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# SENATE BILL No. 338

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-18-2; IC 20-19-3-12; IC 20-20-8-8; IC 20-26-5-34; IC 20-30-2-2.2; IC 20-31-5-4; IC 20-32-4; IC 20-33.

**Synopsis:** Chronic school absenteeism. Makes changes to the definition of: (1) chronic absenteeism; and (2) habitual truant. Requires school corporations and schools to identify contributing factors to absenteeism and to develop chronic absence reduction plans. Provides that a school corporation must include the number of students who are habitually truant in the school corporation's annual performance report. Provides that a school corporation's strategic and continuous school improvement plan must include objectives relating to the educational needs of students who are chronically absent or habitually truant from school. Requires school corporations to share data on high chronic absence schools with the department of education (department) and with the office of the secretary of family and social services for the purpose of targeting allocation of resources and identifying or developing programs to improve student attendance. Provides that a student may not receive a graduation waiver unless the student has at least a 95% attendance rate. (Current law provides that a student must have at least a 95% attendance rate, excluding excused absences.) Provides that out-of-school suspension is an excused absence. Provides that a student participating in a court assisted resolution of a suspension or an expulsion case is not considered absent from school if the student is present for court supervised educational services or making up classroom assignments. Requires a public and nonpublic school to make its daily attendance record open to inspection to enable timely reporting and monitoring of chronic absenteeism and habitual truancy. Provides that a superintendent and a court having juvenile jurisdiction may enter into a voluntary agreement for a court assisted resolution of chronic absenteeism. Makes conforming amendments.

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**Effective:** July 1, 2013.

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January 8, 2013, read first time and referred to Committee on Education and Career Development.



First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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## SENATE BILL No. 338



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 20-18-2-2.7 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2013]: **Sec. 2.7. "Chronic absenteeism" has the meaning set forth**  
4 **in IC 20-20-8-8.**

5 SECTION 2. IC 20-18-2-6.5 IS ADDED TO THE INDIANA CODE  
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
7 1, 2013]: **Sec. 6.5. "Habitual truant" has the meaning set forth in**  
8 **IC 20-33-2-11.**

9 SECTION 3. IC 20-19-3-12 IS ADDED TO THE INDIANA CODE  
10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
11 1, 2013]: **Sec. 12. The department shall make reduction of**  
12 **absenteeism in schools a policy priority and direct school**  
13 **corporations and schools to:**

- 14 (1) **identify contributing factors of absenteeism; and**
- 15 (2) **develop chronic absence reduction plans.**

16 SECTION 4. IC 20-20-8-8, AS AMENDED BY P.L.3-2008,  
17 SECTION 115, IS AMENDED TO READ AS FOLLOWS



- 1 [EFFECTIVE JULY 1, 2013]: Sec. 8. The report must include the  
 2 following information:
- 3 (1) Student enrollment.
  - 4 (2) Graduation rate (as defined in IC 20-26-13-6).
  - 5 (3) Attendance rate.
  - 6 (4) The following test scores, including the number and  
 7 percentage of students meeting academic standards:
    - 8 (A) ISTEP program test scores.
    - 9 (B) Scores for assessments under IC 20-32-5-21, if  
 10 appropriate.
    - 11 (C) For a freeway school, scores on a locally adopted  
 12 assessment program, if appropriate.
  - 13 (5) Average class size.
  - 14 (6) The number and percentage of students in the following  
 15 groups or programs:
    - 16 (A) Alternative education, if offered.
    - 17 (B) Career and technical education.
    - 18 (C) Special education.
    - 19 (D) High ability.
    - 20 (E) Remediation.
    - 21 (F) Limited English language proficiency.
    - 22 (G) Students receiving free or reduced price lunch under the  
 23 national school lunch program.
    - 24 (H) School flex program, if offered.
  - 25 (7) Advanced placement, including the following:
    - 26 (A) For advanced placement tests, the percentage of students:
      - 27 (i) scoring three (3), four (4), and five (5); and
      - 28 (ii) taking the test.
    - 29 (B) For the Scholastic Aptitude Test:
      - 30 (i) test scores for all students taking the test;
      - 31 (ii) test scores for students completing the academic honors  
 32 diploma program; and
      - 33 (iii) the percentage of students taking the test.
  - 34 (8) Course completion, including the number and percentage of  
 35 students completing the following programs:
    - 36 (A) Academic honors diploma.
    - 37 (B) Core 40 curriculum.
    - 38 (C) Career and technical programs.
  - 39 (9) The percentage of grade 8 students enrolled in algebra I.
  - 40 (10) The percentage of graduates who pursue higher education.
  - 41 (11) School safety, including:
    - 42 (A) the number of students receiving suspension or expulsion

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- 1 for the possession of alcohol, drugs, or weapons; and  
 2 (B) the number of incidents reported under IC 20-33-9.
- 3 (12) Financial information and various school cost factors,  
 4 including the following:  
 5 (A) Expenditures per pupil.  
 6 (B) Average teacher salary.  
 7 (C) Remediation funding.
- 8 (13) Technology accessibility and use of technology in  
 9 instruction.
- 10 (14) Interdistrict and intradistrict student mobility rates, if that  
 11 information is available.
- 12 (15) The number and percentage of each of the following within  
 13 the school corporation:  
 14 (A) Teachers who are certificated employees (as defined in  
 15 IC 20-29-2-4).  
 16 (B) Teachers who teach the subject area for which the teacher  
 17 is certified and holds a license.  
 18 (C) Teachers with national board certification.
- 19 (16) The percentage of grade 3 students reading at grade 3 level.
- 20 (17) The number of students expelled, including the number  
 21 participating in other recognized education programs during their  
 22 expulsion.
- 23 (18) Chronic absenteeism, which includes the number of students  
 24 who have been absent ~~more than ten (10) days~~ from school ~~within~~  
 25 ~~a for ten percent (10%) or more of a school year for any~~  
 26 ~~reason. without being excused.~~
- 27 **(19) Habitual truancy, which includes the number of students**  
 28 **who have been absent ten (10) days or more from school**  
 29 **within a school year without being excused.**
- 30 ~~(19)~~ **(20)** The number of students who have dropped out of  
 31 school, including the reasons for dropping out.
- 32 ~~(20)~~ **(21)** The number of student work permits revoked.
- 33 ~~(21)~~ **(22)** The number of student driver's licenses revoked.
- 34 ~~(22)~~ **(23)** The number of students who have not advanced to grade  
 35 10 due to a lack of completed credits.
- 36 ~~(23)~~ **(24)** The number of students suspended for any reason.
- 37 ~~(24)~~ **(25)** The number of students receiving an international  
 38 baccalaureate diploma.
- 39 ~~(25)~~ **(26)** Other indicators of performance as recommended by the  
 40 education roundtable under IC 20-19-4.

41 SECTION 5. IC 20-26-5-34 IS ADDED TO THE INDIANA CODE  
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2013]: **Sec. 34. School corporations shall share, with the department and with the office of the secretary of family and social services, data on schools having a high number of chronic student absences for the purpose of:**

- (1) targeting allocation of resources; and**
- (2) identifying or developing model programs to improve school attendance.**

SECTION 6. IC 20-30-2-2.2, AS ADDED BY P.L.242-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 2.2. (a) As used in this section, "eligible student" means a student in grade 11 or 12 who has:

- (1) failed the ISTEP+ graduation exam at least twice;
- (2) been determined to be chronically absent, by missing ~~more than ten (10) unexcused days of school in one (1) ten percent (10%) or more of a school year for any reason;~~
- (3) been determined to be a habitual truant, as identified under IC 20-33-2-11;
- (4) been significantly behind in credits for graduation, as identified by an individual's school principal;
- (5) previously undergone at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15;
- (6) previously undergone an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or
- (7) been determined by the individual's principal and the individual's parent or guardian to benefit by participating in the school flex program.

(b) An eligible student who participates in a school flex program must:

- (1) attend school for at least three (3) hours of instructional time per school day;
- (2) pursue a timely graduation;
- (3) provide evidence of college or technical career education enrollment and attendance or proof of employment and labor that is aligned with the student's career academic sequence under rules established by the Indiana bureau of child labor;
- (4) not be suspended or expelled while participating in a school flex program;
- (5) pursue course and credit requirements for a general diploma; and
- (6) maintain a ninety-five percent (95%) attendance rate.

(c) A school may allow an eligible student in grade 11 or 12 to complete an instructional day that consists of three (3) hours of

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1 instructional time if the student participates in the school flex program.  
 2 (d) If one (1) or more students participate in a school flex program,  
 3 the principal shall, on forms provided by the department, submit a  
 4 yearly report to the department of student participation and graduation  
 5 rates of students who participate in the school flex program.

6 SECTION 7. IC 20-31-5-4, AS ADDED BY P.L.1-2005, SECTION  
 7 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 8 2013]: Sec. 4. (a) A plan must:

- 9 (1) state objectives for a three (3) year period; and  
 10 (2) be annually reviewed and revised to accomplish the  
 11 achievement objectives of the school.

12 (b) A plan must establish objectives for the school to achieve. These  
 13 achievement objectives must be consistent with academic standards  
 14 and include improvement in at least the following areas:

- 15 (1) Attendance rate.  
 16 **(2) The educational needs of students who have been**  
 17 **identified to be chronically absent or habitually truant from**  
 18 **school.**

19 ~~(2)~~ **(3)** The percentage of students meeting academic standards  
 20 under the ISTEP program (IC 20-31-3 and IC 20-32-5).

21 ~~(3)~~ **(4)** For a secondary school, graduation rate.

22 (c) A plan must address the learning needs of all students, including  
 23 programs and services for exceptional learners.

24 (d) A plan must specify how and to what extent the school expects  
 25 to make continuous improvement in all areas of the education system  
 26 where results are measured by setting benchmarks for progress on an  
 27 individual school basis.

28 (e) A plan must note specific areas where improvement is needed  
 29 immediately.

30 SECTION 8. IC 20-32-4-4, AS AMENDED BY P.L.185-2006,  
 31 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2013]: Sec. 4. Beginning with the 2005-2006 school year, a  
 33 student who does not achieve a passing score on the graduation  
 34 examination and who does not meet the requirements of section 1 of  
 35 this chapter may be eligible to graduate if the student does all the  
 36 following:

37 (1) Takes the graduation examination in each subject area in  
 38 which the student did not achieve a passing score at least one (1)  
 39 time every school year after the school year in which the student  
 40 first takes the graduation examination.

41 (2) Completes remediation opportunities provided to the student  
 42 by the student's school.

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- 1 (3) Maintains a school attendance rate of at least ninety-five  
 2 percent (95%). ~~with excused absences not counting against the~~  
 3 ~~student's attendance.~~
- 4 (4) Maintains at least a "C" average or the equivalent in the  
 5 courses comprising the credits specifically required for graduation  
 6 by rule of the state board.
- 7 (5) Otherwise satisfies all state and local graduation requirements.
- 8 (6) Either:
- 9 (A) completes:
- 10 (i) the course and credit requirements for a general diploma,  
 11 including the career academic sequence;
- 12 (ii) a workforce readiness assessment; and
- 13 (iii) at least one (1) career exploration internship,  
 14 cooperative education, or workforce credential  
 15 recommended by the student's school; or
- 16 (B) obtains a written recommendation from a teacher of the  
 17 student in each subject area in which the student has not  
 18 achieved a passing score on the graduation examination. The  
 19 written recommendation must be concurred in by the principal  
 20 of the student's school and be supported by documentation that  
 21 the student has attained the academic standard in the subject  
 22 area based on:
- 23 (i) tests other than the graduation examination; or
- 24 (ii) classroom work.
- 25 SECTION 9. IC 20-32-4-5, AS ADDED BY P.L.1-2005, SECTION  
 26 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 27 2013]: Sec. 5. (a) This section applies to a student who is a child with  
 28 a disability (as defined in IC 20-35-1-2).
- 29 (b) If the student does not achieve a passing score on the graduation  
 30 examination, the student's case conference committee may determine  
 31 that the student is eligible to graduate if the case conference committee  
 32 finds the following:
- 33 (1) The student's teacher of record, in consultation with a teacher  
 34 of the student in each subject area in which the student has not  
 35 achieved a passing score, makes a written recommendation to the  
 36 case conference committee. The recommendation must:
- 37 (A) be concurred in by the principal of the student's school;  
 38 and
- 39 (B) be supported by documentation that the student has  
 40 attained the academic standard in the subject area based on:
- 41 (i) tests other than the graduation examination; or
- 42 (ii) classroom work.

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1 (2) The student meets all the following requirements:

2 (A) Retakes the graduation examination in each subject area  
3 in which the student did not achieve a passing score as often  
4 as required by the student's individualized education program.

5 (B) Completes remediation opportunities provided to the  
6 student by the student's school to the extent required by the  
7 student's individualized education program.

8 (C) Maintains a school attendance rate of at least ninety-five  
9 percent (95%) to the extent required by the student's  
10 individualized education program. ~~with excused absences not~~  
11 ~~counting against the student's attendance.~~

12 (D) Maintains at least a "C" average or the equivalent in the  
13 courses comprising the credits specifically required for  
14 graduation by rule of the state board.

15 (E) Otherwise satisfies all state and local graduation  
16 requirements.

17 SECTION 10. IC 20-33-2-11, AS ADDED BY P.L.242-2005,  
18 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2013]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the  
20 minimum requirements for qualifying for the issuance of an operator's  
21 license or a learner's permit, and subject to subsections (c) through (e),  
22 an individual who is:

23 (1) at least thirteen (13) years of age but less than fifteen (15)  
24 years of age;

25 (2) a habitual truant under the definition of habitual truant  
26 established under subsection (b); and

27 (3) identified in the information submitted to the bureau of motor  
28 vehicles under subsection (f);

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

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

34 (1) a definition of a child who is designated as a habitual truant  
35 ~~which must, at a minimum, define the term as a student who is~~  
36 ~~chronically absent, by having as being a student who has~~  
37 unexcused absences from school for ~~more than~~ ten (10) ~~or more~~  
38 days of school in one (1) school year;

39 (2) the procedures under which subsection (a) will be  
40 administered; and

41 (3) all other pertinent matters related to this action.

42 (c) An individual described in subsection (a) is entitled to the

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1 procedure described in IC 20-33-8-19.

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

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

12 (f) Before:

13 (1) February 1; and

14 (2) October 1;

15 of each year the governing body of the school corporation shall submit  
16 to the bureau of motor vehicles the pertinent information concerning an  
17 individual's ineligibility under subsection (a) to be issued an operator's  
18 license or a learner's permit.

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

22 SECTION 11. IC 20-33-2-14, AS AMENDED BY P.L.90-2011,  
23 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2013]: Sec. 14. (a) This section and sections 15 through 17.5  
25 of this chapter apply to a student who attends either a public school or  
26 a nonpublic school.

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

34 **(b) For purposes of this section, "excused absence" means an**  
35 **absence that a school corporation or nonpublic school specifies in**  
36 **school policy as being caused by a legitimate reason and that is**  
37 **verified by the student's parent or physician. The term includes,**  
38 **but is not limited to, an absence caused by:**

39 **(1) illness or medical issues;**

40 **(2) a funeral;**

41 **(3) maternity;**

42 **(4) military service of the student or the deployment or return**

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1 of a student's family member who is enlisted in the armed  
 2 forces of the United States or national guard; or  
 3 (5) except as provided in subsection (f), a suspension, as  
 4 defined in IC 20-33-8-7.

5 (c) An unexcused absence is any absence that is not:

- 6 (1) an excused absence;  
 7 (2) an absence excused under subsection (d); or  
 8 (3) an absence covered by an exception under sections 15  
 9 through 17.5 of this chapter.

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

17 (e) Except as provided in subsection (f), the absence of a student  
 18 who is suspended under IC 20-33-8-7 is considered an excused  
 19 absence.

20 (f) A student under court supervision who is receiving service  
 21 under IC 20-33-8.5 is not considered absent if the student is present  
 22 for any court supervised instruction or makes up classroom  
 23 assignments under an agreement provided in IC 20-33-8.5-2.

24 SECTION 12. IC 20-33-2-20, AS AMENDED BY P.L.34-2008,  
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2013]: Sec. 20. (a) An accurate daily record of the attendance  
 27 of each student who is subject to compulsory school attendance under  
 28 this chapter shall be kept by every public and nonpublic school. **Public  
 29 and nonpublic schools shall make the daily record of attendance  
 30 available for inspection to enable timely reporting and monitoring  
 31 of chronic absenteeism and habitual truancy.**

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

- 34 (1) attendance officers;  
 35 (2) school officials;  
 36 (3) agents of the department of labor;  
 37 (4) security police officers appointed under IC 36-8-3-7; and  
 38 (5) school corporation police officers appointed under  
 39 IC 20-26-16.

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

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

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

7 SECTION 13. IC 20-33-8.5-2, AS ADDED BY P.L.242-2005,  
8 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2013]: Sec. 2. A superintendent and a court having juvenile  
10 jurisdiction in the county may enter into a voluntary agreement  
11 (referred to as the "agreement" in this chapter) for court assisted  
12 resolution of school suspension and expulsion cases **or the chronic**  
13 **absenteeism of a student.** The agreement may require the court to  
14 supervise or provide for the supervision of:

- 15 (1) an expelled or suspended student; **or**
- 16 (2) **a student who has been identified as being chronically**  
17 **absent from school;**

18 who has been referred to the court by the school corporation in  
19 accordance with the terms of the agreement.

20 SECTION 14. IC 20-33-8.5-3, AS ADDED BY P.L.242-2005,  
21 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2013]: Sec. 3. The agreement may require that a court do one  
23 (1) or more of the following:

- 24 (1) Establish a flexible program for the supervision of a **student**  
25 **identified as being chronically absent from school or a student**  
26 **who has been suspended or expelled.**
- 27 (2) Supervise a student who has been suspended or expelled **or**  
28 **has been identified by the school corporation as being**  
29 **chronically absent from school.**
- 30 (3) Require a student who has been suspended or expelled **or has**  
31 **been identified by the school corporation as being chronically**  
32 **absent from school** to participate in a school program (including  
33 an alternative educational program) for the supervision of a  
34 student who has been suspended or expelled **or has been**  
35 **identified by the school corporation as being chronically**  
36 **absent from school.**

37 SECTION 15. IC 20-33-8.5-4, AS ADDED BY P.L.242-2005,  
38 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 JULY 1, 2013]: Sec. 4. (a) The agreement may require that a school  
40 corporation do one (1) or more of the following:

- 41 (1) Define the violation for which a student who has been  
42 **identified as being chronically absent from school,** suspended,

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1 or expelled shall be referred to the court.  
 2 (2) Refer a student who has been **identified as being chronically**  
 3 **absent from school**, suspended, or expelled for a violation  
 4 described in subdivision (1) to the court.  
 5 (3) Establish a school program (including an alternative  
 6 educational program) for the supervision of a student who has  
 7 been suspended or expelled **or has been identified as being**  
 8 **chronically absent from school.**  
 9 (b) If a school corporation enters into an agreement, the discipline  
 10 rules adopted by the school corporation under IC 20-33-8-12 must  
 11 specify the violations for which a student may be referred to the court  
 12 under the agreement.

13 SECTION 16. IC 20-33-8.5-5, AS AMENDED BY  
 14 P.L.182-2009(ss), SECTION 321, IS AMENDED TO READ AS  
 15 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5. The agreement must  
 16 provide how the expenses of supervising a student who has been  
 17 suspended or expelled **or identified as being chronically absent from**  
 18 **school** are funded. A school corporation may not be required to expend  
 19 more than the transition to foundation amount (as determined under  
 20 IC 20-43-5-6) for each student referred under the agreement.

21 SECTION 17. IC 20-33-8.5-7, AS ADDED BY P.L.242-2005,  
 22 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2013]: Sec. 7. A hearing under this chapter is not a hearing to  
 24 determine whether a student who has been suspended, ~~or~~ expelled, **or**  
 25 **identified as a student who is chronically absent from school** is a  
 26 child in need of services. However, if a court determines that a student  
 27 who has been suspended or expelled **or has been identified as being**  
 28 **chronically absent from school** may:

- 29 (1) be a child in need of services (as described in IC 31-34-1); or
  - 30 (2) have committed a delinquent act (as described in IC 31-37);
- 31 the court may notify the office of family and children or the prosecuting  
 32 attorney.

33 SECTION 18. IC 20-33-8.5-10, AS ADDED BY P.L.242-2005,  
 34 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2013]: Sec. 10. All records of the student's court appearance  
 36 shall be expunged upon the student's completion of the **chronic**  
 37 **absenteeism or** out-of-school suspension or expulsion program.

38 SECTION 19. IC 20-33-8.5-11, AS ADDED BY P.L.242-2005,  
 39 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2013]: Sec. 11. Notwithstanding the terms of the agreement,  
 41 **a student identified as being chronically absent**, a suspension, an  
 42 expulsion, or a referral of a student who is a child with a disability (as

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- 1 defined in ~~IC 20-1-6-1~~ **IC 20-35-1-2**) is subject to the:
- 2 (1) procedural requirements of 20 U.S.C. 1415; and
- 3 (2) rules adopted by the Indiana state board of education.

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