

HOUSE BILL No. 1540

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-2.8.

Synopsis: Chronic absenteeism. Requires the department of education (department) to: (1) study and make recommendations concerning the categorization of student absences; (2) create a list of best practices to reduce student discipline related to student absenteeism and the number of chronically absent students; (3) develop guidelines and requirements for certain intervention strategies and school attendance improvement plans; (4) submit a report concerning attendance to the legislative council; and (5) develop attendance improvement targets for certain schools. Requires a school to implement an early warning system and assemble a school based team to monitor the system. Provides the duties and obligations of a school attendance coordinator and a child study team. Requires the governing authority of a school to adopt an attendance policy and develop an attendance improvement plan aligned with department guidelines and requirements. Requires a school to collect and document certain information concerning absences.

Effective: July 1, 2025.

Smith V

January 21, 2025, read first time and referred to Committee on Education.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1540

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 20-33-2.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]:

4 **Chapter 2.8. Chronic Absenteeism Policy**

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

- 7 (1) **is enrolled in a school in kindergarten through grade 12;**
- 8 (2) **is absent at least ten percent (10%) of school days during**
9 **a school year for any reason, including excused and unexcused**
10 **absences; and**
- 11 (3) **has undergone tier 3 intervention strategies without**
12 **success.**

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

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

17 **Sec. 3. As used in this chapter, "school" refers to a public**



1 school, including a charter school.

2 Sec. 4. As used in this chapter, "school attendance coordinator"
3 refers to a school employee who supervises and enforces the
4 school's attendance policy, monitors school attendance data, and
5 works with students to address attendance concerns.

6 Sec. 5. As used in this chapter, "tier 1 strategies" refers to
7 universal, whole school attendance strategies for all students,
8 including students who are absent less than seven percent (7%) of
9 school days during a school year for any reason, including excused
10 and unexcused absences.

11 Sec. 6. As used in this chapter, "tier 2 intervention strategies"
12 refers to targeted intervention strategies developed for a student
13 who is absent at least seven percent (7%) but less than ten percent
14 (10%) of school days during a school year for any reason, including
15 excused and unexcused absences.

16 Sec. 7. As used in this chapter, "tier 3 intervention strategies"
17 refers to targeted intervention strategies developed for a student
18 who is absent at least ten percent (10%) of school days during a
19 school year for any reason, including excused and unexcused
20 absences.

21 Sec. 8. The department shall do the following:

22 (1) Review each category used by schools to differentiate
23 between an excused absence and unexcused absence, and
24 identify the rationale of each category.

25 (2) Make recommendations concerning the types of absences
26 that should be categorized as excused or unexcused.

27 (3) Create a list of best practices for schools to reduce student
28 discipline related to student absenteeism and the number of
29 chronically absent students.

30 (4) Study the basis for student suspensions and expulsions
31 categorized as "other" by schools and make recommendations
32 for expanding the available suspension and expulsion category
33 options to reduce use of the "other" category.

34 Sec. 9. (a) A school shall implement an early warning system to
35 identify students who need support to improve academic
36 performance, attendance, or engagement in school. An early
37 warning system must include early warning indicators for the
38 following:

39 (1) Students who have been absent at least ten percent (10%)
40 of school days during a school year for any reason, including
41 excused and unexcused absences.

42 (2) Students who have received at least one (1) in school or out



1 of school suspension during the school year.

2 (3) Students who have failed or are currently failing
3 English/language arts or mathematics during any grading
4 period.

5 (4) Any other early warning indicator the school considers
6 relevant.

7 (b) An early warning system described in this section must be
8 capable of providing the following information:

9 (1) The number of students identified by the system as
10 exhibiting two (2) or more early warning indicators.

11 (2) The number of students, organized by grade level, who
12 exhibit each early warning indicator.

13 (3) A description of each intervention strategy used by the
14 school to improve the academic performance, attendance, or
15 engagement for students who exhibit at least one (1) early
16 warning indicator.

17 (c) Each school shall assemble a school based team responsible
18 for the following:

19 (1) Implementing and monitoring the early warning system
20 described in this section.

21 (2) Identifying students who exhibit at least two (2) early
22 warning indicators and developing appropriate intervention
23 strategies for the student, unless the student is already being
24 served by an intervention strategy at the direction of a school
25 based multidisciplinary team, school attendance coordinator,
26 or child study team.

27 (3) Identifying students who have the potential to become a
28 chronically absent student.

29 **Sec. 10.** The governing authority of a school shall adopt an
30 attendance policy that incorporates the guidelines,
31 recommendations, and requirements developed by the department
32 under this chapter. An attendance policy adopted under this
33 section must also:

34 (1) require a student's parent, or the student if the student is
35 an adult or emancipated minor, to provide communication
36 and documentation concerning an excused absence related to
37 pregnancy, child rearing, or a medical condition; and

38 (2) provide the rights and obligations of parents and students
39 relating to school attendance.

40 **Sec. 11. (a)** A school attendance coordinator may do the
41 following for a student who is absent at least seven percent (7%)
42 but less than ten percent (10%) of school days during a school year



1 for any reason, including excused and unexcused absences:

2 (1) Convene an attendance conference.

3 (2) Report the student to the child study team for tier 2
4 intervention strategies.

5 (b) If a student is absent at least ten percent (10%) of school
6 days during a school year for any reason, including excused and
7 unexcused absences, the following must occur:

8 (1) The school attendance coordinator shall convene an
9 attendance conference and report to the child study team that
10 the student is in need of intervention.

11 (2) The child study team shall develop:

12 (A) tier 2 intervention strategies, if tier 2 intervention
13 strategies were not previously developed for the student
14 under subsection (a); or

15 (B) tier 3 intervention strategies, if tier 2 intervention
16 strategies were previously developed for the student;
17 focused on keeping the student in an educational setting.

18 (3) The child study team shall notify the student's parent, or
19 the student if the student is an adult or emancipated minor, in
20 writing or in person, of the student's absenteeism.

21 (c) An intervention strategy developed under this section must
22 include the following:

23 (1) Weekly attendance monitoring.

24 (2) A point of contact for attendance concerns.

25 (3) Appropriate specialized supports that may be needed to
26 help the student address the underlying cause of the student's
27 absences, if applicable.

28 (4) A discussion or meeting, that may be in addition to the
29 attendance conference, with the student and the student's
30 parent, if the student is not an adult or an emancipated minor,
31 concerning the consequences of further absences. The school
32 principal or the school principal's designee shall be a part of
33 this discussion with the student if the cause of the student's
34 absences is from lack of student engagement. The outcome of
35 this discussion or meeting must be documented by the school.

36 (5) Any additional guidance or requirements established by
37 the department under section 12 of this chapter.

38 Sec. 12. (a) The department shall develop guidelines and
39 requirements for tier 1 strategies, tier 2 intervention strategies, tier
40 3 intervention strategies, and school attendance improvement plans
41 that incorporate the following considerations:

42 (1) Keeping students in an educational setting, when possible.



- 1 **(2) Prohibiting out of school suspensions as a consequence for**
 2 **absences.**
- 3 **(3) Assisting a student's family in removing barriers to the**
 4 **student's ability to regularly attend school or providing**
 5 **another educational setting to a student.**
- 6 **(4) Providing additional educational opportunities and**
 7 **interventions for students who are struggling with attendance**
 8 **or who are chronically absent students, including the**
 9 **following:**
- 10 **(A) Assessing the student's and the student's family's**
 11 **needs, and recommending available programs or services,**
 12 **if possible.**
- 13 **(B) Providing referrals to health care and social service**
 14 **providers.**
- 15 **(C) Collaborating and coordinating with health care and**
 16 **social service agencies and organizations through available**
 17 **delivery systems.**
- 18 **(D) Recruiting service providers, local businesses, and**
 19 **community and civic organizations to provide needed**
 20 **services and goods.**
- 21 **(E) Establishing partnerships between schools and civic**
 22 **organizations.**
- 23 **(F) Identifying and coordinating age appropriate resources**
 24 **for students in need of counseling and training for**
 25 **employment, placement for employment, family crisis**
 26 **counseling, or mental health counseling.**
- 27 **(5) Promoting family support and parent education programs.**
- 28 **(6) Seeking out other services or goods a student or a student's**
 29 **family may need to assist the student in staying in school.**
- 30 **(b) The governing authority of a school shall create a school**
 31 **attendance improvement plan using the guidelines and**
 32 **requirements developed under subsection (a).**
- 33 **(c) The governing authority of a school shall provide its school**
 34 **attendance improvement plan to the department within forty-five**
 35 **(45) days of the first day of the school year.**
- 36 **(d) The governing authority of a school shall publish the school**
 37 **attendance improvement plan on the school's website.**
- 38 **Sec. 13. A school must collect and document the following**
 39 **information for each chronically absent student:**
- 40 **(1) Each attempt by the school to notify the student's parent,**
 41 **or the student if the student is an adult or emancipated minor,**
 42 **when the student was absent from a class or for the school**



- 1 day.
- 2 (2) Each attempt made by the school to improve the student's
- 3 attendance.
- 4 (3) The intervention strategies implemented or offered to the
- 5 student to keep the student in an educational setting.
- 6 **Sec. 14. (a) A school must collect and document the following**
- 7 **data:**
- 8 (1) The school's overall absence rate, including excused and
- 9 unexcused absences.
- 10 (2) The number of chronically absent students, disaggregated
- 11 by grade level and student subgroups, including:
- 12 (A) economically disadvantaged students;
- 13 (B) racial and ethnic groups;
- 14 (C) students with a disability (as defined in IC 20-35-1-8);
- 15 and
- 16 (D) English language learners.
- 17 (3) Student attendance for each day of the school year.
- 18 (b) Beginning July 1, 2026, and each July 1 thereafter, each
- 19 school must provide the data collected under subsection (a)(1)
- 20 through (a)(3) to the department in a manner and method
- 21 prescribed by the department.
- 22 (c) Not later than September 1, 2026, and each September 1
- 23 thereafter, the department shall collect and compile the
- 24 information described in subsection (b) and submit a report to the
- 25 legislative council in an electronic format under IC 5-14-6.
- 26 **Sec. 15. Beginning September 1, 2026, and each September 1**
- 27 **thereafter, the department shall do the following:**
- 28 (1) Develop attendance improvement targets for each school
- 29 with an overall absence rate of at least ten percent (10%).
- 30 (2) Identify the potential causes of absenteeism for schools
- 31 described in subdivision (1) through any of the following
- 32 methods:
- 33 (A) National or local research.
- 34 (B) An analysis of supportive factors or barriers.
- 35 (C) Student surveys or focus groups.
- 36 (D) Youth participatory research.
- 37 (E) Other methods the department considers relevant.

