

SENATE BILL No. 199

DIGEST OF INTRODUCED BILL

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

Synopsis: Age for compulsory school attendance. Provides that 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. (Current law requires that a student enroll in a kindergarten class not later than the fall term of the school year in which the student becomes seven years of age.) Makes conforming amendments.

Effective: July 1, 2016.

Rogers

January 6, 2016, read first time and referred to Committee on Education & Career Development.



Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE BILL No. 199

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, 2016]: 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 that**
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, 2016]: 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 August 1 of the school year to officially
 4 enroll in a kindergarten program offered by a school corporation.
 5 However, subject to subsection ~~(c)~~; **(b)**, the governing body of the
 6 school corporation may adopt a procedure affording a parent of a
 7 student who does not meet the minimum age requirement set forth in
 8 this subsection the right to appeal to the superintendent for enrollment
 9 of the student in kindergarten at an age earlier than the age set forth in
 10 this subsection.

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

18 ~~(c) (b)~~ To assist the principal and governing bodies, the department
 19 shall ~~do the following~~:

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

23 ~~(2) Establish criteria by which a governing body may adopt a~~
 24 ~~model assessment that may be used in making the determination~~
 25 ~~under subsection (b):~~

26 SECTION 3. IC 20-33-2-8, AS ADDED BY P.L.1-2005, SECTION
 27 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 28 2016]: Sec. 8. A student is not bound by the requirements of this
 29 chapter until the student becomes ~~seven (7)~~ **five (5)** years of age, if,
 30 upon request of the superintendent of the school corporation, the parent
 31 of a student who would otherwise be subject to compulsory school
 32 attendance under section 6 of this chapter certifies to the
 33 superintendent that the parent intends to:

- 34 (1) enroll the student in a nonaccredited, nonpublic school; or
 35 (2) begin providing the student with instruction equivalent to that
 36 given in the public schools as permitted under section 28 of this
 37 chapter;

38 not later than ~~the date on which the student becomes seven (7)~~ **August**
 39 **1, if the student is five (5) years of age, of the school year.**

40 SECTION 4. IC 20-51-1-4.3, AS AMENDED BY P.L.233-2015,
 41 SECTION 313, IS AMENDED TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2016]: Sec. 4.3. "Eligible choice scholarship



- 1 student" refers to an individual who:
- 2 (1) has legal settlement in Indiana;
- 3 (2) is at least five (5) years of age and less than twenty-two (22)
- 4 years of age on **the date in August 1 of the school year; specified**
- 5 **in IC 20-33-2-7;** and
- 6 (3) meets at least one (1) of the following conditions:
- 7 (A) The individual is:
- 8 (i) a student with a disability who requires special education
- 9 and for whom an individualized education program has been
- 10 developed under IC 20-35 or a service plan developed under
- 11 511 IAC 7-34; and
- 12 (ii) a member of a household with an annual income of not
- 13 more than two hundred percent (200%) of the amount
- 14 required for the individual to qualify for the federal free or
- 15 reduced price lunch program.
- 16 (B) The individual is:
- 17 (i) an individual who, because of the school corporation's
- 18 residency requirement, would be required to attend a
- 19 specific public school within a school corporation that has
- 20 been placed in the lowest category or designation of school
- 21 improvement under IC 20-31-8-4 (has been assigned an "F"
- 22 grade); and
- 23 (ii) except as provided in IC 20-51-4-2.5, is a member of a
- 24 household with an annual income of not more than one
- 25 hundred fifty percent (150%) of the amount required for the
- 26 individual to qualify for the federal free or reduced price
- 27 lunch program.
- 28 An individual to whom this clause applies is not required to
- 29 attend the public school before becoming eligible for a choice
- 30 scholarship, and may not be required to return to the public
- 31 school if the public school is placed in a higher category or
- 32 designation under IC 20-31-8-4.
- 33 (C) Except as provided in IC 20-51-4-2.5, the individual is a
- 34 member of a household with an annual income of not more
- 35 than one hundred fifty percent (150%) of the amount required
- 36 for the individual to qualify for the federal free or reduced
- 37 price lunch program and the individual was enrolled in
- 38 kindergarten through grade 12, in a public school, including a
- 39 charter school, in Indiana for at least two (2) semesters
- 40 immediately preceding the first semester for which the
- 41 individual receives a choice scholarship under IC 20-51-4.
- 42 (D) The individual or a sibling of the individual who, except



1 as provided in IC 20-51-4-2.5, is a member of a household
 2 with an annual income of not more than one hundred fifty
 3 percent (150%) of the amount required for the individual to
 4 qualify for the federal free or reduced price lunch program and
 5 satisfies either of the following:

6 (i) The individual or a sibling of the individual received
 7 before July 1, 2013, a scholarship from a scholarship
 8 granting organization under IC 20-51-3 or a choice
 9 scholarship under IC 20-51-4 in a preceding school year,
 10 including a school year that does not immediately precede
 11 a school year in which the individual receives a scholarship
 12 from a scholarship granting organization under IC 20-51-3
 13 or a choice scholarship under IC 20-51-4.

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

23 SECTION 5. IC 20-51-1-5, AS AMENDED BY P.L.211-2013,
 24 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2016]: Sec. 5. "Eligible student" refers to an individual who:

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

