

SENATE BILL No. 388

DIGEST OF INTRODUCED BILL

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

Synopsis: Age for compulsory school attendance. Provides that a student is bound by compulsory school attendance requirements from the beginning of the fall school term for the school year in which the student is five years of age on August 1 of that school year. (Current law provides that a student is bound by compulsory school attendance requirements from the beginning of the fall school term for the school year in which the student becomes seven years of age.) Makes conforming amendments.

Effective: July 1, 2021.

Taylor G

January 14, 2021, read first time and referred to Committee on Education and Career Development.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

SENATE BILL No. 388

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, 2021]: 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 20-33-2-8, AS ADDED BY P.L.1-2005, SECTION
17 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,



1 2021]: Sec. 8. A student is not bound by the requirements of this
 2 chapter until the student becomes ~~seven (7)~~ **five (5)** years of age, if,
 3 upon request of the superintendent of the school corporation, the parent
 4 of a student who would otherwise be subject to compulsory school
 5 attendance under section 6 of this chapter certifies to the
 6 superintendent that the parent intends to:

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

11 not later than ~~the date on which the student becomes seven (7)~~ **August**
 12 **1 of the school year if the student is five (5) years of age on August**
 13 **1 of the school year.**

14 SECTION 3. IC 20-51-1-4.3, AS AMENDED BY P.L.184-2017,
 15 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 4.3. "Eligible choice scholarship student" refers
 17 to an individual who:

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

23 (A) The individual is:

- 24 (i) a student with a disability who requires special education
 25 and for whom an individualized education program has been
 26 developed under IC 20-35 or a service plan developed under
 27 511 IAC 7-34; and
 28 (ii) a member of a household with an annual income of not
 29 more than two hundred percent (200%) of the amount
 30 required for the individual to qualify for the federal free or
 31 reduced price lunch program.

32 (B) The individual is:

- 33 (i) an individual who, because of the school corporation's
 34 residency requirement, would be required to attend a
 35 specific public school within a school corporation that has
 36 been placed in the lowest category or designation of school
 37 improvement under IC 20-31-8-4 (has been assigned an "F"
 38 grade); and
 39 (ii) except as provided in IC 20-51-4-2.5, is a member of a
 40 household with an annual income of not more than one
 41 hundred fifty percent (150%) of the amount required for the
 42 individual to qualify for the federal free or reduced price



- 1 lunch program.
2 An individual to whom this clause applies is not required to
3 attend the public school before becoming eligible for a choice
4 scholarship, and may not be required to return to the public
5 school if the public school is placed in a higher category or
6 designation under IC 20-31-8-4.
- 7 (C) Except as provided in IC 20-51-4-2.5, the individual is a
8 member of a household with an annual income of not more
9 than one hundred fifty percent (150%) of the amount required
10 for the individual to qualify for the federal free or reduced
11 price lunch program and the individual was enrolled in
12 kindergarten through grade 12, in a public school, including a
13 charter school, in Indiana for at least two (2) semesters
14 immediately preceding the first semester for which the
15 individual receives a choice scholarship under IC 20-51-4.
- 16 (D) The individual or a sibling of the individual who, except
17 as provided in IC 20-51-4-2.5, is a member of a household
18 with an annual income of not more than one hundred fifty
19 percent (150%) of the amount required for the individual to
20 qualify for the federal free or reduced price lunch program and
21 satisfies either of the following:
- 22 (i) The individual or a sibling of the individual received
23 before July 1, 2013, a scholarship from a scholarship
24 granting organization under IC 20-51-3 or a choice
25 scholarship under IC 20-51-4 in a preceding school year,
26 including a school year that does not immediately precede
27 a school year in which the individual receives a scholarship
28 from a scholarship granting organization under IC 20-51-3
29 or a choice scholarship under IC 20-51-4.
- 30 (ii) The individual or a sibling of the individual receives for
31 the first time after June 30, 2013, a scholarship of at least
32 five hundred dollars (\$500) from a scholarship granting
33 organization under IC 20-51-3 or a choice scholarship under
34 IC 20-51-4 in a preceding school year, including a school
35 year that does not immediately precede a school year in
36 which the individual receives a scholarship from a
37 scholarship granting organization under IC 20-51-3 or a
38 choice scholarship under IC 20-51-4.
- 39 (E) Subject to IC 20-51-4-2.7, the individual:
- 40 (i) received an early education grant under IC 12-17.2-7.2;
41 (ii) used the grant described in item (i) to attend a
42 prekindergarten program at an eligible school;



1 (iii) continues to meet the income eligibility requirements
2 the individual was required to meet to receive an early
3 education grant under IC 12-17.2-7.2; and

4 (iv) continues to attend the eligible school at which the
5 individual attended a prekindergarten program as described
6 in item (ii).

7 SECTION 4. IC 20-51-1-5, AS AMENDED BY P.L.211-2013,
8 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2021]: Sec. 5. "Eligible student" refers to an individual who:

10 (1) has legal settlement in Indiana;

11 (2) is at least five (5) years of age and less than twenty-two (22)
12 years of age on ~~the date in August 1 of~~ **August 1 of** the school year; ~~specified~~
13 ~~in IC 20-33-2-7;~~

14 (3) either has been or is currently enrolled in a participating
15 school; and

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

