



## Attendance FAQ

### **1. When is a child required to be in school?**

A child is required to attend school beginning with the school year in which the child becomes 7 years of age (I.C. 20-33-2-6). A child who will attend a nonaccredited, nonpublic school is required to attend school no later than the date on which the child becomes 7 years of age (I.C. 20-33-2-8). Note that the starting age for kindergarten (age five by August 1) does not affect the starting age for First Grade. There is no requirement that a child must be 6 years old by August 1 in order to attend First Grade.

### **2. Must a child have a birth certificate to enroll?**

No. A child is required to provide either a certified copy of the child's birth certificate *or other reliable proof of the child's date of birth*. A child may not be denied enrollment due to lack of documentation. If the family is unable to produce reliable documentation, the school shall notify the Indiana Clearinghouse on Missing and Exploited Children (I.C. 20-33-2-10).

### **3. Must a child have a Social Security Number to enroll in school and must a child provide the Social Security Number to the school?**

No. A child is not required to have a Social Security Number (SSN) or to provide the SSN to a school in order to enroll. A school cannot compel a child to provide a SSN. The Privacy Act of 1974 requires that a request for a SSN be accompanied by a notice which informs the individual whether the disclosure is mandatory or voluntary, by what statutory or other authority the SSN is solicited, and what uses will be made of it. Because there is no requirement that a child provide a SSN to attend school, if a school does ask for a SSN, it must also advise in writing, that providing the SSN is not required, the child will not be denied any rights or benefits, and what uses the school will make of the SSN.

### **4. May a school withhold records from a requesting school because a child did not pay book fees or other school fees?**

No. The statute says a school "shall" release the records upon request. School records are official documents and do not "belong" to public schools (I.C. 20-33-2-10 (d)). Further, a school corporation may not deny a child any benefit or privilege because the parent fails to pay required fees (I.C. 20-33-5-11). Non-public schools may choose not to release records.

**5. May a school refuse to enroll a child who has not been suspended or expelled if the child lives in the school corporation area?**

No. If a child is presented for enrollment, the child must be enrolled.

**6. Must the parents have documentation to prove their residence?**

No. Parents must enroll their child within the boundaries of the school corporation in which they (the parents) live. Schools may reasonably ask for documentation of residence. However, parents may not have that information if they are homeless or living with a relative. Schools must enroll children presented for enrollment and then verify legal settlement by a school official or attendance officer home visit (I.C. 20-33-2-39).

If the school determines that the child does not legally reside in the district, the school may hold an expulsion meeting to expel the child due to lack of legal settlement. The school may not expel, exclude, or withdraw the child without affording the child the opportunity to participate in an expulsion meeting (I.C. 20-33-8-19). The State Board of Education has the authority to determine legal settlement appeals (I.C. 20-26-11-15).

**7. Can a school suspend a child pending an expulsion meeting for lack of legal settlement?**

No. Under I.C. 20-33-2-18 a “student may not be suspended from school pending a meeting on a student’s proposed expulsion if the expulsion is ordered under Section 17 (Legal Settlement) of this chapter.”

**8. May schools use the Custodial Statement and Agreement Forms, prepared by the Superintendent of Public Instruction, in cases where a person other than the parent wants to enroll a child?**

Yes. Persons other than the parent may be caring for a child. If the child is placed with a person by the parent, and the placement is not solely or primarily for the purposes of attending school, the school may use the Custodial Statement and

Agreement Form (I.C. 20-26-11-2 & 3). <http://www.doe.in.gov/legal/welcome.html>

If the school believes that a child does not legally reside in the school corporation area the child (after enrollment) may be expelled following due process (I.C. 20-33-8-17). The Indiana State Board of Education shall hear all appeals from an order expelling a child for lack of legal settlement (I.C. 20-26-11-15).

**9. What are the laws governing homeschool?**

The Compulsory School Attendance law governs the education of all children, in all schools, up to the age of eighteen. (<http://www.doe.in.gov/sservices/homeschool/index.html>)

**10. Do homeschoolers have to provide curricula, an educational plan, or other proof of educational services to the public schools to show that they are competent to educate in their home?**

No. Homeschoolers must, upon request of the local or state superintendent, show attendance records. There is no particular format to the records required by law (I.C. 20-33-2-20.) Homeschoolers may also register enrollment with the Indiana Department of Education (<https://dc.doe.state.in.us/DOEOnline/HomeSchool/entry.aspx>).

**11. Who has the responsibility for a child's attendance in school?**

- (a) the student (I.C. 20-33-2)
- (b) the parent. (I.C. 20-33-2-27)
- (c) the school corporation administrator and the administrator of any other educational, correctional, charitable, benevolent institution, or training school having children under the institution's authority. (I.C. 20-33-2-29)

**12. Can a child withdraw from school before age 18?**

In most cases a child is required to attend school until the child graduates or becomes 18 years of age. A child who is at least 16 but less than 18 may not withdraw from school before graduation unless the withdrawal is due to: financial hardship and the child must be employed to support the child's family or a dependent; illness; or an order by a court that has jurisdiction over that child.

**13. What disputes may be heard by the Indiana State Board of Education?**

The State Board has authority to hear all disputes on the following (I.C. 20-26-11-15):

1. Appeals from an order expelling a child under IC 20-33-8-17
2. Legal settlement
3. Right to transfer
4. Right to attend school in any school corporation
5. Amount of transfer tuition
6. Any other matter arising under this chapter (IC 20-26-11)

**14. What notice must be provided to parents for violation of the compulsory school attendance law?**

Before proceedings are instituted against a parent for violation of compulsory school attendance, personal notice of the violation shall be served on the parent by the superintendent or the superintendent's designee. Personal notice must be made by personal delivery or certified mail (I.C. 20-33-2-27).

## **Enrollment of Students Over the Age of 18**

### **1. Can a school deny enrollment to a student over 18?**

Although students over the age of 18 are not required to attend school under the Compulsory School Attendance Law, they do have a right to attend school until they have received a high school diploma (Constitution of the State of Indiana, Article 8, Section 1). The school determines whether the student can enroll in the regular high school program or must enroll in the school's adult education program. If the school does not have an adult education program, or the adult education program does not have a diploma program, the school must either enroll the student in its high school program or make arrangements for the student to attend a nearby adult education program (with a diploma program) at no cost to the student. Students over the age of 18 are still subject to the pupil discipline law (I.C. 20-33-9) and legal settlement requirements (I.C. 20-26-11).

### **2. Can a school deny enrollment of a student over 18 who has a GED but wants to return to obtain a High School diploma?**

A student has a constitutional right to attend school until the receipt of a high school diploma. Earning a GED does not extinguish that right.

### **3. If our placement decision is that the student receive education through an Adult Education Program or online credit recovery offered by the school, can we charge the student to attend the program?**

No. The student is entitled to a public education without tuition.

### **4. What about a student with disabilities?**

Schools that receive federal funding cannot, on the basis of disability, exclude qualified students with disabilities and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, 34 C.F.R. § 104.38.

### **5. What are the graduation requirements for adults who have returned to earn their diploma?**

All students must earn the minimum number of credits as determined by the State Board of Education *and* any additional credits required by the school. Student must meet the requirements on the Graduation Qualifying Exam (GQE) (through 2010-2011) or End of Course assessments (ECA) in Algebra I and English 10. Students failing to meet the academic standards in the graduation examination (GQE or ECA) may be eligible to graduate by meeting the alternative requirements set forth in I.C. 20-32-4-4. The minimum number of credits as determined by the State Board of Education varies depending upon the year in which the student first enrolled in high school.

**Minimum credit requirements of the State Board of Education:**

Students who first enrolled in an Indiana high school prior to the 2000-2001 school year:  
38 credits.

Students who first enrolled in an Indiana high school beginning in the 200-2001 school year but before the 2006-2007 school year: 40 credits.

Students who first enrolled in an Indiana high school beginning in the 2006-2007 school year or after: the current minimum Core 40 diploma requirements.

(<http://www.doe.in.gov/core40/pdf/core40.pdf>).