

HOUSE BILL No. 1392

DIGEST OF INTRODUCED BILL

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

Synopsis: Mandatory school age. Provides that, after June 30, 2019, 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, 2018.

Austin, DeLaney

January 16, 2018, read first time and referred to Committee on Education.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1392

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, 2018]: 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,
7 **before July 1, 2019**, the student becomes seven (7) **years of age or**,
8 **after June 30, 2019, in which the student is five (5) years of age on**
9 **August 1 of the school year**, until the date on which the student:
10 (1) graduates;
11 (2) becomes eighteen (18) years of age; or
12 (3) becomes sixteen (16) years of age but is less than eighteen
13 (18) years of age and the requirements under section 9 of this
14 chapter concerning an exit interview are met enabling the student
15 to withdraw from school before graduation;
16 whichever occurs first.
17 SECTION 2. IC 20-33-2-7, AS AMENDED BY P.L.233-2015,



1 SECTION 246, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) In addition to the
 3 requirements of sections 4 through 6 of this chapter, a student must be
 4 at least five (5) years of age on August 1 of the school year to officially
 5 enroll in a kindergarten program offered by a school corporation.
 6 However, subject to subsection (c), the governing body of the school
 7 corporation may adopt a procedure affording a parent of a student who
 8 does not meet the minimum age requirement set forth in this subsection
 9 the right to appeal to the superintendent for enrollment of the student
 10 in kindergarten at an age earlier than the age set forth in this
 11 subsection.

12 (b) In addition to the requirements of sections 4 through 6 of this
 13 chapter and subsection (a), and subject to subsection (c), if a student
 14 enrolls in school as allowed under section 6 of this chapter and has not
 15 attended kindergarten, the superintendent shall make a determination
 16 as to whether the student shall enroll in kindergarten or grade 1 based
 17 on the particular model assessment adopted by the governing body
 18 under subsection (c). **This subsection expires June 30, 2019.**

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

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

24 (2) Establish criteria by which a governing body may adopt a
 25 model assessment that may be used in making the determination
 26 under subsection (b). **This subdivision expires June 30, 2019.**

27 SECTION 3. IC 20-33-2-8, AS ADDED BY P.L. 1-2005, SECTION
 28 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 29 2018]: Sec. 8. A student is not bound by the requirements of this
 30 chapter until, **before July 1, 2019**, the student becomes seven (7) **years**
 31 **of age or, after June 30, 2019, until the student becomes five (5)**
 32 years of age, if, upon request of the superintendent of the school
 33 corporation, the parent of a student who would otherwise be subject to
 34 compulsory school attendance under section 6 of this chapter certifies
 35 to the superintendent that the parent intends to:

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

40 not later than, **before July 1, 2019**, the date on which the student
 41 becomes seven (7) years of age **or, after June 30, 2019, not later than**
 42 **August 1 of the school year if the student is five (5) years of age on**



1 **August 1 of the school year.**

2 SECTION 4. IC 20-51-1-4.3, AS AMENDED BY P.L.184-2017,
3 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 4.3. "Eligible choice scholarship student" refers
5 to an individual who:

6 (1) has legal settlement in Indiana;
7 (2) is at least five (5) years of age and less than twenty-two (22)
8 years of age on **the date in August 1 of the school year; specified**
9 **in IC 20-33-2-7;** and

10 (3) meets at least one (1) of the following conditions:

11 (A) The individual is:

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

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

20 (B) The individual is:

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

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

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

37 (C) Except as provided in IC 20-51-4-2.5, the individual is a
38 member of a household with an annual income of not more
39 than one hundred fifty percent (150%) of the amount required
40 for the individual to qualify for the federal free or reduced
41 price lunch program and the individual was enrolled in
42 kindergarten through grade 12, in a public school, including a



1 charter school, in Indiana for at least two (2) semesters
 2 immediately preceding the first semester for which the
 3 individual receives a choice scholarship under IC 20-51-4.

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

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

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

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

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

37 SECTION 5. IC 20-51-1-5, AS AMENDED BY P.L.211-2013,
 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2018]: Sec. 5. "Eligible student" refers to an individual who:

- 40 (1) has legal settlement in Indiana;
 41 (2) is at least five (5) years of age and less than twenty-two (22)
 42 years of age on ~~the date in August 1~~ of the school year; ~~specified~~



1 in ~~IC 20-33-2-7~~;
2 (3) either has been or is currently enrolled in a participating
3 school; and
4 (4) is a member of a household with an annual income of not
5 more than two hundred percent (200%) of the amount required for
6 the individual to qualify for the federal free or reduced price
7 lunch program.

