

IC 20-33-2

Chapter 2. Compulsory School Attendance

IC 20-33-2-1

Legislative intent

Sec. 1. The legislative intent for this chapter is to provide an efficient and speedy means of insuring that students receive a proper education whenever it is reasonably possible.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-2

Repealed

(As added by P.L.1-2005, SEC.17. Repealed by P.L.2-2006, SEC.199.)

IC 20-33-2-3

Application

Sec. 3. This chapter applies to each situation that involves any of the following:

- (1) A person less than eighteen (18) years of age who is domiciled in Indiana.
- (2) A person less than eighteen (18) years of age who:
 - (A) is not domiciled in Indiana; and
 - (B) intends to remain in Indiana for a period established by rule of the state board.
- (3) A student:
 - (A) who is less than eighteen (18) years of age;
 - (B) whose behavior has resulted in an expulsion from school; and
 - (C) who is assigned to attend:
 - (i) an alternative school; or
 - (ii) an alternative educational program.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-3.2

"Attend"

Sec. 3.2. As used in this chapter, "attend" means to be physically present:

- (1) in a school; or
 - (2) at another location where the school's educational program in which a person is enrolled is being conducted;
- during regular school hours on a day in which the educational program in which the person is enrolled is being offered.

As added by P.L.90-2011, SEC.41.

IC 20-33-2-4

Compulsory attendance

Sec. 4. Subject to the specific exceptions under this chapter, a

student shall attend either:

- (1) a public school that the student is entitled to attend under IC 20-26-11; or
- (2) another school taught in the English language.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-5

Days of attendance

Sec. 5. A student for whom education is compulsory under this chapter shall attend school each year for the number of days public schools are in session:

- (1) in the school corporation in which the student is enrolled in Indiana; or
- (2) where the student is enrolled if the student is enrolled outside Indiana.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-6

Students required to attend

Sec. 6. A student is bound by the requirements of this chapter from the earlier of the date on which the student officially enrolls in a school or, except as provided in section 8 of this chapter, the beginning of the fall school term for the school year in which the student becomes seven (7) years of age until the date on which the student:

- (1) graduates;
- (2) becomes eighteen (18) years of age; or
- (3) becomes sixteen (16) years of age but is less than eighteen (18) years of age and the requirements under section 9 of this chapter concerning an exit interview are met enabling the student to withdraw from school before graduation;

whichever occurs first.

As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.17.

IC 20-33-2-7

Minimum age for kindergarten enrollment; appeals

Sec. 7. (a) In addition to the requirements of sections 4 through 6 of this chapter, a student must be at least five (5) years of age on August 1 of the school year to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (c), the governing body of the school corporation may adopt a procedure affording a parent of a student who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent for enrollment of the student in kindergarten at an age earlier than the age set forth in this subsection.

(b) In addition to the requirements of sections 4 through 6 of this chapter and subsection (a), and subject to subsection (c), if a student enrolls in school as allowed under section 6 of this chapter and has

not attended kindergarten, the superintendent shall make a determination as to whether the student shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (c).

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

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

(2) Establish criteria by which a governing body may adopt a model assessment that may be used in making the determination under subsection (b).

As added by P.L.1-2005, SEC.17. Amended by P.L.246-2005, SEC.177; P.L.233-2015, SEC.246.

IC 20-33-2-8

Students not bound by requirements

Sec. 8. A student is not bound by the requirements of this chapter until the student becomes seven (7) 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) years of age.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-9

Exit interviews; withdrawal requirements

Sec. 9. (a) The governing body of each school corporation shall designate the appropriate individuals to attend the exit interviews for students described in section 6(3) of this chapter.

(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

- (1) the student, the student's parent, and the principal agree to the withdrawal;
- (2) the student provides written acknowledgment of the withdrawal that meets the requirements of subsection (c) and the:

(A) student's parent; and

(B) school principal;

each provide written consent for the student to withdraw from school; and

- (3) the withdrawal is due to:
 - (A) financial hardship and the individual must be employed to support the individual's family or a dependent;
 - (B) illness; or
 - (C) an order by a court that has jurisdiction over the student.
- (c) A written acknowledgment of withdrawal under subsection (b) must include a statement that the student and the student's parent understand that withdrawing from school is likely to:
 - (1) reduce the student's future earnings; and
 - (2) increase the student's likelihood of being unemployed in the future.

As added by P.L.1-2005, SEC.17. Amended by P.L.185-2006, SEC.12; P.L.1-2010, SEC.80; P.L.233-2015, SEC.247.

IC 20-33-2-10

Enrollment documentation; notice to clearinghouse for information on missing children

Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

- (1) the name and address of the school the student last attended; and
- (2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

- (1) is not provided to the school not more than thirty (30) days after the student's enrollment; or
- (2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

- (1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;
- (2) may not send the school records without the authorization of the clearinghouse; and
- (3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

(e) Notwithstanding subsection (d), if a parent of a child who has enrolled in an accredited nonpublic school is in breach of a contract that conditions release of student records on the payment of outstanding tuition and other fees, the accredited nonpublic school shall provide a requesting school sufficient verbal information to

permit the requesting school to make an appropriate placement decision regarding the child.

As added by P.L.1-2005, SEC.17. Amended by P.L.43-2009, SEC.18; P.L.144-2012, SEC.1.

IC 20-33-2-11

Operator's license or learner's permit for habitual truants

Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or a learner's permit, and subject to subsections (c) through (e), an individual who is:

- (1) at least thirteen (13) years of age but less than fifteen (15) years of age;
- (2) a habitual truant under the definition of habitual truant established under subsection (b); and
- (3) identified in the information submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle under IC 9-24 until the individual is at least eighteen (18) years of age.

(b) Each governing body may establish and include as part of the written copy of its discipline rules described in IC 20-33-8-12:

- (1) a definition of a child who is designated as a habitual truant, which must, at a minimum, define the term as a student who is chronically absent, by having unexcused absences from school for more than ten (10) days of school in one (1) school year; and
- (2) all other pertinent matters related to this action.

(c) An individual described in subsection (a) is entitled to the procedure described in IC 20-33-8-19.

(d) An individual described in subsection (a) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of the individual's attendance record in school to determine whether the prohibition described in subsection (a) shall continue. The periodic reviews may not be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the individual's attendance record has improved to the degree that the individual may become eligible to be issued an operator's license or a learner's permit.

(f) The governing body of the school corporation may submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.18; P.L.233-2015, SEC.248.

IC 20-33-2-12

Nonpublic, nonaccredited, and nonapproved schools; curriculum or content requirements; student enrollment or participation

Sec. 12. (a) A school that is:

- (1) nonpublic;
- (2) nonaccredited; and
- (3) not otherwise approved by the state board;

is not bound by any requirements set forth in IC 20 or IC 21 with regard to curriculum or the content of educational programs offered by the school.

(b) This section may not be construed to prohibit a student who attends a school described in subsection (a) from enrolling in a particular educational program or participating in a particular educational initiative offered by an accredited public, nonpublic, or state board approved nonpublic school if:

- (1) the governing body or superintendent, in the case of the accredited public school; or
- (2) the administrative authority, in the case of the accredited or state board approved nonpublic school;

approves the enrollment or participation by the student.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-13

High school transcripts; required contents

Sec. 13. (a) A school corporation shall record or include the following information in the official high school transcript for a student in high school:

- (1) Attendance records.
- (2) The student's latest ISTEP program test results under IC 20-32-5.
- (3) Any secondary level and postsecondary level certificates of achievement earned by the student.
- (4) Immunization information from the immunization record the student's school keeps under IC 20-34-4-1.
- (5) Any dual credit courses taken that are included in the core transfer library under IC 21-42-5-4.

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

As added by P.L.1-2005, SEC.17. Amended by P.L.140-2008, SEC.8; P.L.43-2014, SEC.7; P.L.222-2015, SEC.15.

IC 20-33-2-14

Compulsory attendance; school corporation policy; exceptions; service as page or honoree of general assembly

Sec. 14. (a) This section and sections 15 through 17.5 of this chapter apply to a student who attends either a public school or a nonpublic school.

(b) The governing body of each school corporation shall have a

policy outlining the conditions for excused and unexcused absences. The policy must include the grounds for excused absences required by sections 15 through 17.5 of this chapter or another law. Any absence that results in a person not attending at least one hundred eighty (180) days in a school year must be in accordance with the governing body's policy to qualify as an excused absence.

(c) Service as a page for or as an honoree of the general assembly is a lawful excuse for a student to be absent from school, when verified by a certificate of the secretary of the senate or the chief clerk of the house of representatives. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17. Amended by P.L.185-2006, SEC.13; P.L.90-2011, SEC.42.

IC 20-33-2-15

Attendance exception; service on precinct election board or for political candidates or parties

Sec. 15. (a) The governing body of a school corporation and the chief administrative official of a nonpublic secondary school system shall authorize the absence and excuse of each secondary school student who serves:

- (1) on the precinct election board; or
- (2) as a helper to a political candidate or to a political party on the date of each general, city or town, special, and primary election at which the student works.

(b) Before the date of the election, the student must submit a document signed by one (1) of the student's parents giving permission to participate in the election as provided in this section, and the student must verify to school authorities the performance of services by submitting a document signed by the candidate, political party chairman, campaign manager, or precinct officer generally describing the duties of the student on the date of the election. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-16

Attendance exception; witness in judicial proceeding

Sec. 16. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of a student who is issued a subpoena to appear in court as a witness in a judicial proceeding. A student excused under this section shall not be recorded as being absent on any date for which the excuse is operative and shall not be penalized by the school in any manner. The appropriate school authority may require that the student submit the subpoena to the appropriate school

authority for verification.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-17

Attendance exception; duty with Indiana National Guard

Sec. 17. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of each secondary school student who is ordered to active duty with the Indiana National Guard for not more than ten (10) days in a school year. For verification, the student must submit to school authorities a copy of the orders to active duty and a copy of the orders releasing the student from active duty. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-17.2

Attendance exception; duty with Indiana wing of civil air patrol

Sec. 17.2. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of each secondary school student who is a member of the Indiana wing of the civil air patrol and who is participating in a civil air patrol:

- (1) international air cadet exchange program, for the length of the program; or
- (2) emergency service operation, including:
 - (A) search and rescue missions designated by the Air Force Rescue Coordination Center;
 - (B) disaster relief, when requested by the Federal Emergency Management Agency or the department of homeland security established by IC 10-19-2-1;
 - (C) humanitarian services, when requested by the Federal Emergency Management Agency or the department of homeland security established by IC 10-19-2-1;
 - (D) United States Air Force support designated by the First Air Force, North American Aerospace Defense Command;or
- (E) United States Air Force military flights, if the flights are not available on days when school is not in session;

for not more than five (5) days in a school year;

if the student submits to school authorities appropriate documentation from the Indiana wing of the civil air patrol detailing the reason for the student's absence. A student excused from school attendance under this section may not be recorded as being absent on any date to which the excuse applies and may not be penalized by the school in any manner.

As added by P.L.55-2007, SEC.1. Amended by P.L.1-2009, SEC.124.

IC 20-33-2-17.5

Compulsory school attendance; exceptions; educationally related nonclassroom activity; nonclassroom activity

Sec. 17.5. The governing body of a school corporation may authorize the absence and excuse of a student who attends any educationally related nonclassroom activity. Any educationally related nonclassroom activity and nonclassroom activity must meet all the following conditions:

- (1) Is consistent with and promotes the educational philosophy and goals of the school corporation and the state board.
- (2) Facilitates the attainment of specific educational objectives.
- (3) Is a part of the goals and objectives of an approved course or curriculum.
- (4) Represents a unique educational opportunity.
- (5) Cannot reasonably occur without interrupting the school day.
- (6) Is approved in writing by the school principal.

As added by P.L.185-2006, SEC.14.

IC 20-33-2-17.7

Compulsory attendance; exceptions; exhibiting or participating in state fair

Sec. 17.7. (a) Except as provided in subsection (b), the governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of each school student if the student or a member of the student's household participates or exhibits in the Indiana state fair for educational purposes, as evidenced in writing by the student's parent and as approved in writing by the student's school principal. The number of excused absences a student may receive under this section may not exceed five (5) instructional days in a school year. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

(b) In order for a student to receive an excused absence under subsection (a), the student must be in good academic standing, as determined by the school corporation.

As added by P.L.32-2014, SEC.1.

IC 20-33-2-18

Parent to produce certificate of child's incapacity on demand

Sec. 18. (a) If a parent of a student does not send the student to school because of the student's illness or mental or physical incapacity, it is unlawful for the parent to fail or refuse to produce a certificate of the illness or incapacity for an attendance officer not later than six (6) days after the certificate is demanded.

- (b) The certificate required under this section must be signed by:
- (1) an Indiana physician;
 - (2) an individual holding a license to practice osteopathy or

chiropractic in Indiana; or

(3) a Christian Science practitioner who resides in Indiana and is listed in the Christian Science Journal.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-19

Attendance; public school children; religious instruction

Sec. 19. (a) When the parent of a student who is enrolled in a public school makes a written request, the principal may allow the student to attend a school for religious instruction that is conducted by a church, an association of churches, or an association that is organized for religious instruction and incorporated under Indiana law.

(b) If a principal grants permission under subsection (a), the principal shall specify a period or periods, not to exceed one hundred twenty (120) minutes in total in any week, for the student to receive religious instruction. The permission is valid only for the year in which it is granted. Decisions made by a principal under this section may be reviewed by the superintendent.

(c) A school for religious instruction that receives students under this section:

(1) shall maintain attendance records and allow inspection of these records by attendance officers; and

(2) may not be supported, in whole or in part, by public funds.

(d) A student who attends a school for religious instruction under this section shall receive the same attendance credit that the student would receive for attendance in the public schools for the same length of time.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-20

Attendance records

Sec. 20. (a) An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

(b) In a public school, the record shall be open at all times for inspection by:

(1) attendance officers;

(2) school officials;

(3) agents of the department of labor;

(4) security police officers appointed under IC 36-8-3-7; and

(5) school corporation police officers appointed under IC 20-26-16.

Every teacher shall answer fully all lawful inquiries made by an attendance officer, a school official, an agent of the department of labor, a security police officer appointed under IC 36-8-3-7, or a school corporation police officer appointed under IC 20-26-16.

(c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon

request of the:

- (1) state superintendent; or
- (2) superintendent of the school corporation in which the nonpublic school is located.

As added by P.L.1-2005, SEC.17. Amended by P.L.34-2008, SEC.1; P.L.109-2015, SEC.41.

IC 20-33-2-21

Attendance reports

Sec. 21. (a) Each principal or school administrator in a nonpublic school that is attended by a student who is subject to the compulsory school attendance law under this chapter shall furnish, on request of the state superintendent, the number of students by grade level attending the school.

(b) If:

- (1) a student withdraws from a nonpublic school; and
- (2) no public or other nonpublic school has requested the student's educational records within fifteen (15) school days after the date the student withdrew from school;

the nonpublic school shall report to the state superintendent or the superintendent of the school corporation in which the nonpublic school is located, the name and address of the student and the date the student withdrew from school.

As added by P.L.1-2005, SEC.17. Amended by P.L.233-2015, SEC.249.

IC 20-33-2-22

List of students no longer enrolled

Sec. 22. (a) Not later than fifteen (15) school days after the beginning of each semester, the principal of a public high school shall send to the superintendent with jurisdiction over the school a list of names and last known addresses of all students:

- (1) not graduated; and
- (2) not enrolled in the then current semester who were otherwise eligible for enrollment.

(b) Each superintendent immediately shall make available all lists received under this section to an authorized representative of:

- (1) Ivy Tech Community College of Indiana; and
- (2) an agency whose purpose it is to enroll high school dropouts in various training programs.

(c) Each representative authorized to receive a list prepared under subsection (b) shall stipulate in writing that the list will be used only to contact prospective students or prospective trainees. If a list is used for any other purpose, the college or agency that the recipient represents is ineligible to receive subsequent lists for five (5) years.
As added by P.L.1-2005, SEC.17. Amended by P.L.127-2005, SEC.27.

IC 20-33-2-23

Powers of certain officers to take children into custody

Sec. 23. (a) Each school attendance officer, sheriff, marshal, and police officer in Indiana may take into custody any child who:

- (1) is required to attend school under this chapter; and
- (2) is found during school hours, unless accompanied:
 - (A) by a parent; or
 - (B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age; in a public place, in a public or private conveyance, or in a place of business open to the public.

(b) When an officer takes a child into custody under this section, the officer shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-24

Principal; duties when truant child received

Sec. 24. (a) When a child is delivered into the custody of a principal or acting chief administrative officer under section 23 of this chapter, the principal or officer shall immediately place the child in class in the grade or course of study in which the child is enrolled or to which the child may be properly assigned.

(b) A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as reasonably possible after placing a child in class under this section, the principal or acting chief administrative officer shall attempt to advise the child's parent of the facts of the case by telephone. The principal or acting chief administrative officer shall advise the parent of the facts of the case by mail on the same day the principal or officer receives the child.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-25

Habitual absence from school; report to juvenile intake officer or department of child services

Sec. 25. The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

As added by P.L.1-2005, SEC.17. Amended by P.L.90-2011, SEC.43.

IC 20-33-2-26

Enforcement of chapter

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 the obligation to enforce this chapter.

(b) An affidavit against a parent for a violation of this chapter 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. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

As added by P.L.1-2005, SEC.17. Amended by P.L.34-2008, SEC.2.

IC 20-33-2-27

Compulsory attendance; parent's responsibility

Sec. 27. (a) It is unlawful for a parent to fail to ensure that the parent's child attends school as required under this chapter.

(b) Before proceedings are instituted against a parent for a violation of this section, personal notice of the violation shall be served on the parent by the superintendent or the superintendent's designee:

- (1) having jurisdiction over the public school where the child has legal settlement; or
- (2) of the transferee corporation, if the child has been transferred.

(c) For purposes of this section, service of personal notice of a violation may be made upon a parent by any of the following means:

- (1) Delivering a copy of the notice to the parent personally. Personal notice shall be treated as occurring under this subdivision on the date of delivery.
- (2) Any other means of sending a copy of the notice to the parent. Personal notice shall be treated as occurring under this subdivision on the date of delivery.
- (3) Leaving a copy of the notice at the last and usual place of the residence of the parent. Personal notice shall be treated as occurring under this subdivision on the date the notice is left at

the residence.

(4) Communicating notice of the violation to the parent by any other means, if the communication is made by the superintendent for the school or the superintendent's designee. Personal notice shall be treated as occurring under this subdivision on the earliest date that the communication is made.

If the violation is not terminated not more than one (1) school day after this notice is given, or if another violation is committed during the notice period, no further notice is necessary. Each day of violation constitutes a separate offense.

As added by P.L.1-2005, SEC.17. Amended by P.L.90-2011, SEC.44.

IC 20-33-2-28

Compulsory attendance for full term; duty of parent

Sec. 28. (a) This section does not apply during a period when a child is excused from school attendance under this chapter.

(b) It is unlawful for a parent to:

- (1) fail;
- (2) neglect; or
- (3) refuse;

to send the parent's child to a public school for the full term as required under this chapter unless the child is being provided with instruction equivalent to that given in public schools.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-28.5

Requirements for exit interview; reporting requirement

Sec. 28.5. (a) This section applies to an individual:

- (1) who:
 - (A) attends or last attended a public school;
 - (B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and
 - (C) has not completed the requirements for graduation;
- (2) who:
 - (A) wishes to withdraw from school before graduation;
 - (B) fails to return at the beginning of a semester; or
 - (C) stops attending school during a semester; and
- (3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all of the following conditions are met:

- (1) An exit interview is conducted.
- (2) The individual's parent consents to the withdrawal.
- (3) The school principal approves of the withdrawal.
- (4) The withdrawal is due to:
 - (A) financial hardship and the individual must be employed to support the individual's family or a dependent;
 - (B) illness; or
 - (C) an order by a court that has jurisdiction over the child.

During the exit interview, the school principal shall provide to the

student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma. The school principal shall advise the student and the student's parent that the student's withdrawal from school may prevent the student from receiving or result in the revocation of the student's employment certificate and driver's license or learner's permit.

(c) For purposes of this section, the following must be in written form:

- (1) An individual's request to withdraw from school.
- (2) A parent's consent to a withdrawal.
- (3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-24-1-4), shall provide an annual report to the department setting forth the following information:

- (1) The total number of individuals:
 - (A) who withdrew from school under this section; and
 - (B) who either:
 - (i) failed to return to school at the beginning of a semester; or
 - (ii) stopped attending school during a semester; and for whom there is no record of transfer to another school.
 - (2) The number of individuals who withdrew from school following an exit interview.
- (f) If an individual to which this section applies:
- (1) has not received consent to withdraw from school under this section; and
 - (2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-33-3-13, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the

individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section;

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery and, for purposes of IC 20-33-3-13 and IC 9-24-2-1, the individual shall no longer be considered a dropout. *As added by P.L.242-2005, SEC.19. Amended by P.L.185-2006, SEC.15.*

IC 20-33-2-28.6

Transfer to nonaccredited nonpublic school; acknowledgment of legal requirements; notification to bureau of motor vehicles

Sec. 28.6. (a) This section applies to a high school student who is transferring to a nonaccredited nonpublic school.

(b) Before a student withdraws from a public school, the principal of the student's school shall provide to the student and to the student's parent information on a form developed by the department and approved by the state board that explains the legal requirements of attending a nonaccredited nonpublic school located in Indiana. The principal and a parent of the student shall both sign the form to acknowledge that the parent understands the content of the form.

(c) If the parent of the student refuses to sign the form provided by the principal under subsection (b), the student is considered a dropout and the principal shall report the student to the bureau of motor vehicles for action under section 28.5(g) of this chapter. The student is considered a dropout for purposes of calculating a high school's graduation rate under IC 20-26-13-10.

As added by P.L.268-2013, SEC.10.

IC 20-33-2-28.7

Department's compilation of statistics concerning likely consequences of withdrawing from school before graduation

Sec. 28.7. (a) The department of education shall compile and make available to schools statistics concerning the likely consequences of life without a high school diploma. The statistics must include, but are not limited to, statistics that show the likelihood of an individual's:

(1) unemployment or employment in a lower paying job; and

(2) involvement in criminal activity;

as the consequence of not obtaining a high school diploma.

(b) The department of education shall update the statistics made available under subsection (a) every two (2) years.

As added by P.L.242-2005, SEC.20.

IC 20-33-2-29

Children in certain institutions or facilities; compulsory school attendance; reimbursement for space used within facilities for court placed student expenses

Sec. 29. (a) It is unlawful for a person operating or responsible for an educational, correctional, charitable, or benevolent institution or training school to fail to ensure that a child under the person's authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.

(b) If a child is placed in an institution or facility by or with the approval of the department of child services, the institution or facility shall charge the department of child services for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per child cost.

As added by P.L.1-2005, SEC.17. Amended by P.L.146-2008, SEC.475; P.L.1-2009, SEC.125.

IC 20-33-2-30

Separate attendance district; requirement

Sec. 30. A school corporation having an ADA of at least one thousand five hundred (1,500) students constitutes a separate attendance district.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2006, SEC.150.

IC 20-33-2-31

Attendance officers; appointment

Sec. 31. (a) The governing body of each school corporation may appoint or the governing bodies of two (2) or more school corporations jointly may appoint:

- (1) one (1) attendance officer; and
- (2) one (1) additional attendance officer for every seven thousand five hundred (7,500) students in ADA in the school corporation or school corporations.

The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to pay the salary and expenses of attendance officers appointed in accordance with this section.

(b) If the governing body of a school corporation declines to make an appointment, the superintendent of the school corporation shall serve as ex officio attendance officer under section 35 of this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2006, SEC.151; P.L.233-2015, SEC.250.

IC 20-33-2-32

Repealed

(As added by P.L.1-2005, SEC.17. Amended by P.L.231-2005, SEC.43; P.L.1-2006, SEC.334; P.L.2-2006, SEC.152; P.L.1-2007, SEC.146. Repealed by P.L.233-2015, SEC.251.)

IC 20-33-2-33**Repealed**

(As added by P.L.1-2005, SEC.17. Amended by P.L.2-2006, SEC.153. Repealed by P.L.233-2015, SEC.252.)

IC 20-33-2-34**Repealed**

(As added by P.L.1-2005, SEC.17. Amended by P.L.2-2006, SEC.154; P.L.119-2012, SEC.156. Repealed by P.L.233-2015, SEC.253.)

IC 20-33-2-35**Ex officio attendance officers**

Sec. 35. If the governing body of a school corporation elects not to appoint an attendance officer under section 31 of this chapter, the superintendent shall serve as an ex officio attendance officer. A superintendent acting in this capacity may designate one (1) or more school employees as assistant attendance officers. These assistant attendance officers shall act under the superintendent's direction and perform the duties the superintendent assigns. Ex officio attendance officers and assistant attendance officers appointed under this section shall receive no additional compensation for performing attendance services.

As added by P.L.1-2005, SEC.17. Amended by P.L.90-2011, SEC.45; P.L.233-2015, SEC.254.

IC 20-33-2-36**Repealed**

(As added by P.L.1-2005, SEC.17. Repealed by P.L.233-2015, SEC.255.)

IC 20-33-2-37**Repealed**

(As added by P.L.1-2005, SEC.17. Amended by P.L.2-2006, SEC.155. Repealed by P.L.233-2015, SEC.256.)

IC 20-33-2-38**Attendance officers; appointment of additional officers**

Sec. 38. Any school corporation or school corporations may appoint more attendance officers than are specifically authorized under section 31 of this chapter. However, these additional attendance officers shall be appointed in the same manner as required by law for other attendance officers. Compensation for additional attendance officers appointed under this section shall be paid entirely by the school corporation or school corporations involved.

As added by P.L.1-2005, SEC.17. Amended by P.L.233-2015, SEC.257.

IC 20-33-2-39

Attendance officers; duties

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 perform other duties necessary for complete enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-40

Attendance officers; special powers

Sec. 40. (a) Each attendance officer may serve original and other process in cases arising under this chapter.

(b) An attendance officer may enter any place where a child is employed to determine whether violations of this chapter have occurred. When an attendance officer or a school official is exercising the power granted under this subsection, any officer, manager, director, employee or other person who refuses to permit the attendance officer's or the school official's entry into a place of business or interferes with the officer's or official's investigation in any way commits a violation of this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.233-2015, SEC.258.

IC 20-33-2-41

Attendance officers; licensing required; exception

Sec. 41. With the exception of ex officio attendance officers, an individual may not hold the position of attendance officer unless the individual has complied with all standards of the department and has been properly licensed by the department.

As added by P.L.1-2005, SEC.17. Amended by P.L.246-2005, SEC.178.

IC 20-33-2-42

Attendance; duties of state superintendent of public instruction

Sec. 42. The state superintendent 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) perform all other duties necessary for the complete enforcement of this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.90-2011, SEC.46.

IC 20-33-2-43

State attendance officers; appointment; removal; duties; powers

Sec. 43. (a) The state superintendent shall appoint a state attendance officer. The state attendance officer serves at the pleasure of the state superintendent and may be removed by the state superintendent 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.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-44

Penalty

Sec. 44. (a) This section does not apply to section 47 of this chapter.

(b) A person who knowingly violates this chapter commits a Class B misdemeanor.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-45

State board; supervision; rules

Sec. 45. (a) The state board shall exercise general supervision by resolution over the attendance system of the state.

(b) The state board may adopt rules under IC 4-22-2 pertaining to the state attendance system and the enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-46

Compulsory attendance; exceptions; physical or mental fitness

Sec. 46. (a) Except as provided in subsection (c), a superintendent or school leader may exclude or excuse a student found mentally or physically unfit for school attendance. An exclusion or excuse under this section is valid only for the school year during which it is issued

and shall not violate a student's right to a free and appropriate public education under federal law.

(b) A student may not be compelled to undergo any examination or treatment under this chapter when the student's parent objects on religious grounds, which consists of a good faith reliance on spiritual means or prayer for healing. The objection is not effective unless it is:

- (1) made in writing;
- (2) signed by the student's parent; and
- (3) delivered to the student's teacher or to the individual who might order an examination or treatment absent the objection.

(c) If a physician, psychologist, or psychiatrist certifies that a student is fit for school attendance, the superintendent or school leader may not exclude or excuse that student. However, nothing in this section shall prohibit a school from disciplining a student pursuant to any legal authority, including but not limited to IC 20-33-8.

As added by P.L.1-2005, SEC.17. Amended by P.L.41-2014, SEC.3.

IC 20-33-2-47

School corporations; notification of absences; reports to local health departments

Sec. 47. (a) A school corporation may develop and implement a system of notifying the parent of a student when:

- (1) the student fails to attend school; and
- (2) the student does not have an excused absence for that day.

(b) A school corporation or an accredited nonpublic school shall report to the local health department the percentage of student absences above a threshold determined by the department by rule adopted under IC 4-22-2.

(c) If a school corporation implements a notification system under this chapter, the attendance officer or the attendance officer's designee shall make a reasonable effort to contact by telephone the parent of each student who has failed to attend school and does not have an excused absence for that day.

(d) If an attendance officer or an attendance officer's designee has made a reasonable effort to contact a parent under subsection (c), the school corporation is immune from liability for any damages suffered by the parent claimed because of failure to contact the parent.

As added by P.L.1-2005, SEC.17.