

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 282

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-18-2-26.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: **Sec. 26.5. "Truancy prevention measure" means an action designed to:**

- (1) address truancy before a child becomes a habitual truant;**
- and**
- (2) minimize the need for:**
 - (A) referrals to a voluntary truancy prevention program;**
 - or**
 - (B) reports to a juvenile court.**

SECTION 2. IC 20-33-2-26, AS AMENDED BY P.L.34-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 26. (a) It is the duty of each:

- (1) superintendent;
- (2) attendance officer;
- (3) state attendance official;
- (4) security police officer appointed under IC 36-8-3-7; and
- (5) school corporation police officer appointed under IC 20-26-16;

to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from

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the obligation to enforce this chapter. **The duty includes reporting to the prosecuting attorney that a child is a habitual truant.**

(b) An affidavit:

- (1) against a parent for a violation of this chapter; **and**
- (2) **concerning a child being a habitual truant;**

shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in a court with jurisdiction in the county in which the affected child resides.

(d) The prosecuting attorney shall notify each parent of a child regarding an affidavit described in subsection (b) when the affidavit is filed under this section.

(e) The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases.

(f) The court shall promptly hear cases brought under this section.

SECTION 3. IC 20-33-2-39, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 39. An attendance officer has the following duties:

- (1) To serve subject to the rules, direction, and control of the superintendent in the attendance officer's attendance district.
- (2) To maintain an office at a place designated by the superintendent.
- (3) To be on duty during school hours and at other times as the superintendent may request.
- (4) To keep records and make reports as required by the state board.
- (5) To visit the homes of children who are absent from school or who are reported to be in need of books, clothing, or parental care.
- (6) Whenever the superintendent directs or approves it, to bring suit to enforce any provision of this chapter that is being violated.
- (7) To serve written notice on any parent whose child is out of school illegally.
- (8) To visit factories where children are employed.
- (9) To implement the truancy prevention measures required under IC 20-33-2.5.**
- (10) To meet at least one (1) time each year with the department of child services and the intake officer for the juvenile court to discuss the effectiveness of truancy prevention measures adopted in the attendance officer's jurisdiction.**
- (11) To meet at least one (1) time each year with the state**



attendance officer to:

- (A) review data, policies, and procedures; and**
- (B) discuss recommending to the legislative council under section 43 of this chapter legislation to deter absenteeism and to promote school attendance.**

The meeting with the state attendance officer may be conducted in person, virtually, or both.

~~(9)~~ **(12)** To perform other duties necessary for complete enforcement of this chapter **and IC 20-33-2.5.**

SECTION 4. IC 20-33-2-42, AS AMENDED BY P.L.43-2021, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 42. The secretary of education shall:

- (1) prescribe duties for the state attendance officer not provided by law;
- (2) design and require use of a system of attendance reports, records, and forms necessary for the enforcement of this chapter; **and**
- (3) establish guidance regarding truancy prevention policies adopted by governing authorities in accordance with IC 20-33-2.5; and**
- ~~(3)~~ **(4)** perform all other duties necessary for the complete enforcement of this chapter.

SECTION 5. IC 20-33-2-43, AS AMENDED BY P.L.43-2021, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 43. (a) The secretary of education shall appoint a state attendance officer. The state attendance officer serves at the pleasure of the secretary of education and may be removed by the secretary of education at any time.

(b) The state attendance officer shall:

- (1) exercise general supervision over the attendance officers of Indiana;
- (2) visit the various attendance districts throughout Indiana;
- (3) inspect the work of the attendance officers; and
- (4) investigate the manner in which this chapter is being enforced.

(c) The state attendance officer may initiate court action whenever necessary for the enforcement of this chapter.

(d) The state attendance officer shall meet at least one (1) time each year with all attendance officers to:

- (1) review data, policies, and procedures; and**
- (2) discuss recommending to the legislative council legislation to deter absenteeism and to promote school attendance.**



(e) Not later than November 1 of each year, the state attendance officer shall submit a report to the legislative council containing recommended legislation based on the state attendance officer's discussions with attendance officers under subsection (d) and section 39 of this chapter. A report required by this subsection must be submitted in an electronic format under IC 5-14-6.

SECTION 6. IC 20-33-2.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]:

Chapter 2.5. Truancy Prevention Policy

Sec. 1. As used in this chapter, "absent student" means a student who:

- (1) is enrolled in a school in kindergarten through grade 6; and
- (2) is absent from school five (5) days within a ten (10) week period without being:
 - (A) excused; or
 - (B) absent in conformity with a note on file from the student's doctor, therapist, or other professional requesting frequent absences be excused under the student's:
 - (i) individualized education program;
 - (ii) service plan developed under 511 IAC 7-34;
 - (iii) choice scholarship education plan developed under 511 IAC 7-49; or
 - (iv) plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794.

Sec. 2. As used in this chapter, "governing authority" refers to the:

- (1) governing body of a school corporation; or
- (2) organizer of a charter school.

Sec. 3. As used in this chapter, "school" refers to a public school, including a charter school.

Sec. 4. Each governing authority shall adopt a truancy prevention policy regarding absent students that includes the following:

- (1) A school shall immediately provide written notification to the parent of an absent student that includes the following information:
 - (A) That the student is an absent student based on the student's school attendance.
 - (B) That the parent is responsible for:



- (i) monitoring the absent student's school attendance; and
 - (ii) ensuring the absent student attends school in accordance with compulsory attendance laws.
- (C) That the school will be initiating truancy prevention measures regarding the absent student.
- (D) That the parent is required to attend an attendance conference regarding the truancy prevention measures that the school will be implementing for the absent student.
- (E) That, if the student meets the requirements of a habitual truant, the:
- (i) superintendent or attendance officer of the school is required to report the student to an intake officer of the juvenile court or the department of child services in accordance with IC 20-33-2-25;
 - (ii) juvenile court may determine that the student is committing a delinquent act as provided under IC 31-37-2-3; and
 - (iii) parent of the student may be subject to prosecution under IC 35-46-1-4.
- (2) Except as provided under section 5 of this chapter, a school shall hold an attendance conference with at least the following individuals to discuss the student's absences and establish a plan for the student to prevent future absences:
- (A) A representative of the school.
 - (B) A teacher of the student.
 - (C) The student's parent.
 - (D) A representative chosen by the student's parent who may provide insight into the student's absenteeism if the student's parent:
 - (i) makes a request to the school that the representative attend; and
 - (ii) provides notice to the school regarding the identification of the representative;

at least forty-eight (48) hours before the attendance conference.
- (3) A school shall establish a plan under subdivision (2) that may include the following:
- (A) Any wraparound services that are able to be provided to the absent student to ensure the absent student attends school.
 - (B) A specific description of the behavior that is required



or prohibited for the absent student.

(C) The period for which the plan will be effective, not to exceed forty-five (45) instructional days after the date the plan is established.

(D) Any additional disciplinary action the school will take if the absent student does not comply with the plan.

(E) If applicable, a referral to counseling, mentoring, or other services for the student.

(F) If applicable, whether a parent is expected to attend the counseling, mentoring, or other services under clause (E) with the student.

(G) To the extent possible, the signature of the parent of the student agreeing to comply with the plan.

(4) A school shall offer additional counseling or services to an absent student if the school determines that the student's absences are related to any of the following:

(A) The student's pregnancy.

(B) That the student is in foster care (as defined in IC 31-9-2-46.7).

(C) That the student is homeless.

(D) That the student has a severe or life threatening illness or related treatment.

Sec. 5. (a) A school shall hold an attendance conference described in section 4(2) of this chapter not more than five (5) instructional days after the student's fifth absence described in section 1(2) of this chapter regardless of whether:

(1) the parent of the student; or

(2) a representative described under section 4(2)(D) of this chapter;

is able to attend the conference.

(b) A school shall make all reasonable efforts to hold an attendance conference as required under subsection (a) on a date and at a time that works with the schedule of the student's parent.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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