

# HOUSE BILL No. 1408

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Mandatory kindergarten. Provides that, beginning with the 2019-2020 school year, a student shall enroll in a kindergarten program not later than the fall term of the school year if the student is five years of age on August 1 of that school year. Makes conforming amendments.

**Effective:** July 1, 2019.

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January 14, 2019, read first time and referred to Committee on Education.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

# HOUSE BILL No. 1408

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 AMENDED BY P.L.242-2005,  
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: 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)~~ **is five (5)** years of age **on August 1 of the**  
8 **school year**, until the date on which 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 AMENDED BY P.L.233-2015,  
17 SECTION 246, IS AMENDED TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) In addition to the  
2 requirements of sections 4 through 6 of this chapter, a student:

3 **(1) must be at least five (5) years of age on August 1 of the school**  
4 **year to officially enroll in a kindergarten program offered by a**  
5 **school corporation; and**

6 **(2) shall, beginning with the 2019-2020 school year, enroll in**  
7 **a kindergarten program not later than the fall term for the**  
8 **school year in which the student is five (5) years of age on**  
9 **August 1 of the school year.**

10 However, subject to subsection ~~(c)~~; **(b)**, the governing body of the  
11 school corporation may adopt a procedure affording a parent of a  
12 student who does not meet the minimum age requirement set forth in  
13 this subsection the right to appeal to the superintendent for enrollment  
14 of the student in kindergarten at an age earlier than the age set forth in  
15 this subsection.

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

23 ~~(c)~~ **(b)** To assist the principal and governing bodies, the department  
24 shall ~~do the following~~:

25 ~~(1) establish guidelines to assist each governing body that decides~~  
26 ~~to adopt a procedure for making appeals to the superintendent~~  
27 ~~under subsection (a).~~

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

31 SECTION 3. IC 20-33-2-8, AS ADDED BY P.L.1-2005, SECTION  
32 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
33 2019]: Sec. 8. A student is not bound by the requirements of this  
34 chapter until the student becomes ~~seven (7)~~ **five (5)** years of age, if,  
35 upon request of the superintendent of the school corporation, the parent  
36 of a student who would otherwise be subject to compulsory school  
37 attendance under section 6 of this chapter certifies to the  
38 superintendent that the parent intends to:

39 (1) enroll the student in a nonaccredited, nonpublic school; or  
40 (2) begin providing the student with instruction equivalent to that  
41 given in the public schools as permitted under section 28 of this  
42 chapter;



1 not later than ~~the date on which the student becomes seven (7)~~ **August**  
 2 **1 of the school year if the student is five (5)** years of age **on August**  
 3 **1 of the school year.**

4 SECTION 4. IC 20-51-1-4.3, AS AMENDED BY P.L.184-2017,  
 5 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2019]: Sec. 4.3. "Eligible choice scholarship student" refers  
 7 to an individual who:

- 8 (1) has legal settlement in Indiana;  
 9 (2) is at least five (5) years of age and less than twenty-two (22)  
 10 years of age on ~~the date in~~ **August 1 of the school year; specified**  
 11 ~~in IC 20-33-2-7;~~ and  
 12 (3) meets at least one (1) of the following conditions:

13 (A) The individual is:

14 (i) a student with a disability who requires special education  
 15 and for whom an individualized education program has been  
 16 developed under IC 20-35 or a service plan developed under  
 17 511 IAC 7-34; and

18 (ii) a member of a household with an annual income of not  
 19 more than two hundred percent (200%) of the amount  
 20 required for the individual to qualify for the federal free or  
 21 reduced price lunch program.

22 (B) The individual is:

23 (i) an individual who, because of the school corporation's  
 24 residency requirement, would be required to attend a  
 25 specific public school within a school corporation that has  
 26 been placed in the lowest category or designation of school  
 27 improvement under IC 20-31-8-4 (has been assigned an "F"  
 28 grade); and

29 (ii) except as provided in IC 20-51-4-2.5, is a member of a  
 30 household with an annual income of not more than one  
 31 hundred fifty percent (150%) of the amount required for the  
 32 individual to qualify for the federal free or reduced price  
 33 lunch program.

34 An individual to whom this clause applies is not required to  
 35 attend the public school before becoming eligible for a choice  
 36 scholarship, and may not be required to return to the public  
 37 school if the public school is placed in a higher category or  
 38 designation under IC 20-31-8-4.

39 (C) Except as provided in IC 20-51-4-2.5, the individual is a  
 40 member of a household with an annual income of not more  
 41 than one hundred fifty percent (150%) of the amount required  
 42 for the individual to qualify for the federal free or reduced



1 price lunch program and the individual was enrolled in  
 2 kindergarten through grade 12, in a public school, including a  
 3 charter school, in Indiana for at least two (2) semesters  
 4 immediately preceding the first semester for which the  
 5 individual receives a choice scholarship under IC 20-51-4.

6 (D) The individual or a sibling of the individual who, except  
 7 as provided in IC 20-51-4-2.5, is a member of a household  
 8 with an annual income of not more than one hundred fifty  
 9 percent (150%) of the amount required for the individual to  
 10 qualify for the federal free or reduced price lunch program and  
 11 satisfies either of the following:

12 (i) The individual or a sibling of the individual received  
 13 before July 1, 2013, a scholarship from a scholarship  
 14 granting organization under IC 20-51-3 or a choice  
 15 scholarship under IC 20-51-4 in a preceding school year,  
 16 including a school year that does not immediately precede  
 17 a school year in which the individual receives a scholarship  
 18 from a scholarship granting organization under IC 20-51-3  
 19 or a choice scholarship under IC 20-51-4.

20 (ii) The individual or a sibling of the individual receives for  
 21 the first time after June 30, 2013, a scholarship of at least  
 22 five hundred dollars (\$500) from a scholarship granting  
 23 organization under IC 20-51-3 or a choice scholarship under  
 24 IC 20-51-4 in a preceding school year, including a school  
 25 year that does not immediately precede a school year in  
 26 which the individual receives a scholarship from a  
 27 scholarship granting organization under IC 20-51-3 or a  
 28 choice scholarship under IC 20-51-4.

29 (E) Subject to IC 20-51-4-2.7, the individual:

- 30 (i) received an early education grant under IC 12-17.2-7.2;  
 31 (ii) used the grant described in item (i) to attend a  
 32 prekindergarten program at an eligible school;  
 33 (iii) continues to meet the income eligibility requirements  
 34 the individual was required to meet to receive an early  
 35 education grant under IC 12-17.2-7.2; and  
 36 (iv) continues to attend the eligible school at which the  
 37 individual attended a prekindergarten program as described  
 38 in item (ii).

39 SECTION 5. IC 20-51-1-5, AS AMENDED BY P.L.211-2013,  
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2019]: Sec. 5. "Eligible student" refers to an individual who:

- 42 (1) has legal settlement in Indiana;



- 1 (2) is at least five (5) years of age and less than twenty-two (22)
- 2 years of age on ~~the date in August 1 of~~ the school year; ~~specified~~
- 3 ~~in IC 20-33-2-7;~~
- 4 (3) either has been or is currently enrolled in a participating
- 5 school; and
- 6 (4) is a member of a household with an annual income of not
- 7 more than two hundred percent (200%) of the amount required for
- 8 the individual to qualify for the federal free or reduced price
- 9 lunch program.

