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**TITLE 512 DEPARTMENT OF EDUCATION**

**Administrative Rules Oversight Committee Notice**  
**60 Day Requirement ([IC 4-22-2-19](#))**  
LSA Document #06-39

Re: LSA Document #06-39

October 31, 2006

Senator R. Michael Young, Chair  
Administrative Rules Oversight Committee  
Room 301 Statehouse  
Indianapolis, IN 46204

Dear Senator Young:

Pursuant to [IC 4-22-2-19](#)(c)(2), the Department of Education notifies the Administrative Rules Oversight Committee that it did not begin a rulemaking process within sixty (60) days after the effective date of the statute that authorized adoption of a rule determining the threshold above which a school corporation or an accredited nonpublic school shall report to the local health department the percentage of student absences. [IC 20-33-2-47](#). The rulemaking process did not begin within sixty (60) days for the following reasons:

When this statute was passed (P.L.8-2004) by the General Assembly, amending the compulsory school attendance law, the statute placed the rule making responsibility upon the Indiana Department of Education, not the Indiana State Board of Education. This will be the first Indiana Department of Education rule.

An administrative error occurred when state board personnel correctly assessed that it was not a state board rule and department personnel incorrectly assumed it was a state board action, having never had a rule historically. Staff became aware of the error this spring. The policy required by the statute has been publicized and used by public schools since 2004.

The Rule is: LSA Document #06-39(F)

We regret this error and appreciate your understanding. If you have any questions contact Mr. Gaylon J. Nettles, Director, Office of Student Services at 232-9132.

Sincerely,

Jeffery P. Zaring  
Chief of Staff  
Indiana Department of Education

*Posted: 11/22/2006 by Legislative Services Agency*  
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