

SENATE BILL No. 235

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-2; IC 20-47-6-5; IC 20-51-1; IC 20-51.4-2-4.

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, 2022.

Taylor G

January 6, 2022, read first time and referred to Committee on Education and Career Development.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 235

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, 2022]: 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,



2022]: Sec. 8. A student is not bound by the requirements of this chapter until the student becomes ~~seven (7)~~ **five (5)** years of age, if, upon request of the superintendent of the school corporation, the parent of a student who would otherwise be subject to compulsory school attendance under section 6 of this chapter certifies to the superintendent that the parent intends to:

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

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

SECTION 3. IC 20-47-6-5, AS ADDED BY P.L.143-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 5. As used in this chapter, "student" refers to an individual who:

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

SECTION 4. IC 20-51-1-4.3, AS AMENDED BY P.L.165-2021, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4.3. "Eligible choice scholarship student" refers to an individual who:

- (1) has legal settlement in Indiana;
- (2) is at least five (5) years of age and less than twenty-two (22) years of age on ~~the date in~~ **August 1 of the school year; specified in IC 20-33-2-7;**
- (3) is a member of a household with an annual income of not more than three hundred percent (300%) of the amount required for the individual to qualify for the federal free or reduced price lunch program; and
- (4) meets at least one (1) of the following conditions:
 - (A) The individual is a student with a disability who requires special education and for whom an individualized education program has been developed under IC 20-35 or a service plan developed under 511 IAC 7-34.
 - (B) The individual is an individual who, because of the school corporation's residency requirement, would be required to attend a specific public school within a school corporation that



1 has been placed in the lowest category or designation of school
 2 improvement under IC 20-31-8-4 (has been assigned an "F"
 3 grade). An individual to whom this clause applies is not
 4 required to attend the public school before becoming eligible
 5 for a choice scholarship, and may not be required to return to
 6 the public school if the public school is placed in a higher
 7 category or designation under IC 20-31-8-4.

8 (C) The individual was enrolled in kindergarten through grade
 9 12, in a public school, including a charter school, in Indiana
 10 for at least two (2) semesters immediately preceding the first
 11 semester for which the individual receives a choice
 12 scholarship under IC 20-51-4.

13 (D) The individual or a sibling of the individual who, either
 14 received before July 1, 2013, a scholarship from a scholarship
 15 granting organization under IC 20-51-3 or a choice scholarship
 16 under IC 20-51-4 in a preceding school year, including a
 17 school year that does not immediately precede a school year in
 18 which the individual receives a scholarship from a scholarship
 19 granting organization under IC 20-51-3 or a choice scholarship
 20 under IC 20-51-4; or receives for the first time after June 30,
 21 2013, a scholarship of at least five hundred dollars (\$500)
 22 from a scholarship granting organization under IC 20-51-3 or
 23 a choice scholarship under IC 20-51-4 in a preceding school
 24 year, including a school year that does not immediately
 25 precede a school year in which the individual receives a
 26 scholarship from a scholarship granting organization under
 27 IC 20-51-3 or a choice scholarship under IC 20-51-4.

28 (E) Subject to IC 20-51-4-2.7, the individual received an early
 29 education grant under IC 12-17.2-7.2, used the grant to attend
 30 a prekindergarten program at an eligible school, and continues
 31 to attend the eligible school at which the individual attended
 32 a prekindergarten program as described in this clause.

33 (F) The individual is in foster care.

34 SECTION 5. IC 20-51-1-5, AS AMENDED BY P.L.165-2021,
 35 SECTION 172, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2022]: Sec. 5. "Eligible student" refers to an
 37 individual who:

- 38 (1) has legal settlement in Indiana;
 39 (2) is at least five (5) years of age and less than twenty-two (22)
 40 years of age on the date in **August 1** of the school year; **specified**
 41 **in IC 20-33-2-7;**
 42 (3) either has been or is currently enrolled in a participating



- 1 school; and
 2 (4) is a member of a household with an annual income of not
 3 more than three hundred percent (300%) of the amount required
 4 for the individual to qualify for the federal free or reduced price
 5 lunch program.
 6 SECTION 6. IC 20-51.4-2-4, AS ADDED BY P.L.165-2021,
 7 SECTION 180, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2022]: Sec. 4. "Eligible student" refers to an
 9 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** the school year; ~~specified~~
 13 ~~in IC 20-33-2-7;~~
 14 (3) is a student with a disability at the time the account is
 15 established who requires special education and for whom:
 16 (A) an individualized education program;
 17 (B) a service plan developed under 511 IAC 7-34; or
 18 (C) a choice special education plan developed under 511
 19 IAC 7-49;
 20 has been developed; and
 21 (4) meets the annual income qualification requirement for a
 22 choice scholarship student under IC 20-51-1.

