

HOUSE BILL No. 1089

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-17.2; IC 20-26; IC 20-31-8-9; IC 20-33-2-7; IC 20-43-4-5.

Synopsis: Education matters. Provides that if a child care center is located in a charter school, a nonpublic school that has at least one employee, or a school operated by a school corporation, the child care center may satisfy the requirements for criminal history background checks by obtaining an expanded criminal history check that is required for schools. Establishes the child protection advisory committee to study issues relating to expanded child protection index checks and to make recommendations to the department of child services to improve the practices related to and the quality of expanded child protection index checks. Provides that a school corporation shall accept a transferring student who does not have legal settlement in the school corporation and who has a parent who is a current employee of the transferee school corporation with an annual salary of at least \$8,000. (Under current law, a school corporation shall accept a transferring student who does not have legal settlement in the school corporation and who has a parent who is a current employee of the transferee school corporation.) Provides that a student who attends the Indiana academy for science, mathematics, and humanities (academy) must, in addition to being included in the school performance calculations for the academy, be included in the school performance calculations for the school corporation in which the student attended the school year immediately preceding the school year that the student initially enrolled to attend the academy. Provides that a school corporation may allow a student who is at least four years of age on August 1 of the school year to officially enroll in a kindergarten program offered by the school corporation. Provides that a school corporation that officially enrolls a
(Continued next page)

Effective: July 1, 2019.

Thompson

January 3, 2019, read first time and referred to Committee on Education.



Digest Continued

student in kindergarten at four years of age may not receive more than 13 years of state tuition support for the student. Provides that, if a school corporation officially enrolls a student in kindergarten at four years of age and: (1) the student subsequently transfers to another school corporation or charter school; and (2) the student is enrolled to attend school at another school corporation or charter school for a school year beginning after the student's thirteenth school year; the department of education shall reduce the state tuition support distributed to the school corporation that officially enrolled the student into kindergarten, beginning on the student's fourteenth school year. Provides that a school corporation that enrolls a student in kindergarten at four years of age shall include the student in the school corporation's average daily membership.



Introduced

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1089

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 12-17.2-2-1, AS AMENDED BY P.L.53-2018,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. **(a)** The division shall perform the following
4 duties:
5 (1) Administer the licensing and monitoring of child care centers
6 or child care homes in accordance with this article.
7 (2) **Except as provided in subsection (b)**, ensure that a national
8 criminal history background check of the following is completed
9 through the state police department under IC 10-13-3-39 before
10 issuing a license:
11 (A) An applicant for a license.
12 (B) An employee or volunteer of an applicant who has direct
13 contact with a child who is receiving child care from the
14 applicant.
15 (C) If an applicant is applying for a license to operate a child



- 1 care home, the following:
- 2 (i) The applicant's spouse.
- 3 (ii) The applicant's household members who are at least
- 4 eighteen (18) years of age or who are less than eighteen (18)
- 5 years of age but have previously been waived from juvenile
- 6 court to adult court.
- 7 (3) Ensure that a national criminal history background check of
- 8 the following is completed through the state police department
- 9 under IC 10-13-3-39 before registering a child care ministry:
- 10 (A) An applicant for a child care ministry registration.
- 11 (B) An employee or volunteer of an applicant who has direct
- 12 contact with a child who is receiving child care from the
- 13 applicant.
- 14 (4) Provide for the issuance, denial, suspension, and revocation of
- 15 licenses.
- 16 (5) Cooperate with governing bodies of child care centers and
- 17 child care homes and their staffs to improve standards of child
- 18 care.
- 19 (6) Prepare at least biannually a directory of licensees with a
- 20 description of the program capacity and type of children served
- 21 that will be distributed to the legislature, licensees, and other
- 22 interested parties as a public document.
- 23 (7) Deposit all license application fees collected under section 2
- 24 of this chapter in the division of family resources child care fund
- 25 established by section 3 of this chapter.
- 26 (8) Require each child care center or child care home to record
- 27 proof of a child's date of birth before accepting the child. A child's
- 28 date of birth may be proven by the child's original birth certificate
- 29 or other reliable proof of the child's date of birth, including a duly
- 30 attested transcript of a birth certificate.
- 31 (9) Provide an Internet site through which members of the public
- 32 may obtain the following information:
- 33 (A) Information concerning violations of this article by a
- 34 licensed child care provider, including:
- 35 (i) the identity of the child care provider;
- 36 (ii) the date of the violation; and
- 37 (iii) action taken by the division in response to the violation.
- 38 (B) Current status of a child care provider's license.
- 39 (C) Other relevant information.
- 40 The Internet site may not contain the address of a child care home
- 41 or information identifying an individual child. However, the site
- 42 may include the county and ZIP code in which a child care home



1 is located.

2 (10) Provide or approve training concerning safe sleeping
3 practices for children to:

4 (A) a provider who operates a child care program in the
5 provider's home as described in IC 12-17.2-3.5-12.5;

6 (B) a child care home licensed under IC 12-17.2-5;

7 (C) a child care center licensed under IC 12-17.2-4; and

8 (D) a child care ministry registered under IC 12-17.2-6;

9 including practices to reduce the risk of sudden infant death
10 syndrome.

11 **(b) If a child care center is located in a charter school, a**
12 **nonpublic school that has at least one (1) employee, or a school**
13 **operated by a school corporation, the child care center may satisfy**
14 **the requirements described in subsection (a)(2) by fulfilling the**
15 **components of an expanded criminal history check under**
16 **IC 20-26-2-1.5.**

17 SECTION 2. IC 12-17.2-3.5-12.5, AS ADDED BY P.L.53-2018,
18 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2019]: Sec. 12.5. (a) A provider that cares for children who
20 are less than twelve (12) months of age shall:

21 (1) complete the training course provided or approved by the
22 division under ~~IC 12-17.2-2-1(10)~~ **IC 12-17.2-2-1(a)(10)**
23 concerning safe sleeping practices; and

24 (2) ensure that all caregivers of children who are less than twelve
25 (12) months of age follow safe sleeping practices.

26 (b) If a provider violates subsection (a), the division may do the
27 following with respect to each violation determined during an
28 inspection of the facility where the provider operates a child care
29 program:

30 (1) On the first inspection during which a violation is determined
31 during a licensure period, issue a formal warning letter stating the
32 division's intent to take administrative action and impose a civil
33 penalty for any future violation.

34 (2) On the second inspection during which a violation is
35 determined during a licensure period, impose a civil penalty of
36 fifty dollars (\$50) for each violation determined during the
37 inspection.

38 (3) On the third inspection during which a violation is determined
39 during a licensure period, impose a civil penalty of seventy-five
40 dollars (\$75) for each violation determined during the inspection.

41 (4) On the fourth inspection during which a violation is
42 determined during a licensure period:



- 1 (A) decertify the provider for not more than six (6) months;
 2 and
 3 (B) impose a civil penalty of one hundred dollars (\$100) for
 4 each violation determined during the inspection.
 5 (5) On the fifth inspection during which a violation is determined
 6 during a licensure period:
 7 (A) decertify the provider for one (1) year; and
 8 (B) impose a civil penalty of two hundred fifty dollars (\$250)
 9 for each violation determined during the inspection.
 10 (c) The division shall send to the provider written notice:
 11 (1) of an action taken under subsection (b), specifying the reason
 12 for the action and amount of any monetary civil penalty; and
 13 (2) that failure to pay any monetary civil penalty may result in
 14 decertification of the provider for not more than two (2) years.
 15 (d) The division shall deposit all civil penalties collected under this
 16 section in the division of family resources child care fund established
 17 by IC 12-17.2-2-3.
 18 (e) In addition to the actions described in subsection (b), the
 19 division may seek further disciplinary action provided for under this
 20 article, as determined by the director.
 21 SECTION 3. IC 12-17.2-4-4.1, AS ADDED BY P.L.53-2018,
 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2019]: Sec. 4.1. (a) A licensee that cares for children who are
 24 less than twelve (12) months of age shall:
 25 (1) complete the training course provided or approved by the
 26 division under ~~IC 12-17.2-2-1(10)~~ **IC 12-17.2-2-1(a)(10)**
 27 concerning safe sleeping practices; and
 28 (2) ensure that all caregivers of children who are less than twelve
 29 (12) months of age follow safe sleeping practices.
 30 (b) If a licensee violates subsection (a), the division may do the
 31 following with respect to each violation determined during an
 32 inspection of the child care center:
 33 (1) On the first inspection during which a violation is determined
 34 during a licensure period, issue a formal warning letter stating the
 35 division's intent to take administrative action and impose a civil
 36 penalty for any future violation.
 37 (2) On the second inspection during which a violation is
 38 determined during a licensure period, impose a civil penalty of
 39 fifty dollars (\$50) for each violation determined during the
 40 inspection.
 41 (3) On the third inspection during which a violation is determined
 42 during a licensure period, impose a civil penalty of seventy-five



- 1 dollars (\$75) for each violation determined during the inspection.
 2 (4) On the fourth inspection during which a violation is
 3 determined during a licensure period:
 4 (A) place the child care center's license on probation for not
 5 more than six (6) months; and
 6 (B) impose a civil penalty of one hundred dollars (\$100) for
 7 each violation determined during the inspection.
 8 (5) On the fifth inspection during which a violation is determined
 9 during a licensure period:
 10 (A) suspend or revoke the child care center's license for one
 11 (1) year; and
 12 (B) impose a civil penalty of two hundred fifty dollars (\$250)
 13 for each violation determined during the inspection.
 14 (c) The division shall send to the licensee written notice:
 15 (1) of an action taken under subsection (b), specifying the reason
 16 for the action and amount of any monetary civil penalty; and
 17 (2) that failure to pay any monetary civil penalty may result in
 18 revocation of the child care center's license for not more than two
 19 (2) years.
 20 (d) The division shall deposit all civil penalties collected under this
 21 section in the division of family resources child care fund established
 22 by IC 12-17.2-2-3.
 23 (e) In addition to the actions described in subsection (b), the
 24 division may seek further disciplinary action provided for under this
 25 article, as determined by the director.
 26 SECTION 4. IC 12-17.2-5-3.7, AS ADDED BY P.L.53-2018,
 27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2019]: Sec. 3.7. (a) A licensee that cares for children who are
 29 less than twelve (12) months of age shall:
 30 (1) complete the training course provided or approved by the
 31 division under ~~IC 12-17.2-2-1(10)~~ **IC 12-17.2-2-1(a)(10)**
 32 concerning safe sleeping practices as required by section 6.3(a)(3)
 33 or 6.5(a)(9) of this chapter, whichever is applicable; and
 34 (2) ensure that all caregivers of children who are less than twelve
 35 (12) months of age follow safe sleeping practices.
 36 (b) If a licensee violates subsection (a), the division may do the
 37 following with respect to each violation determined during an
 38 inspection of the child care home:
 39 (1) On the first inspection during which a violation is determined
 40 during a licensure period, issue a formal warning letter stating the
 41 division's intent to take administrative action and impose a civil
 42 penalty for any future violation.



- 1 (2) On the second inspection during which a violation is
 2 determined during a licensure period, impose a civil penalty of
 3 fifty dollars (\$50) for each violation determined during the
 4 inspection.
- 5 (3) On the third inspection during which a violation is determined
 6 during a licensure period, impose a civil penalty of seventy-five
 7 dollars (\$75) for each violation determined during the inspection.
- 8 (4) On the fourth inspection during which a violation is
 9 determined during a licensure period:
- 10 (A) place the child care home's license on probation for not
 11 more than six (6) months; and
- 12 (B) impose a civil penalty of one hundred dollars (\$100) for
 13 each violation determined during the inspection.
- 14 (5) On the fifth inspection during which a violation is determined
 15 during a licensure period:
- 16 (A) suspend or revoke the child care home's license for one (1)
 17 year; and
- 18 (B) impose a civil penalty of two hundred fifty dollars (\$250)
 19 for each violation determined during the inspection.
- 20 (c) The division shall send to the licensee written notice:
- 21 (1) of an action taken under subsection (b), specifying the reason
 22 for the action and amount of any monetary civil penalty; and
- 23 (2) that failure to pay any monetary civil penalty may result in
 24 revocation of the child care home's license for not more than two
 25 (2) years.
- 26 (d) The division shall deposit all civil penalties collected under this
 27 section in the division of family resources child care fund established
 28 by IC 12-17.2-2-3.
- 29 (e) In addition to the actions described in subsection (b), the
 30 division may seek further disciplinary action provided for under this
 31 article, as determined by the director.
- 32 SECTION 5. IC 12-17.2-5-6.3, AS AMENDED BY P.L.162-2005,
 33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2019]: Sec. 6.3. (a) To qualify for a license to operate a class
 35 I child care home under this chapter, a person must do the following:
- 36 (1) Provide documentation to the division that the licensee has
 37 received a high school diploma or a high school equivalency
 38 certificate as described in IC 12-14-5-2.
- 39 (2) Provide documentation to the division that the licensee:
- 40 (A) has completed;
- 41 (B) is enrolled in; or
- 42 (C) agrees to complete within the next three (3) years;



1 a child development associate credential program or a similar
2 program approved by the division.

3 (3) Complete the training course taught or approved by the
4 division concerning safe sleeping practices for a child within the
5 person's care as described in ~~IC 12-17.2-2-1(10)~~.
6 **IC 12-17.2-2-1(a)(10).**

7 The division may grant a waiver or variance of the requirement under
8 subdivision (2).

9 (b) A class I child care home may serve a school age child during a
10 break in the school year that exceeds four (4) weeks if the following
11 conditions are met:

12 (1) The school age child:

13 (A) was in the home part time during the four (4) months
14 preceding the break; or

15 (B) has a sibling attending the child care home.

16 (2) The child care home meets the following requirements:

17 (A) Provides at least thirty-five (35) square feet for each child.

18 (B) Maintains the child to staff ratio required under rules
19 adopted by the division for each age group of children in
20 attendance.

21 (C) Provides age appropriate toys, games, equipment, and
22 activities for each age group of children enrolled.

23 (D) If the licensee does not reside in the child care home, the
24 child care home has:

25 (i) at least two (2) exits that comply with the exit
26 requirements for an E-3 building occupancy classification
27 under the Indiana building code adopted by the fire
28 prevention and building safety commission; and

29 (ii) an illuminated exit sign over each required exit or
30 emergency lighting for each required exit.

31 (3) The licensee for the child care home has maintained a class I
32 child care home license for at least twelve (12) children:

33 (A) for at least one (1) year; and

34 (B) without any citations for noncompliance.

35 SECTION 6. IC 12-17.2-5-6.5, AS AMENDED BY P.L.145-2006,
36 SECTION 101, IS AMENDED TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2019]: Sec. 6.5. (a) To qualify for a license to
38 operate a class II child care home under this chapter, a person must do
39 the following:

40 (1) Provide all child care services on the first story of the child
41 care home unless the class II child care home meets the
42 exceptions to the first story requirements contained in the Indiana



- 1 building code adopted by the fire prevention and building safety
 2 commission in effect at the time the class II child care home
 3 provider applies for licensure.
- 4 (2) Provide a smoke detection system that is:
 5 (A) hard wired to the building's electrical system; and
 6 (B) wired in a manner that activates all of the detector devices
 7 in the building when one (1) detector device is activated.
- 8 (3) Provide a fire extinguisher in each room that is used to
 9 provide child care services.
- 10 (4) Meet:
 11 (A) the exit requirements for an E-3 building occupancy
 12 classification under the Indiana building code adopted by the
 13 fire prevention and building safety commission, except for any
 14 illumination requirements, in effect at the time the class II
 15 child care home provider initially applies for licensure; and
 16 (B) the illumination requirements established in section
 17 6.3(b)(2)(D) of this chapter.
- 18 (5) Provide a minimum of thirty-five (35) square feet for each
 19 child.
- 20 (6) Conduct fire drills required under article 37 of the Indiana fire
 21 prevention code adopted by the fire prevention and building
 22 safety commission in effect at the time the class II child care
 23 home provider applies for licensure.
- 24 (7) Apply for a license before July 1, 1996, or after June 30, 2001.
- 25 (8) Comply with rules adopted by the division of family resources
 26 for class II child care homes.
- 27 (9) Complete the training course taught or approved by the
 28 division concerning safe sleeping practices for a child within the
 29 person's care as described in ~~IC 12-17.2-2-1(10)~~.
 30 **IC 12-17.2-2-1(a)(10).**
- 31 (b) To qualify for a license to operate a class II child care home
 32 under this chapter, a person, before applying for the license, must have:
 33 (1) a class I child care home license; or
 34 (2) at least one (1) year of experience as a caregiver in a child
 35 care home or child care center.
- 36 SECTION 7. IC 12-17.2-6-14.1, AS ADDED BY P.L.53-2018,
 37 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2019]: Sec. 14.1. (a) The operator of a child care ministry that
 39 cares for children who are less than twelve (12) months of age shall:
 40 (1) complete the training course provided or approved by the
 41 division under ~~IC 12-17.2-2-1(10)~~ **IC 12-17.2-2-1(a)(10)**
 42 concerning safe sleeping practices; and



- 1 (2) ensure that all caregivers of children who are less than twelve
 2 (12) months of age follow safe sleeping practices.
- 3 (b) If an operator of a child care ministry violates subsection (a), the
 4 division may do the following with respect to each violation
 5 determined during an inspection of the child care ministry:
- 6 (1) On the first inspection during which a violation is determined
 7 during a registration period, issue a formal warning letter stating
 8 the division's intent to take administrative action and impose a
 9 civil penalty for any future violation.
- 10 (2) On the second inspection during which a violation is
 11 determined during a registration period, impose a civil penalty of
 12 fifty dollars (\$50) for each violation determined during the
 13 inspection.
- 14 (3) On the third inspection during which a violation is determined
 15 during a registration period, impose a civil penalty of seventy-five
 16 dollars (\$75) for each violation determined during the inspection.
- 17 (4) On the fourth inspection during which a violation is
 18 determined during a registration period:
- 19 (A) suspend the child care ministry's registration for not more
 20 than six (6) months; and
- 21 (B) impose a civil penalty of one hundred dollars (\$100) for
 22 each violation determined during the inspection.
- 23 (5) On the fifth inspection during which a violation is determined
 24 during a registration period:
- 25 (A) suspend or revoke the child care ministry's registration for
 26 one (1) year; and
- 27 (B) impose a civil penalty of two hundred fifty dollars (\$250)
 28 for each violation determined during the inspection.
- 29 (c) The division shall send to the operator of a child care ministry
 30 written notice:
- 31 (1) of an action taken under subsection (b), specifying the reason
 32 for the action and amount of any monetary civil penalty; and
- 33 (2) that failure to pay any monetary civil penalty may result in
 34 revocation of the child care ministry's registration for not more
 35 than two (2) years.
- 36 (d) The division shall deposit all civil penalties collected under this
 37 section in the division of family resources child care fund established
 38 by IC 12-17.2-2-3.
- 39 (e) In addition to the actions described in subsection (b), the
 40 division may seek further disciplinary action provided for under this
 41 article, as determined by the director.
- 42 SECTION 8. IC 20-26-5-10.1 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2019]: **Sec. 10.1. (a)** As used in this section,
 3 "advisory committee" refers to the child protection advisory
 4 committee established by subsection (b).

5 (b) The child protection advisory committee is established to
 6 study issues relating to expanded child protection index checks and
 7 to make recommendations to the department of child services to
 8 improve the practices related to and the quality of expanded child
 9 protection index checks. The advisory committee shall submit its
 10 recommendations to the department of child services and shall
 11 provide an annual report of those recommendations to the
 12 governor and, in an electronic format under IC 5-14-6, to the
 13 general assembly not later than December 1, 2019, and December
 14 1 each year thereafter.

15 (c) The advisory committee consists of the following six (6)
 16 members:

17 (1) The state superintendent shall appoint two (2) employees
 18 of the department.

19 (2) The director of the department of child services shall
 20 appoint two (2) employees of the department of child services.

21 (3) The governor shall appoint two (2) members, each of
 22 whom represents a separate consumer reporting agency:

23 (A) regulated under 15 U.S.C. 1681 et seq.; and

24 (B) that provides expanded child protection index reports
 25 for at least five percent (5%) of the:

26 (i) school corporations;

27 (ii) charter schools; and

28 (iii) nonpublic schools that have at least one (1)
 29 employee;

30 that are located in Indiana.

31 (d) Each member appointed under subsection (c) serves at the
 32 will of the member's appointing authority. The state
 33 superintendent shall appoint one (1) of the members appointed
 34 under subsection (c)(1) to serve as chairperson.

35 (e) A quorum of the advisory committee consists of four (4)
 36 members. The affirmative vote of at least four (4) members of the
 37 advisory committee is necessary for any action to be taken by the
 38 advisory committee.

39 (f) The advisory committee shall meet at the call of the
 40 chairperson and at least semiannually.

41 (g) The department shall provide administrative support for the
 42 advisory committee. Upon request, the department of child services



1 **shall provide research, data, and technical assistance for the**
 2 **advisory committee.**

3 SECTION 9. IC 20-26-11-6.5, AS AMENDED BY P.L.250-2017,
 4 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2019]: Sec. 6.5. (a) Notwithstanding this chapter, a school
 6 corporation shall accept a transferring student who does not have legal
 7 settlement in the school corporation and who has a parent who is a
 8 current employee of the transferee school corporation:

9 **(1) with an annual salary of at least eight thousand dollars**
 10 **(\$8,000); and**

11 **(2) who resides in Indiana;**

12 if the transferee school corporation has the capacity to accept the
 13 student.

14 (b) If the number of students who request to transfer to a transferee
 15 school corporation under this section causes the school corporation to
 16 exceed the school corporation's maximum student capacity, the
 17 governing body shall determine which students will be admitted as
 18 transfer students by random drawing in a public meeting. However, the
 19 governing body of a school corporation located in a county with a
 20 consolidated city shall determine which students will be admitted by
 21 using a publicly verifiable random selection process.

22 SECTION 10. IC 20-31-8-9 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2019]: Sec. 9. (a) **As used in this section, "academy" refers to the**
 25 **Indiana academy for science, mathematics, and humanities**
 26 **established under IC 20-24.5-3.**

27 **(b) Performance indicators for the academy must include the**
 28 **students who attend the academy. In addition, the state board shall**
 29 **develop and implement in the performance of a school corporation**
 30 **a performance indicator for the performance and growth of each**
 31 **individual student of the school corporation who:**

32 **(1) attends the academy; and**

33 **(2) attended the school corporation in the school year**
 34 **immediately preceding the school year in which the student**
 35 **initially enrolled to attend the academy.**

36 SECTION 11. IC 20-33-2-7, AS AMENDED BY P.L.233-2015,
 37 SECTION 246, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2019]: Sec. 7. (a) In addition to the
 39 requirements of sections 4 through 6 of this chapter **and except as**
 40 **provided in subsection (d)**, a student must be at least five (5) years of
 41 age on August 1 of the school year to officially enroll in a kindergarten
 42 program offered by a school corporation. However, subject to



1 subsection (c), the governing body of the school corporation may adopt
 2 a procedure affording a parent of a student who does not meet the
 3 minimum age requirement set forth in this subsection the right to
 4 appeal to the superintendent for enrollment of the student in
 5 kindergarten at an age earlier than the age set forth in this subsection.

6 (b) In addition to the requirements of sections 4 through 6 of this
 7 chapter and subsection (a), and subject to subsection (c), if a student
 8 enrolls in school as allowed under section 6 of this chapter and has not
 9 attended kindergarten, the superintendent shall make a determination
 10 as to whether the student shall enroll in kindergarten or grade 1 based
 11 on the particular model assessment adopted by the governing body
 12 under subsection (c).

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

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

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

21 **(d) Notwithstanding subsection (a) and IC 20-43, a school**
 22 **corporation may allow a student who is at least four (4) years of**
 23 **age on August 1 of the school year to officially enroll in a**
 24 **kindergarten program offered by the school corporation. The**
 25 **school corporation shall report students who enroll in kindergarten**
 26 **under this subsection to the department in a manner prescribed by**
 27 **the department. A school corporation that officially enrolls a**
 28 **student in a kindergarten program under this subsection may not**
 29 **receive more than thirteen (13) years of state tuition support under**
 30 **IC 20-43 for the particular student who enrolls in a kindergarten**
 31 **program under this subsection. If a school corporation officially**
 32 **enrolls a student in a kindergarten program under this subsection**
 33 **and:**

34 **(1) the student subsequently transfers to another school**
 35 **corporation or charter school; and**

36 **(2) the student is enrolled to attend school at another school**
 37 **corporation or charter school for a school year that begins**
 38 **after the student's thirteenth school year;**

39 **the department shall reduce the state tuition support distributed to**
 40 **the school corporation that officially enrolled the student in**
 41 **kindergarten under this subsection for each school year the student**
 42 **attends another school corporation or charter school beginning**



1 with the student's fourteenth school year. The amount of state
 2 tuition support that shall be withheld by the department under this
 3 subsection shall equal the amount of state tuition support
 4 determined under IC 20-43 for the charter school or school
 5 corporation that currently includes the student in its daily average
 6 membership under IC 20-43-4. The department may prescribe the
 7 manner in which money is withheld from a school corporation
 8 under this subsection.

9 SECTION 12. IC 20-43-4-5, AS AMENDED BY P.L.135-2018,
 10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2019]: Sec. 5. In determining ADM, each kindergarten pupil
 12 who is at least five (5) years of age on August 1 of a school year, **or**
 13 **who enrolls under IC 20-33-2-7(d) and is at least four (4) years of**
 14 **age on August 1 of a school year**, shall be counted as:

15 (1) one (1) pupil, if the pupil is enrolled in a full-day kindergarten
 16 program; or

17 (2) one-half (1/2) pupil, if the pupil is enrolled in a half-day
 18 kindergarten program.

19 If a school corporation commences kindergarten in a school year, the
 20 ADM of the current and prior calendar years shall be adjusted to reflect
 21 the enrollment of the kindergarten pupils. A kindergarten pupil who is
 22 not at least ~~five (5)~~ **four (4)** years of age on August 1 of a school year
 23 may not be counted.

