dropping out.
- 33 ~~(20)~~ **(21)** The number of student work permits revoked.
- 34 ~~(21)~~ **(22)** The number of student driver's licenses revoked.
- 35 ~~(22)~~ **(23)** The number of students who have not advanced to grade  
 36 10 due to a lack of completed credits.
- 37 ~~(23)~~ **(24)** The number of students suspended for any reason.
- 38 ~~(24)~~ **(25)** The number of students receiving an international  
 39 baccalaureate diploma.
- 40 ~~(25)~~ **(26)** Other indicators of performance as recommended by the  
 41 education roundtable under IC 20-19-4.
- 42 SECTION 5. IC 20-26-5-34 IS ADDED TO THE INDIANA CODE

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1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
2 1, 2013]: **Sec. 34. School corporations shall share data on schools  
3 having a high number of chronic student absences with the  
4 department and with the office of the secretary of family and social  
5 services for the purpose of:**

- 6 **(1) targeting allocation of resources; and**  
7 **(2) identifying or developing model programs to improve  
8 school attendance.**

9 SECTION 6. IC 20-30-2-2.2, AS ADDED BY P.L.242-2005,  
10 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2013]: Sec. 2.2. (a) As used in this section, "eligible student"  
12 means a student in grade 11 or 12 who has:

- 13 (1) failed the ISTEP+ graduation exam at least twice;  
14 (2) been determined to be chronically absent, by missing **more  
15 than ten (10) unexcused days of school in one (1) ten percent  
16 (10%) or more of a school year for any reason;**  
17 (3) been determined to be a habitual truant, as identified under  
18 IC 20-33-2-11;  
19 (4) been significantly behind in credits for graduation, as  
20 identified by an individual's school principal;  
21 (5) previously undergone at least a second suspension from school  
22 for the school year under IC 20-33-8-14 or IC 20-33-8-15;  
23 (6) previously undergone an expulsion from school under  
24 IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or  
25 (7) been determined by the individual's principal and the  
26 individual's parent or guardian to benefit by participating in the  
27 school flex program.

28 (b) An eligible student who participates in a school flex program  
29 must:

- 30 (1) attend school for at least three (3) hours of instructional time  
31 per school day;  
32 (2) pursue a timely graduation;  
33 (3) provide evidence of college or technical career education  
34 enrollment and attendance or proof of employment and labor that  
35 is aligned with the student's career academic sequence under rules  
36 established by the Indiana bureau of child labor;  
37 (4) not be suspended or expelled while participating in a school  
38 flex program;  
39 (5) pursue course and credit requirements for a general diploma;  
40 and  
41 (6) maintain a ninety-five percent (95%) attendance rate.

42 (c) A school may allow an eligible student in grade 11 or 12 to

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1 complete an instructional day that consists of three (3) hours of  
2 instructional time if the student participates in the school flex program.

3 (d) If one (1) or more students participate in a school flex program,  
4 the principal shall, on forms provided by the department, submit a  
5 yearly report to the department of student participation and graduation  
6 rates of students who participate in the school flex program.

7 SECTION 7. IC 20-31-5-4, AS ADDED BY P.L.1-2005, SECTION  
8 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
9 2013]: Sec. 4. (a) A plan must:

10 (1) state objectives for a three (3) year period; and

11 (2) be annually reviewed and revised to accomplish the  
12 achievement objectives of the school.

13 (b) A plan must establish objectives for the school to achieve. These  
14 achievement objectives must be consistent with academic standards  
15 and include improvement in at least the following areas:

16 (1) Attendance rate.

17 **(2) The educational needs of students who have been**  
18 **identified to be chronically absent or habitually truant from**  
19 **school.**

20 ~~(2)~~ **(3)** The percentage of students meeting academic standards  
21 under the ISTEP program (IC 20-31-3 and IC 20-32-5).

22 ~~(3)~~ **(4)** For a secondary school, graduation rate.

23 (c) A plan must address the learning needs of all students, including  
24 programs and services for exceptional learners.

25 (d) A plan must specify how and to what extent the school expects  
26 to make continuous improvement in all areas of the education system  
27 where results are measured by setting benchmarks for progress on an  
28 individual school basis.

29 (e) A plan must note specific areas where improvement is needed  
30 immediately.

31 SECTION 8. IC 20-32-4-4, AS AMENDED BY P.L.185-2006,  
32 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
33 JULY 1, 2013]: Sec. 4. Beginning with the 2005-2006 school year, a  
34 student who does not achieve a passing score on the graduation  
35 examination and who does not meet the requirements of section 1 of  
36 this chapter may be eligible to graduate if the student does all the  
37 following:

38 (1) Takes the graduation examination in each subject area in  
39 which the student did not achieve a passing score at least one (1)  
40 time every school year after the school year in which the student  
41 first takes the graduation examination.

42 (2) Completes remediation opportunities provided to the student

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- 1 by the student's school.
- 2 (3) Maintains a school attendance rate of at least ninety-five
- 3 percent (95%). ~~with excused absences not counting against the~~
- 4 ~~student's attendance.~~
- 5 (4) Maintains at least a "C" average or the equivalent in the
- 6 courses comprising the credits specifically required for graduation
- 7 by rule of the state board.
- 8 (5) Otherwise satisfies all state and local graduation requirements.
- 9 (6) Either:
- 10 (A) completes:
- 11 (i) the course and credit requirements for a general diploma,
- 12 including the career academic sequence;
- 13 (ii) a workforce readiness assessment; and
- 14 (iii) at least one (1) career exploration internship,
- 15 cooperative education, or workforce credential
- 16 recommended by the student's school; or
- 17 (B) obtains a written recommendation from a teacher of the
- 18 student in each subject area in which the student has not
- 19 achieved a passing score on the graduation examination. The
- 20 written recommendation must be concurred in by the principal
- 21 of the student's school and be supported by documentation that
- 22 the student has attained the academic standard in the subject
- 23 area based on:
- 24 (i) tests other than the graduation examination; or
- 25 (ii) classroom work.
- 26 SECTION 9. IC 20-32-4-5, AS ADDED BY P.L.1-2005, SECTION
- 27 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 28 2013]: Sec. 5. (a) This section applies to a student who is a child with
- 29 a disability (as defined in IC 20-35-1-2).
- 30 (b) If the student does not achieve a passing score on the graduation
- 31 examination, the student's case conference committee may determine
- 32 that the student is eligible to graduate if the case conference committee
- 33 finds the following:
- 34 (1) The student's teacher of record, in consultation with a teacher
- 35 of the student in each subject area in which the student has not
- 36 achieved a passing score, makes a written recommendation to the
- 37 case conference committee. The recommendation must:
- 38 (A) be concurred in by the principal of the student's school;
- 39 and
- 40 (B) be supported by documentation that the student has
- 41 attained the academic standard in the subject area based on:
- 42 (i) tests other than the graduation examination; or

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- 1 (ii) classroom work.
- 2 (2) The student meets all the following requirements:
- 3 (A) Retakes the graduation examination in each subject area
- 4 in which the student did not achieve a passing score as often
- 5 as required by the student's individualized education program.
- 6 (B) Completes remediation opportunities provided to the
- 7 student by the student's school to the extent required by the
- 8 student's individualized education program.
- 9 (C) Maintains a school attendance rate of at least ninety-five
- 10 percent (95%) to the extent required by the student's
- 11 individualized education program. ~~with excused absences not~~
- 12 ~~counting against the student's attendance.~~
- 13 (D) Maintains at least a "C" average or the equivalent in the
- 14 courses comprising the credits specifically required for
- 15 graduation by rule of the state board.
- 16 (E) Otherwise satisfies all state and local graduation
- 17 requirements.
- 18 SECTION 10. IC 20-33-2-11, AS ADDED BY P.L.242-2005,
- 19 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2013]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the
- 21 minimum requirements for qualifying for the issuance of an operator's
- 22 license or a learner's permit, and subject to subsections (c) through (e),
- 23 an individual who is:
- 24 (1) at least thirteen (13) years of age but less than fifteen (15)
- 25 years of age;
- 26 (2) a habitual truant under the definition of habitual truant
- 27 established under subsection (b); and
- 28 (3) identified in the information submitted to the bureau of motor
- 29 vehicles under subsection (f);
- 30 may not be issued an operator's license or a learner's permit to drive a
- 31 motor vehicle under IC 9-24 until the individual is at least eighteen
- 32 (18) years of age.
- 33 (b) Each governing body shall establish and include as part of the
- 34 written copy of its discipline rules described in IC 20-33-8-12:
- 35 (1) a definition of a child who is designated as a habitual truant,
- 36 which must ~~at a minimum~~, define the term as a student who ~~is~~
- 37 ~~chronically absent~~, ~~by having~~ **has** unexcused absences from
- 38 school for ~~more than ten (10) or more~~ days of school in one (1)
- 39 school year;
- 40 (2) the procedures under which subsection (a) will be
- 41 administered; and
- 42 (3) all other pertinent matters related to this action.

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1 (c) An individual described in subsection (a) is entitled to the  
2 procedure described in IC 20-33-8-19.

3 (d) An individual described in subsection (a) who is at least thirteen  
4 (13) years of age and less than eighteen (18) years of age is entitled to  
5 a periodic review of the individual's attendance record in school to  
6 determine whether the prohibition described in subsection (a) shall  
7 continue. The periodic reviews may not be conducted less than one (1)  
8 time each school year.

9 (e) Upon review, the governing body may determine that the  
10 individual's attendance record has improved to the degree that the  
11 individual may become eligible to be issued an operator's license or a  
12 learner's permit.

13 (f) Before:

14 (1) February 1; and

15 (2) October 1;

16 of each year the governing body of the school corporation shall submit  
17 to the bureau of motor vehicles the pertinent information concerning an  
18 individual's ineligibility under subsection (a) to be issued an operator's  
19 license or a learner's permit.

20 (g) The department shall develop guidelines concerning criteria  
21 used in defining a habitual truant that may be considered by a  
22 governing body in complying with subsection (b).

23 SECTION 11. IC 20-33-2-14, AS AMENDED BY P.L.90-2011,  
24 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
25 JULY 1, 2013]: Sec. 14. (a) This section and sections 15 through 17.5  
26 of this chapter apply to a student who attends either a public school or  
27 a nonpublic school.

28 ~~(b) The governing body of each school corporation shall have a~~  
29 ~~policy outlining the conditions for excused and unexcused absences.~~  
30 ~~The policy must include the grounds for excused absences required by~~  
31 ~~sections 15 through 17.5 of this chapter or another law. Any absence~~  
32 ~~that results in a person not attending at least one hundred eighty (180)~~  
33 ~~days in a school year must be in accordance with the governing body's~~  
34 ~~policy to qualify as an excused absence.~~

35 **(b) For purposes of this section, "excused absence" means an**  
36 **absence that a school corporation or nonpublic school specifies in**  
37 **school policy as being caused by a legitimate reason and that is**  
38 **verified by the student's parent or physician. The term includes,**  
39 **but is not limited to, an absence caused by:**

40 **(1) illness or medical issues;**

41 **(2) a funeral;**

42 **(3) maternity;**

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1           **(4) military service of the student or the deployment or return**  
 2           **of a family member of the student who is enlisted in the armed**  
 3           **forces of the United States or national guard; or**

4           **(5) except as provided in subsection (f), a suspension, as**  
 5           **defined in IC 20-33-8-7.**

6           **(c) An unexcused absence is any absence that is not:**

7               **(1) an excused absence;**

8               **(2) an absence excused under subsection (d); or**

9               **(3) an absence covered by an exception under sections 15**  
 10              **through 17.5 of this chapter.**

11           (ε) **(d)** Service as a page for or as an honoree of the general  
 12           assembly is a lawful excuse for a student to be absent from school,  
 13           when verified by a certificate of the secretary of the senate or the chief  
 14           clerk of the house of representatives. A student excused from school  
 15           attendance under this section may not be recorded as being absent on  
 16           any date for which the excuse is operative and may not be penalized by  
 17           the school in any manner.

18           **(e) Except as provided in subsection (f), the absence of a student**  
 19           **who is suspended under IC 20-33-8-7 is considered an excused**  
 20           **absence.**

21           **(f) A student under court supervision who is receiving services**  
 22           **under IC 20-33-8.5 is not considered absent if the student is present**  
 23           **for any court supervised instruction or makes up classroom**  
 24           **assignments under an agreement under IC 20-33-8.5-2.**

25           SECTION 12. IC 20-33-2-20, AS AMENDED BY P.L.34-2008,  
 26           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27           JULY 1, 2013]: Sec. 20. (a) An accurate daily record of the attendance  
 28           of each student who is subject to compulsory school attendance under  
 29           this chapter shall be kept by every public and nonpublic school. **Public**  
 30           **schools and nonpublic schools shall make the daily record of**  
 31           **attendance available for inspection to enable timely reporting and**  
 32           **monitoring of chronic absenteeism and habitual truancy.**

33           (b) In a public school, the record shall be open at all times for  
 34           inspection by:

35               (1) attendance officers;

36               (2) school officials;

37               (3) agents of the department of labor;

38               (4) security police officers appointed under IC 36-8-3-7; and

39               (5) school corporation police officers appointed under  
 40               IC 20-26-16.

41           Every teacher shall answer fully all lawful inquiries made by an  
 42           attendance officer, a school official, an agent of the department of

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labor, or a security police officer appointed under IC 36-8-3-7.

(c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon request of the:

- (1) state superintendent; or
- (2) superintendent of the school corporation in which the nonpublic school is located.

SECTION 13. IC 20-33-8.5-2, AS ADDED BY P.L.242-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2. A superintendent and a court having juvenile jurisdiction in the county may enter into a voluntary agreement (referred to as the "agreement" in this chapter) for court assisted resolution of school suspension and expulsion cases **or the chronic absenteeism of a student.** The agreement may require the court to supervise or provide for the supervision of:

- (1) an expelled or suspended student; **or**
- (2) **a student who has been identified as being chronically absent from school;**

who has been referred to the court by the school corporation in accordance with the terms of the agreement.

SECTION 14. IC 20-33-8.5-3, AS ADDED BY P.L.242-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 3. The agreement may require that a court do one (1) or more of the following:

- (1) Establish a flexible program for the supervision of a student who has been suspended, ~~or~~ expelled, **or identified as being chronically absent.**
- (2) Supervise a student who has been suspended, ~~or~~ expelled, **or identified as being chronically absent.**
- (3) Require a student who has been suspended, ~~or~~ expelled, **or identified as being chronically absent** to participate in a school program (including an alternative educational program) for the supervision of ~~a the student. who has been suspended or expelled.~~

SECTION 15. IC 20-33-8.5-4, AS ADDED BY P.L.242-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) The agreement may require that a school corporation do one (1) or more of the following:

- (1) Define the violation for which a student who has been suspended, ~~or~~ expelled, **or identified as being chronically absent from school** shall be referred to the court.
- (2) Refer a student who has been suspended, ~~or~~ expelled, **or identified as being chronically absent from school** for a

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1 violation described in subdivision (1) to the court.  
 2 (3) Establish a school program (including an alternative  
 3 educational program) for the supervision of a student who has  
 4 been suspended, ~~or~~ expelled, **or identified as being chronically**  
 5 **absent from school.**

6 (b) If a school corporation enters into an agreement, the discipline  
 7 rules adopted by the school corporation under IC 20-33-8-12 must  
 8 specify the violations for which a student may be referred to the court  
 9 under the agreement.

10 SECTION 16. IC 20-33-8.5-5, AS AMENDED BY  
 11 P.L.182-2009(ss), SECTION 321, IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. The agreement must  
 13 provide how the expenses of supervising a student who has been  
 14 suspended, ~~or~~ expelled, **or identified as being chronically absent**  
 15 **from school** are funded. A school corporation may not be required to  
 16 expend more than the transition to foundation amount (as determined  
 17 under IC 20-43-5-6) for each student referred under the agreement.

18 SECTION 17. IC 20-33-8.5-7, AS ADDED BY P.L.242-2005,  
 19 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2013]: Sec. 7. A hearing under this chapter is not a hearing to  
 21 determine whether a student who has been suspended, ~~or~~ expelled, **or**  
 22 **identified as a student who is chronically absent from school** is a  
 23 child in need of services. However, if a court determines that a student  
 24 who has been suspended, ~~or~~ expelled, **or identified as being**  
 25 **chronically absent from school** may:

- 26 (1) be a child in need of services (as described in IC 31-34-1); or  
 27 (2) have committed a delinquent act (as described in IC 31-37);  
 28 the court may notify the office of family and children or the prosecuting  
 29 attorney.

30 SECTION 18. IC 20-33-8.5-10, AS ADDED BY P.L.242-2005,  
 31 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2013]: Sec. 10. All records of the student's court appearance  
 33 shall be expunged upon the student's completion of the **chronic**  
 34 **absenteeism or** out-of-school suspension or expulsion program.

35 SECTION 19. IC 20-33-8.5-11, AS ADDED BY P.L.242-2005,  
 36 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2013]: Sec. 11. Notwithstanding the terms of the agreement,  
 38 a suspension, an expulsion, **an identification of a student as being**  
 39 **chronically absent**, or a referral of a student who is a child with a  
 40 disability (as defined in ~~IC 20-1-6-1~~ **IC 20-35-1-2**) is subject to the:

- 41 (1) procedural requirements of 20 U.S.C. 1415; and  
 42 (2) rules adopted by the Indiana state board of education.

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