

PROPOSED AMENDMENT

SB 282 # 4

DIGEST

Truancy prevention policy. Amends the requirements regarding: (1) the content of the meetings between the attendance officers and the state attendance officer; and (2) the truancy prevention policy and measures a governing authority of a school corporation, charter school, or nonpublic school with at least one employee is required to adopt. Requires, not later than November 1 of each year, the state attendance officer to submit a report to the legislative council containing recommended legislation based on the state attendance officer's discussions with attendance officers. Urges the legislative council to assign to the appropriate interim study committee the task of studying certain matters concerning absenteeism. Removes provisions in the bill regarding the following: (1) Amending the definition of "habitual truant". (2) Providing that a superintendent or an attendance officer shall report a child to the intake officer of the juvenile court not more than 10 days after the child becomes a habitual truant, unless an exception applies. (3) Requiring the superintendent or attendance officer to notify the state attendance officer if a report that the child is a habitual truant is delayed or not made at all. (4) Allowing the department of education to withhold funding if a superintendent or an attendance officer fails to comply with the reporting requirements. (5) Requiring the juvenile court to which a habitual truant is reported to assess a civil penalty on the parent or guardian of the child, and allowing the juvenile court to impose community service on the child. (6) Requiring the secretary of education to: (A) create minimum standards and a set of best practices for truancy prevention measures; and (B) prescribe sanctions for violations of the truancy prevention program. (7) Requiring a juvenile court to establish a voluntary preventative program for at-risk children. (8) Requiring a juvenile court to dismiss a petition alleging a child is a delinquent child based on a violation of the compulsory attendance laws under certain circumstances.

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- 1 Page 1, delete lines 1 through 6.
 - 2 Page 1, delete line 17.
 - 3 Delete page 2.
 - 4 Page 3, delete line 1.
 - 5 Page 3, delete lines 31 through 32, begin a new line double block
 - 6 indented and insert:
 - 7 **"(B) discuss recommending to the legislative council under**
 - 8 **section 43 of this chapter legislation to deter absenteeism**
 - 9 **and to promote school attendance.**
 - 10 **The meeting with the state attendance officer may be**
 - 11 **conducted in person, virtually, or both."**
 - 12 Page 4, delete lines 2 through 4, begin a new line block indented
 - 13 and insert:
 - 14 **"(3) establish guidance regarding truancy prevention policies**

1 **adopted by governing authorities in accordance with**
 2 **IC 20-33-2.5; and".**

3 Page 4, line 5, delete "(5)" and insert "(4)".

4 Page 4, delete lines 24 through 42, begin a new line block indented
 5 and insert:

6 **"(2) discuss recommending to the legislative council legislation**
 7 **to deter absenteeism and to promote school attendance.**

8 **(e) Not later than November 1 of each year, the state attendance**
 9 **officer shall submit a report to the legislative council containing**
 10 **recommended legislation based on the state attendance officer's**
 11 **discussions with attendance officers under subsection (d) and**
 12 **section 39 of this chapter. A report required by this subsection**
 13 **must be submitted in an electronic format under IC 5-14-6.**

14 SECTION 5. IC 20-33-2.5 IS ADDED TO THE INDIANA CODE
 15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2024]:

17 **Chapter 2.5. Truancy Prevention Policy**

18 **Sec. 1. As used in this chapter, "absent student" means a**
 19 **student who:**

20 **(1) is enrolled in a school in kindergarten through grade 6;**
 21 **and**

22 **(2) is absent from school five (5) days within a ten (10) week**
 23 **period without being:**

24 **(A) excused; or**

25 **(B) absent under a parental request that has been filed**
 26 **with the school.**

27 **Sec. 2. As used in this chapter, "governing authority" refers to**
 28 **the:**

29 **(1) governing body of a school corporation;**

30 **(2) organizer of a charter school; or**

31 **(3) equivalent authority of a governing body as described in**
 32 **subdivision (1) for a nonpublic school that has at least one (1)**
 33 **employee.**

34 **Sec. 3. As used in this chapter, "school" refers to the following:**

35 **(1) A public school, including a charter school.**

36 **(2) A nonpublic school that has at least one (1) employee.**

37 **Sec. 4. A governing authority of a school corporation or school**
 38 **shall adopt a truancy prevention policy regarding absent students**
 39 **that includes the following:**

40 **(1) A school shall immediately provide written notification to**

1 the parent of an absent student that includes the following
2 information:

3 (A) That the student is an absent student based on the
4 student's school attendance.

5 (B) That the parent is responsible for:

6 (i) monitoring the absent student's school attendance;
7 and

8 (ii) ensuring the absent student attends school in
9 accordance with compulsory attendance laws.

10 (C) That the school will be initiating truancy prevention
11 measures regarding the absent student.

12 (D) That the parent is required to attend an attendance
13 conference regarding the truancy prevention measures
14 that the school will be implementing for the absent student.

15 (E) That, if the student meets the requirements of a
16 habitual truant, the:

17 (i) superintendent or attendance officer of the school is
18 required to report the student to an intake officer of the
19 juvenile court or the department of child services in
20 accordance with IC 20-33-2-25;

21 (ii) juvenile court may determine that the student is
22 committing a delinquent act as provided under
23 IC 31-37-2-3; and

24 (iii) parent of the student may be subject to prosecution
25 under IC 35-46-1-4.

26 (2) A school shall hold an attendance conference with the
27 following individuals to discuss the student's absences and
28 establish a plan for the student to prevent future absences:

29 (A) A representative of the school.

30 (B) A teacher of the student.

31 (C) The student's parent.

32 (3) A school shall establish a plan under subdivision (2) that
33 includes the following:

34 (A) Any wrap around services that are able to be provided
35 to the absent student to ensure the absent student attends
36 school.

37 (B) A specific description of the behavior that is required
38 or prohibited for the absent student.

39 (C) The period for which the plan will be effective, not to
40 exceed forty-five (45) instructional days after the date the

- 1 **plan is established.**
- 2 **(D) Any additional disciplinary action the school will take**
- 3 **if the absent student does not comply with the plan.**
- 4 **(E) If applicable, a referral to or requirement for**
- 5 **counseling, mentoring, or other services for the student.**
- 6 **(F) If applicable, whether a parent is expected to attend the**
- 7 **counseling, mentoring, or other services under clause (E)**
- 8 **with the student.**
- 9 **(G) To the extent possible, the signature of the parent of**
- 10 **the student agreeing to comply with the plan.**
- 11 **(4) A school shall offer additional counseling services to an**
- 12 **absent student if the school determines that the student's**
- 13 **absences are related to any of the following:**
- 14 **(A) The student's pregnancy.**
- 15 **(B) That the student is in foster care (as defined in**
- 16 **IC 31-9-2-46.7).**
- 17 **(C) That the student is homeless.**
- 18 **(D) That the student has a severe or life threatening illness**
- 19 **or related treatment.**
- 20 **Sec. 5. A school shall hold an attendance conference described**
- 21 **in section 4(2) of this chapter not more than five (5) instructional**
- 22 **days after the student's fifth absence described in section 1(2) of**
- 23 **this chapter regardless of whether the parent of the student is able**
- 24 **to attend the conference.**
- 25 **SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The legislative**
- 26 **council is urged to assign to the appropriate interim study**
- 27 **committee the task of studying, during the 2024 legislative interim,**
- 28 **the following:**
- 29 **(1) Ways to encourage families to promote school attendance**
- 30 **and reduce absenteeism.**
- 31 **(2) Age appropriate consequences for a minor determined to**
- 32 **be a habitual truant (as defined in IC 20-18-2-6.5).**
- 33 **(3) The appropriate consequences for a parent, guardian, or**
- 34 **custodian of a minor determined to be a habitual truant (as**
- 35 **defined in IC 20-18-2-6.5).**
- 36 **(4) The impact of absenteeism on school funding.**
- 37 **(5) Ways to encourage schools to develop programs and**
- 38 **services to promote school attendance and reduce**
- 39 **absenteeism.**
- 40 **(b) This SECTION expires January 1, 2025.**

- 1 SECTION 7. **An emergency is declared for this act."**
- 2 Delete pages 5 through 9.
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 282 as introduced.)