IC 20-33
ARTICLE 33. STUDENTS: GENERAL PROVISIONS

IC 20-33-1
Chapter 1. Equal Educational Opportunity

IC 20-33-1-1
Policy
Sec. 1. The following is the public policy of the state:
(1) To provide:
   (A) equal;
   (B) nonsegregated; and
   (C) nondiscriminatory;
educational opportunities and facilities for all, regardless of
race, creed, national origin, color, or sex.
(2) To provide and furnish public schools open equally to all,
and prohibited and denied to none because of race, creed, color,
or national origin.
(3) To reaffirm the principles of:
   (A) the Bill of Rights;
   (B) civil rights; and
   (C) the Constitution of the State of Indiana.
(4) To provide a uniform democratic system of public school
education to the state and the citizens of Indiana.
(5) To:
   (A) abolish;
   (B) eliminate; and
   (C) prohibit;
segregated and separate schools or school districts on the basis
of race, creed, or color.
(6) To eliminate and prohibit:
   (A) segregation;
   (B) separation; and
   (C) discrimination;
on the basis of race, creed, or color in public schools.

IC 20-33-1-2
Schools open to all
Sec. 2. The public schools of Indiana are open to all children until
the children complete their courses of study, subject to the authority
vested in school officials by law.
As added by P.L.1-2005, SEC.17.

IC 20-33-1-3
Segregation prohibited; student tracking practices review
Sec. 3. (a) The governing body of a school corporation and the
board of trustees of a state educational institution may not build or
erect, establish, maintain, continue, or permit any segregated or
separate public schools, including any public school departments or divisions on the basis of race, color, creed, or national origin of pupils or students.

(b) The officials described in subsection (a) may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in public schools for whatever cause, including:
   (1) site selection; or
   (2) revision of:
      (A) school districts;
      (B) curricula; or
      (C) enrollment policies;
   to implement equalization of educational opportunity for all.

(c) A school corporation shall review the school corporation's programs to determine if the school corporation's practices of:
   (1) separating students by ability;
   (2) placing students into educational tracks; or
   (3) using test results to screen students;
   have the effect of systematically separating students by race, color, creed, national origin, or socioeconomic class.


IC 20-33-1-4
Segregation prohibited; pupils
Sec. 4. (a) A student is entitled to be admitted and enrolled in a public school in the school corporation in which the student resides without regard to race, creed, color, socioeconomic class, or national origin.

(b) A student may not be prohibited, segregated, or denied attendance or enrollment in a public school in the student's school corporation because of the student's race, creed, color, or national origin.

(c) Every student is free to attend a public school, including a department or division of a public school within the laws applicable alike to noncitizen and nonresident students.


IC 20-33-1-5
Segregation prohibited; schools
Sec. 5. (a) A public school may not segregate, separate, or discriminate against any of its students on the basis of race, creed, or color.

(b) Admission to a public school may not be approved or denied on the basis of race, creed, or color.


IC 20-33-1-6
Segregation prohibited; teachers
Sec. 6. A public school may not discriminate in any way in the hiring, upgrading, tenure, or placement of a teacher on the basis of
race, creed, color, or national origin.


IC 20-33-1-7
Supplementary nature of chapter

Sec. 7. This chapter is supplemental to:
(1) all common law, statutory law, and civil rights applicable to the public schools; and
(2) the rights and remedies arising from these laws of Indiana and to Indiana's citizens.

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
(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.


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:

(1) July 1 of the 2005-2006 school year; or
(2) August 1 of the 2006-2007 school year or any subsequent 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 shall 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 in establishing 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).


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 employees of the school corporation to conduct the exit interviews for students described in section 6(3) of this chapter. Each exit interview must be personally attended by:

(1) the student's parent;
(2) the student;
(3) each designated appropriate school employee; and
(4) the student's principal.

(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) at the exit interview, 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.

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.


IC 20-33-2-11
Habitual truants ineligible for operator's license or learner's permit; minimum definition of "habitual truant"

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 shall 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;
2. the procedures under which subsection (a) will be administered; and
3. 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) Before:
1. February 1; and
2. October 1;

of each year the governing body of the school corporation shall 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.

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.
(6) The student's latest PSAT program test results.

(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;
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.


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.


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, or a security police officer appointed under IC 36-8-3-7.
(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.


IC 20-33-2-21
Attendance reports
Sec. 21. (a) Each principal and teacher in a public school that is attended by a student subject to the compulsory school attendance law under this chapter shall furnish, on request of the superintendent of the school corporation in which they are employed, a list of:
   (1) names;
   (2) addresses; and
   (3) ages;
of all minors attending the school. When a student withdraws from school, the principal and teacher shall immediately report to the superintendent the student's name and address and the date of the student's withdrawal.
   (b) 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.
   (c) 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.

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.

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.

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.


**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.
The school principal approves of the withdrawal.

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.


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.  

**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.  

**IC 20-33-2-31**

**Attendance officers; appointment in completely reorganized counties**

Sec. 31. (a) In a county that has been completely reorganized into one (1) or more school corporations under IC 20-23-4, the governing body of each school corporation with at least one thousand five hundred (1,500) students in ADA shall appoint an attendance officer. The governing body of each school corporation that has fewer than one thousand five hundred (1,500) students in ADA may appoint an attendance officer. If the governing body of a school corporation that has discretion in whether to appoint an attendance officer declines to make an appointment, the superintendent of the school corporation shall serve as ex officio attendance officer under section 35 of this chapter.

(b) Whenever the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body. In addition to salary, the attendance officer is entitled to receive reimbursement for actual expenses
necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the school corporation.


IC 20-33-2-32
Attendance officers in certain counties

Sec. 32. (a) In a county that has not been completely reorganized under IC 20-23-4, the governing body of each school corporation that constitutes a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the corporation.

(b) Whenever the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body. In addition to salary, the officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to make these payments. However, a warrant shall not be issued to an attendance officer until the attendance officer has filed an itemized statement with the county auditor. This statement shall show the time employed and expenses incurred. The superintendent shall approve the statement and certify that it is correct.


IC 20-33-2-33
Attendance officers; appointment in remainder attendance districts

Sec. 33. (a) In a county that has not been completely reorganized under IC 20-23-4, all school corporations that do not individually constitute separate attendance districts under section 30 of this chapter together constitute a remainder attendance district. The governing bodies of each remainder attendance district with at least one thousand five hundred (1,500) students in ADA shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the district. The governing bodies of a remainder attendance district with less than one thousand five hundred (1,500) students in ADA may appoint an attendance officer. If the governing bodies have discretion in whether to appoint an attendance officer and decline to make an appointment, the superintendent or superintendents involved shall serve as ex officio attendance officers under section 35 of this
(b) The governing bodies of the school corporations involved shall together form an appointing authority for attendance officers with the governing body of each school corporation having one (1) vote. This appointing authority shall appoint an individual nominated by the superintendent. However, the appointing authority may reject any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the appointing authority. In addition to salary, the officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer’s duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to make these payments. However, a warrant may not be issued to an attendance officer until the officer has filed an itemized statement with the county auditor. This statement must show the time employed and expenses incurred. The appropriate superintendent shall approve the statement and certify that it is correct.  


IC 20-33-2-34  
Attendance officers in certain counties; appointment in separate attendance districts  

Sec. 34. (a) This section applies to a county having a population of:  

(1) more than twenty-five thousand eight hundred (25,800) but less than twenty-six thousand (26,000); or  
(2) more than one hundred fifty thousand (150,000) but less than one hundred seventy thousand (170,000).  

(b) Notwithstanding sections 32 and 33 of this chapter, in a county that has not been completely reorganized under IC 20-23-4, the governing body of each school corporation constituting a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the school corporation. The governing body of each school corporation that does not individually constitute a separate attendance district may appoint an attendance officer.  

(c) If the governing body of the school corporation makes an appointment under this section, it shall appoint an individual who is nominated by the superintendent of the school corporation. However, the governing body may decline to appoint a nominee and may require another nomination to be made by the superintendent. If the governing body has discretion in whether to appoint an attendance officer under subsection (b) and declines to make an appointment, the superintendent of the school corporation involved shall serve as ex officio attendance officer under section 35 of this chapter.  

(d) The salary, including fringe benefits, of each attendance officer
appointed under this section shall be fixed by the governing body of the school corporation and shall be paid by the treasurer of the school corporation.

(e) Each attendance officer appointed under this section is entitled to receive reimbursement from the school corporation for the actual and necessary expenses incurred by the attendance officer in the proper performance of the attendance officer's duties.  


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 or an appointing authority elects not to appoint an attendance officer under section 33 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.  


IC 20-33-2-36
Joint employment of attendance officer

Sec. 36. The governing bodies of two (2) or more school corporations may enter into a voluntary mutual agreement for the joint employment of an attendance officer. The agreement must stipulate the manner in which the joint attendance officer is appointed, paid, and supervised. The attendance officer may then be appointed, paid, and supervised under the terms of the agreement. However, compensation for any attendance officer employed under this section shall be paid entirely by the school corporations involved with no assistance from the civil government.  

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

IC 20-33-2-37
Attendance officers; appointment in optional separate district

Sec. 37. The governing body of a school corporation that has fewer than one thousand five hundred (1,500) students in ADA may organize the school corporation as a separate attendance district and appoint an attendance officer. The governing body, in making the appointment, shall appoint an individual nominated by the superintendent. However, it may decline to appoint any nominee and require another nomination. All compensation for an attendance officer appointed under this section shall be paid by the treasurer of the school corporation in which the officer is employed.  

IC 20-33-2-38
Attendance officers; appointment of additional officers
Sec. 38. Any school corporation, attendance district, or remainder attendance district may appoint more attendance officers than are specifically authorized or required under 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.

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 or of IC 20-33-3 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 his investigation in any way commits a violation of this chapter.
As added by P.L.1-2005, SEC.17.
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.

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.

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.*
IC 20-33-3
Chapter 3. Limitations on the Employment of Students

IC 20-33-3-1
Chapter not applicable to parents who employ own child
Sec. 1. This chapter does not apply to:
(1) a parent who employs the parent's own child;
(2) a person standing in place of a parent who employs a child in the person's custody; or
(3) a legal entity whose ownership is limited to the parents of the employed child or persons standing in place of the parent of the employed child;
except in the instances of underage employment (section 31(a) of this chapter), employment during school hours (section 31(b) of this chapter), and employment in hazardous occupations designated by federal law (as set forth in section 35 of this chapter).

IC 20-33-3-2
"Nonschool week"
Sec. 2. As used in this chapter, "nonschool week" refers to a week that contains two (2) or fewer school days.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-3
"School day"
Sec. 3. As used in this chapter, "school day" refers to a day that contains more than four (4) hours of classroom instruction.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-4
"School week"
Sec. 4. As used in this chapter, "school week" refers to a week that contains at least three (3) school days.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-5
Employment certificate required
Sec. 5. It is unlawful for a person, firm, limited liability company, or corporation to hire, employ, or permit a child who is:
(1) at least fourteen (14) years of age; and
(2) less than eighteen (18) years of age;
to work in a gainful occupation until the person, firm, limited liability company, or corporation has secured and placed on file in its office an employment certificate issued by the proper issuing officer under this chapter.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-6
Exceptions to requirement of employment certificate
Sec. 6. (a) An employment certificate is not required for a child who is at least fourteen (14) years of age but less than eighteen (18) years of age to:

(1) perform:
   (A) farm labor; or
   (B) domestic service; or

(2) act as a:
   (A) caddie for a person playing golf; or
   (B) newspaper carrier.

(b) An employment certificate is not required for a child who is:

(1) at least twelve (12) years of age but less than eighteen (18) years of age; and

(2) employed or works as a youth athletic program referee, umpire, or official under section 31.5 of this chapter.

(c) An exemption under subsection (a) or (b) applies only when a child is engaged in an occupation listed in this section during the hours when the child is not required to be in school.

(d) An employment certificate is not required for a child less than eighteen (18) years of age who:

(1) works as an actor or performer if the provisions of section 32 of this chapter are met; or

(2) has graduated from high school.


IC 20-33-3-7
Employment certificate; obtaining

Sec. 7. (a) This chapter applies to a child less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

(b) A child less than eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain the employment certificate from the issuing officer of the:

(1) accredited school (as described in IC 20-19-2-8(a)(5)) that the child attends; or

(2) school corporation in which the child resides.

(c) A child less than eighteen (18) years of age who is not a resident of Indiana and who requires an employment certificate to work in Indiana shall obtain the certificate from the issuing officer of the school corporation in which the child is:

(1) employed; or

(2) seeking employment.

The judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in the opinion of the judge, the welfare of a child warrants this action.

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

IC 20-33-3-8
Issuing officer

Sec. 8. (a) The issuing officer in each accredited school (as
described in IC 20-19-2-8(a)(5)) shall be an individual who is:
   (1) a guidance counselor;
   (2) a school social worker; or
   (3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5;
and designated in writing by the principal.
(b) During the times in which the individual described in subsection (a) is not employed by the school or when school is not in session, there shall be an issuing officer available:
   (1) who is a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5; and
   (2) whose identity and hours of work shall be determined by the principal.

IC 20-33-3-9
Optional employment certificate; issuance mandatory
Sec. 9. When an employer wants to employ an individual who represents the individual's age to be at least eighteen (18) years of age but less than twenty-one (21) years of age, the employer may request the issuing officer to issue an employment certificate for the prospective employee. It is the duty of the issuing officer to issue a certificate when an employer makes a request under this section.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-10
Documents required before issuance of certificate
Sec. 10. (a) An issuing officer may issue an employment certificate only to a child whose employment is necessary and only after receipt of the following two (2) documents:
   (1) Proof of age as set forth under section 11 of this chapter.
   (2) Proof of prospective employment as set forth under section 12 of this chapter.
   (b) A child seeking an employment certificate from a school the child does not attend must also present to the issuing officer a written statement that:
      (1) is from the school the child does attend; and
      (2) attests to the child's acceptable academic performance and attendance.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-11
Proof of age
Sec. 11. (a) As proof of age, the issuing officer shall require one of the following documents:
   (1) A birth certificate or duly attested transcript of a birth certificate issued by the registrar of vital statistics or any other officer charged with the duty of recording births. The registrar
may not charge a fee for a certificate or transcript as provided by IC 16-37-1-9(c)(2). School records of age that have been verified by a birth certificate may be substituted by the issuing officer for a birth certificate.

(2) A baptismal certificate or a certified transcript of the record of baptism showing the child's date of birth and place of baptism.

(3) Other documentation, including:
   (A) a bona fide contemporary record of the child's birth, comprising a part of the family record of births in the Bible;
   (B) other documentary evidence satisfactory to the department of labor, including a certificate of arrival in the United States issued by United States immigration officers and showing the child's age; or
   (C) a life insurance policy.

Documentary evidence under this subdivision must have been in existence for at least one (1) year.

(4) A sworn statement by a public health physician, a public school physician, or the superintendent stating, in the opinion of the signatory, the child's physical age. This statement shall show the child's height and weight and other facts upon which the signatory's opinion is based. The physician's or superintendent's statement shall be accompanied by a statement of the child's age signed by the child's parent and by available school records.

(b) The documents that may constitute proof of age under this section are listed in preferential order. The issuing officer shall require the document of age under subsection (a)(1) in preference to a document under subsection (a)(2), (a)(3), or (a)(4). To avoid delay, the documents under subsection (a)(2), (a)(3), or (a)(4) may be accepted if the issuing officer files a written statement that verification of date of birth has been requested from the appropriate governmental agency but has not been received.

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

IC 20-33-3-12
Proof of prospective employment

Sec. 12. (a) As proof of prospective employment, the issuing officer shall require a written statement that:
   (1) is signed by the person for whom the child is to work;
   (2) sets forth the nature of work that the child is to perform; and
   (3) specifies the maximum number of hours per week that the child will work for the employer.

(b) When a child's employment terminates, the employer shall immediately notify the issuing officer in writing of the:
   (1) termination; and
   (2) date on which it occurred.

This notice shall be on a blank form attached to the child's employment certificate.

(c) An employment certificate may be used at not more than two (2) locations within the same enterprise if the enterprise complies
with the hour restrictions prescribed in sections 22 through 28 of this chapter.

IC 20-33-3-13
Employment certificate; denial; distribution of copies; appeal
Sec. 13. (a) Upon presentation to the issuing officer of the documents required by section 10 of this chapter, an employment certificate shall be issued immediately to the child. The employment certificate shall state the maximum number of hours that the child may be employed by the employer. However, an issuing officer may deny a certificate to a child:
(1) whose attendance is not in good standing; or
(2) whose academic performance does not meet the school corporation's standard.
(b) Not more than five (5) days after issuing an employment certificate, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in the issuing officer's office of each employment certificate issued. The issuing officer shall keep for each student who has been issued more than one (1) employment certificate a record of the maximum number of hours that the student may work each week for all employers.
(c) A student may appeal the denial of a certificate under subsection (a) to the principal.

IC 20-33-3-13.5
Multiple employment certificates; penalties
Sec. 13.5. (a) A child may hold more than one (1) employment certificate at a time. However, a child who holds more than one (1) employment certificate at a time is subject to the penalties set forth in section 38.5 of this chapter for any of the following:
(1) Hour violations under sections 22 through 28 of this chapter.
(2) A violation of section 23(3) or 24(3) of this chapter.
(b) An employer of a child who holds more than one (1) employment certificate under subsection (a) is subject to the penalties set forth in sections 39 and 40 of this chapter for:
(1) hour violations under sections 22 through 28 of this chapter; or
(2) a violation of section 23(3) or 24(3) of this chapter;
for the employment of the child with the employer only.
As added by P.L.182-2006, SEC.3.

IC 20-33-3-14
Employment certificate; revocation
Sec. 14. (a) The:
(1) state board; or
(2) department of labor;
may revoke an employment certificate at any time, if, in the judgment
of the state board or the department of labor, the certificate was
improperly issued or if the state board or department of labor has
knowledge that the child is or was illegally employed.

(b) To determine when a child is illegally employed, the state
board and the department of labor and agents of the state board or
department of labor may:

(1) investigate the age of a child who is employed;
(2) subpoena witnesses;
(3) hear evidence; and
(4) require the production of relevant books or documents.

(c) If the state board or department of labor revokes an
employment certificate under this section, the issuing officer and the
child's employer shall be notified in writing. This notice may be
delivered in person or by registered mail. Immediately after receiving
notice of revocation, the employer shall return the certificate to the
issuing officer.

(d) A child whose employment certificate has been revoked may
not be employed or allowed to work until the child legally has
obtained a new employment certificate.

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

**IC 20-33-3-15**

**Employment certificate; contents**

Sec. 15. (a) Each employment certificate issued for a child must
state the:

(1) full name and the date and place of birth of the child;
(2) name and address of the child's parents;
(3) name and address of the employer; and
(4) nature of the work that the child is to perform.

(b) The employment certificate must certify that the child has:

(1) appeared before the issuing officer; and
(2) submitted the proof of age and prospective employment as
required under this chapter.

(c) The issuing officer may require the presence of the child's
parents before issuing the employment certificate.

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

**IC 20-33-3-16**

**Forms supplied by electronic or printed publication**

Sec. 16. All blank forms necessary to carry out this chapter shall
be prepared by the department of labor and supplied to issuing
officers by means of electronic or printed publication.


**IC 20-33-3-17**

**Investigatory power**

Sec. 17. (a) An officer charged with enforcement of this chapter
may investigate the age of a child:

(1) who is employed or allowed to work in an occupation; and
(2) for whom an employment certificate is not on file.
(b) If the officer finds that the age of the child is below the age authorized for an employee without an employment certificate, the:
   (1) employment; or
   (2) fact that the child is allowed to work;
is prima facie evidence of unlawful employment.

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

IC 20-33-3-18
Mandatory medical examination; limitation; exception
Sec. 18. (a) Except as provided in subsection (c), whenever the department of labor requires, a child who is:
   (1) at least fourteen (14) years of age and less than eighteen (18) years of age; and
   (2) at work in an occupation for which an employment certificate is required under sections 5 and 6 of this chapter;
shall submit to a physical examination. The examination shall be conducted by a medical inspector of the department of labor or by a physician designated by the department of labor. A female employee is entitled to have this examination made by a female. An employer shall not require or attempt to require a female employee to submit to a physical examination by a male.
   (b) The result of an examination conducted under this section shall be recorded on a printed form furnished by and kept on file at the department of labor.
   (c) The department of labor may not require a child to undergo a medical examination under this chapter when the child's parent objects on religious grounds. A religious objection:
   (1) consists of a good faith reliance on spiritual means or prayer for healing; and
   (2) is not effective unless the objection is:
      (A) made in writing;
      (B) signed by the child's parent; and
      (C) delivered to the department of labor.

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

IC 20-33-3-19
Employment certificate; medical revocation
Sec. 19. (a) If:
   (1) a child fails to submit to a medical examination as required under section 18 of this chapter; or
   (2) on examination, the medical inspector finds the child to be physically unfit to be employed in the work in which the child is engaged and files a report to that effect;
the department of labor shall revoke the child's employment certificate. A report of physical incapacity shall be kept at the office of the department of labor.
   (b) Written notice of a revocation under this section shall be served on the issuing officer and the child's employer in person or by registered mail. Immediately after receiving notice of a revocation, the employer shall deliver the revoked certificate to the department
of labor. A child whose certificate has been revoked under this section may obtain a new certificate if the child is found, after physical examination, to be physically fit for the new occupation in which the child proposes to engage.

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

IC 20-33-3-20
Revocation of employment certificate; review; reissuance; appeal

Sec. 20. (a) An employment certificate may be revoked by the issuing officer if the issuing officer determines that there has been a significant decrease in any of the following since the issuance of the permit:

1. The student's grade point average.
2. The student's attendance at school.

(b) A student whose employment certificate is revoked under subsection (a) is entitled to a periodic review of the student's grade record or attendance record, or both, to determine whether the revocation should continue. A periodic review may not be conducted less than one (1) time each school year.

(c) If upon review the issuing officer determines that the student's grade point average or attendance, or both, have improved substantially, the issuing officer may reissue an employment certificate to the student.

(d) A student may appeal the revocation of an employment certificate under subsection (a) or the refusal to reissue an employment certificate under subsection (c) to the school principal.

(e) An issuing officer who revokes an employment certificate shall immediately send written notice of the revocation to the student's employer.

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

IC 20-33-3-21
Employment of children at least 14 years of age and less than 18 years of age

Sec. 21. Sections 22 through 29 of this chapter apply only to employment for which a child who is at least fourteen (14) years of age and less than eighteen (18) years of age must obtain an employment certificate under this chapter.

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

IC 20-33-3-22
Employment of children at least 14 years of age and less than 16 years of age

Sec. 22. The following apply only to a child who is at least fourteen (14) years of age and less than sixteen (16) years of age:

1. The child may not work before 7 a.m. or after 7 p.m. However, the child may work until 9 p.m. from June 1 through Labor Day.
2. The child may not work:
   A. more than three (3) hours on a school day;
(B) more than eighteen (18) hours in a school week;
(C) more than eight (8) hours on a nonschool day; or
(D) more than forty (40) hours in a nonschool week.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-23
Employment of children at least 16 years of age and less than 17 years of age
Sec. 23. Except as provided in section 27 of this chapter, a child who is at least sixteen (16) years of age and less than seventeen (17) years of age may not:
(1) work for more than eight (8) hours in any one (1) day;
(2) work for more than thirty (30) hours in any one (1) week;
(3) work for more than six (6) days in any one (1) week; or
(4) begin a work day before 6 a.m.

IC 20-33-3-24
Employment of children at least 17 years of age and less than 18 years of age
Sec. 24. Except as provided in section 27 of this chapter, a child who is at least seventeen (17) years of age and less than eighteen (18) years of age may not:
(1) work for more than eight (8) hours in any one (1) day;
(2) work for more than thirty (30) hours in any one (1) week;
(3) work for more than six (6) days in any one (1) week; or
(4) begin a work day before 6 a.m. on a school day.

IC 20-33-3-25
Employment of children at least 16 years of age and less than 18 years of age; 10 p.m. limit
Sec. 25. A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 10 p.m. on nights that are followed by a school day in any occupation except those that the commissioner of labor determines to be:
(1) dangerous to life or limb; or
(2) injurious to health or morals.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-26
Employment of children at least 16 years of age and less than 17 years of age; midnight limit
Sec. 26. An employer may employ a child who is at least sixteen (16) years of age and less than seventeen (17) years of age to work until midnight if:
(1) the work will be performed:
(A) during a nonschool week; or
(B) on days that are not followed by a school day; and
(2) the employer has:
(A) obtained written permission from the child's parent; and
(B) placed the written permission on file in the employer's office.

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

IC 20-33-3-27
Employment of children at least 16 years of age and less than 18 years of age; hour limits

Sec. 27. (a) A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed for up to forty (40) hours during a school week if the employer has:

(1) obtained written permission from the child's parent; and
(2) placed the written permission on file in the employer's office.

(b) If the employer or employers have obtained written permission required under subsection (a), a child who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed for periods that do not exceed a total of nine (9) hours in any one (1) day and a total of forty-eight (48) hours in any one (1) nonschool week.


IC 20-33-3-28
Employment of children at least 16 years of age and less than 18 years of age; late nights

Sec. 28. (a) A child who is at least sixteen (16) years of age and less than seventeen (17) years of age may work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office.

(b) A child who is at least seventeen (17) years of age and less than eighteen (18) years of age may work until 11:30 p.m. on nights that are followed by a school day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. A child covered by this subsection may work until 1 a.m. the following day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. However, the nights followed by a school day on which a child works until 1 a.m. the following day may not be consecutive and may not exceed two (2) nights per week.


IC 20-33-3-29
Employment of children at least 16 years of age and less than 18 years of age; employed the same as adults

Sec. 29. A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed the same daily and weekly hours and at the same times of day as adults if the child is a member of any of the following categories:
(1) The child is a high school graduate.
(2) The child has completed an approved career and technical education program or special education program.
(3) The child is not enrolled in a regular school term.


IC 20-33-3-30
Occupations for which children less than 18 years of age may be employed

Sec. 30. (a) This section applies to occupations for which a child less than eighteen (18) years of age may be employed or allowed to work under this chapter but does not apply to children subject to:
(1) section 6 of this chapter; or
(2) section 29(2) or 29(3) of this chapter.

(b) A person, firm, limited liability company, or corporation that employs a child less than eighteen (18) years of age shall provide the child one (1) or two (2) rest breaks totaling at least thirty (30) minutes if the child is scheduled to work at least six (6) consecutive hours. Breaks shall be provided as set forth in IC 5-10-6-2.


IC 20-33-3-31
Children less than 14 years of age and less than 18 years of age; employment limitations and prohibitions; exceptions

Sec. 31. (a) This subsection does not apply to a child who is employed or works as a youth athletic program referee, umpire, or official under section 31.5 of this chapter. A child less than:
(1) fourteen (14) years of age may not be employed or allowed to work in any gainful occupation except as a farm laborer, domestic service worker, caddie for persons playing the game of golf, or newspaper carrier; and
(2) twelve (12) years of age may not be permitted to work at farm labor except on a farm operated by the child's parent.

(b) Except as provided in section 32 of this chapter, a person, firm, limited liability company, or corporation may not employ or permit any child less than eighteen (18) years of age to work in any occupation after 7:30 a.m. and before 3:30 p.m. on a school day unless the child presents to the employer a written exception issued by the school that the child attends.


IC 20-33-3-31.5
Employment of children as referees, umpires, or officials

Sec. 31.5. (a) If the conditions of subsections (b) and (c) are satisfied, a child who is less than eighteen (18) years of age is exempt from the requirements of this chapter whenever the child is employed or works as a youth athletic program referee, umpire, or official.

(b) A child must satisfy all of the following:
(1) The child is at least twelve (12) years of age.
(2) The child is certified as a referee, umpire, or official by a national certification program.
(3) The child is a referee, umpire, or official for an age bracket younger than the child's own age.
(c) In addition to the requirements of subsection (b), one (1) of the following must be satisfied:
   (1) The child:
       (A) works with a person who is:
           (i) at least eighteen (18) years of age; and
           (ii) also working as a referee, umpire, or official at the same athletic event at which the child is working as a referee, umpire, or official; and
       (B) has on file with the person responsible for assigning the child to officiate for the youth athletic program the original or a copy of a written consent to the child's employment as a referee, umpire, or official signed by the child's parent or guardian.
   (2) A child's parent or guardian is present during the athletic event at which the child is working as a referee, umpire, or official.

As added by P.L.41-2013, SEC.3.

IC 20-33-3-32
Permitted child employment; exception

Sec. 32. This chapter may not prevent a child of any age from singing, playing, or performing in a studio, circus, theatrical, or musical exhibition, concert, or festival, in radio and television broadcasts, or as a live or photographic model. Employment certificates are not required for employment or appearances set forth in this section, but a child less than eighteen (18) years of age may not be employed except under the following conditions:
   (1) The activities described in this section must not:
       (A) be detrimental to the life, health, safety, or welfare of the child; or
       (B) interfere with the schooling of the child.
   Provision shall be made for education equivalent to full-time school attendance in the public schools for children less than sixteen (16) years of age.
   (2) A parent shall accompany a child less than sixteen (16) years of age at all rehearsals, appearances, and performances.
   (3) The employment or appearance may not be in a cabaret, dance hall, night club, tavern, or other similar place.

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

IC 20-33-3-33
Employment of children by the Indiana School for the Deaf or the Indiana School for the Blind and Visually Impaired

Sec. 33. The employment of children by the:
   (1) Indiana School for the Deaf; and
(2) Indiana School for the Blind and Visually Impaired; is subject to the general restrictions imposed on child labor under this chapter.


IC 20-33-3-34
Employer required to post notice
Sec. 34. Every person, firm, corporation, or company that employs a child at least fourteen (14) years of age and less than eighteen (18) years of age in an occupation for which the child must obtain an employment certificate shall post and keep posted a printed notice in a conspicuous place or in places where notices to employees are customarily posted. This notice must state:

(1) the maximum number of hours a child may be employed or permitted to work each day of the week; and
(2) the hours of beginning and ending each day.

The printed forms for this notice shall be furnished by the department of labor.

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

IC 20-33-3-35
Prohibition for child less than 18 years of age from working in a hazardous occupation; exception
Sec. 35. The department of labor shall prohibit a child who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), except when the child is working for the child's parent or a person standing in the place of the child's parent on a farm owned or operated by the parent or person.


IC 20-33-3-36
Children employed after 10 p.m. and before 6 a.m.
Sec. 36. (a) This section does not provide an exception to the limit on the number of hours a child is permitted to work under sections 22 through 30 of this chapter.

(b) It is unlawful for a person, firm, limited liability company, or corporation to permit a child who is:

(1) less than eighteen (18) years of age; and
(2) employed by the person, firm, limited liability company, or corporation;

to work after 10 p.m. and before 6 a.m. in an establishment that is open to the public unless another employee at least eighteen (18) years of age also works in the establishment during the same hours as the child.

(c) A violation of subsection (b) is a hazardous occupation violation subject to section 41 of this chapter.

As added by P.L.1-2005, SEC.17.
IC 20-33-3-37
Hazardous occupations; exception; certain instruction
Sec. 37. This chapter does not prevent a student from working on a properly guarded machine in the training department of a school when an instructor provides personal supervision.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-38
Enforcement
Sec. 38. (a) The department of labor and its authorized inspectors and agents:
(1) shall enforce this chapter and ensure that all violators are prosecuted; and
(2) may visit and inspect, at all reasonable hours and when as practicable and necessary, all establishments affected by this chapter.
(b) It is unlawful for any person to interfere with, obstruct, or hinder any inspector or agent of the department of labor while the inspector or agent performs official duties or to refuse to properly answer questions asked by an inspector or agent of the department.
(c) When requested in writing by the department of labor, the attorney general shall assist the prosecuting attorney in the prosecution of persons charged with a violation of this chapter.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-38.5
Civil penalties for violations by children
Sec. 38.5. (a) For an hour violation under sections 22 through 28 of this chapter or a violation of section 23(3) or 24(3) of this chapter committed by a child, the civil penalties are as follows:
(1) A warning letter for a first violation.
(2) Revocation of the employment certificate or certificates held by the child for thirty (30) calendar days.
(b) The department of labor shall assess the civil penalties set forth in subsection (a).
(c) If the department of labor revokes an employment certificate under this section, the issuing officer and the child's employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer.
(d) A child whose employment certificate or certificates have been revoked may not be employed or allowed to work until the child legally has obtained a new employment certificate.

IC 20-33-3-39
Civil penalties
Sec. 39. An individual who is an employer, a firm, a limited liability company, or a corporation that violates this chapter may be
assessed the civil penalties described in this section by the department of labor. For an employment certificate violation under section 5 or 14 of this chapter, a termination notice violation under section 12 of this chapter, an hour violation of not more than thirty (30) minutes under sections 22 through 28 of this chapter, a violation of section 23(3) or 24(3) of this chapter, or a posting violation under section 34 of this chapter, the civil penalties are as follows:

1. A warning letter for any violations identified during an initial inspection.
2. Fifty dollars ($50) per instance for a second violation identified in a subsequent inspection.
3. Seventy-five dollars ($75) per instance for a third violation that is identified in a subsequent inspection.
4. One hundred dollars ($100) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.


IC 20-33-3-40
Civil penalties
Sec. 40. An individual who is an employer, a firm, a limited liability company, or a corporation that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an hour violation of more than thirty (30) minutes under sections 22 through 28 of this chapter, each violation of section 30 of this chapter, an age violation under section 31 or 32 of this chapter, each minor employed in violation of section 31(b) of this chapter, or a hazardous occupation violation under section 35 or 36 of this chapter, the civil penalties are as follows:

1. A warning letter for any violations identified during an initial inspection.
2. One hundred dollars ($100) per instance for each violation identified in a subsequent inspection.
3. Two hundred dollars ($200) per instance for a third violation that is identified in a subsequent inspection.
4. Four hundred dollars ($400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.


IC 20-33-3-41
Civil penalties; second and subsequent violations
Sec. 41. (a) A civil penalty assessed under section 39 or 40 of this chapter:

1. is subject to IC 4-21.5-3-6; and
2. becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

(b) For purposes of determining:
   (1) whether a second violation has occurred when assessing a
civil penalty under subsection (a), a first violation expires one
(1) year after the date of issuance of a warning letter by the
department of labor under subsection (a); and
(2) recurring violations of this section, each location of an
employer shall be considered separate and distinct from another
location of the same employer.

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

IC 20-33-3-42
Employment of youth fund
Sec. 42. (a) There is established an employment of youth fund to
educate affected parties on the purposes and contents of this chapter
and the responsibilities of all parties under this chapter.

(b) One-half (1/2) of the employment of youth fund each year
shall be used for the purpose of the education provision of this
subsection, and may be used to award grants to provide educational
programs. The remaining one-half (1/2) of the employment of youth
fund shall be used each year for the expenses of hiring and salaries
of additional inspectors to enforce this chapter under section 39 of
this chapter.

(c) The employment of youth fund shall be administered by the
department of labor. The expenses of administering the employment
of youth fund shall be paid from money in the fund. The treasurer of
state shall invest the money in the employment of youth fund not
currently needed to meet the obligations of the fund in the same
manner as other public funds may be invested. Interest that accrues
from these investments shall be deposited in the employment of
youth fund. Money in the employment of youth fund at the end of a
state fiscal year does not revert to the state general fund.

(d) Revenue received from civil penalties under this section shall
be deposited in the employment of youth fund.

(e) All inspectors hired to enforce this chapter shall also be
available to educate affected parties on the purposes and contents of
this chapter and the responsibilities of all parties under this chapter.

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

IC 20-33-3-43
Form for certificates; rules
Sec. 43. (a) An employment certificate shall be issued:
   (1) in a form approved by; and
(2) under rules adopted under IC 4-22-2 by;
the department of labor and the state board.

(b) The style of the form and the rules adopted under this section
must:
   (1) be consistent with this chapter; and
(2) promote uniformity and efficiency in the administration of
this chapter.

As added by P.L.1-2005, SEC.17.
IC 20-33-4
Chapter 4. Legal Settlement and Transfer of Students

IC 20-33-4-1
Legal settlement and transfer of students and transfer tuition
Sec. 1. The law governing legal settlement and transfer of students and transfer tuition is found at IC 20-26-11.
As added by P.L.1-2005, SEC.17.
**IC 20-33-5**  
**Chapter 5. Financial Assistance for Students**

**IC 20-33-5-1**  
**Definitions; family income to be used to determine financial eligibility**

Sec. 1. (a) As used in this chapter, "school corporation" includes a charter school.

(b) As used in this chapter, "governing body" includes the organizer of a charter school.

(c) The maximum monthly or annual gross income available to a family shall be used to determine financial eligibility for assistance under this chapter.

(d) In determining the eligibility of a seasonal worker for assistance under this chapter, an average shall be made of the family's income for the twelve (12) calendar months preceding the first day of the month in which the application is made.

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

**IC 20-33-5-2**  
**Procedures to qualify for assistance; financial eligibility standard**

Sec. 2. The department shall adopt procedures that must be followed by applicants in order for them to qualify for assistance under this chapter. These procedures must include obtaining information needed by the family and social services administration to determine if the recipient is a child who is a member of a qualifying family (as defined in IC 12-14-28-1), including the familial relationship of the child to the head of the household. The financial eligibility standard for an applicant under this chapter must be the same criteria used for determining eligibility for receiving free or reduced price lunches under the national school lunch program.

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

**IC 20-33-5-3**  
**Qualified parents; payment of fees by school corporation; reimbursement**

Sec. 3. (a) If a parent of a child or an emancipated minor who is enrolled in a public school, in kindergarten or grades 1 through 12, meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may not be required to pay the fees for curricular materials, supplies, or other required class fees. The fees shall be paid by the school corporation that the child attends.

(b) The school corporation may apply for a reimbursement under section 7 of this chapter from the department of the costs incurred under subsection (a).

(c) To the extent the reimbursement received by the school corporation is less than the rental fee assessed for curricular materials, the school corporation may request that the parent or emancipated minor pay the balance of this amount.

IC 20-33-5-4
Application forms
Sec. 4. The department shall provide each school corporation with sufficient application forms for assistance under this chapter. The state board of accounts shall prescribe the forms to be used.
As added by P.L.1-2005, SEC.17.

IC 20-33-5-5
Notice to parents
Sec. 5. All school corporations must give notice in nontechnical language and in a manner that can be reasonably expected to reach parents of students before the collection of any fees for schoolbooks and supplies. This notice must inform the parents of the following:
   (1) The availability of assistance.
   (2) The eligibility standards.
   (3) The procedure for obtaining assistance, including the right and method of appeal.
   (4) The availability of application forms at a designated school office.
As added by P.L.1-2005, SEC.17.

IC 20-33-5-6
Assistance in completion of forms; determination of financial eligibility; appeal; hearing
Sec. 6. (a) All school corporations must give appropriate application forms to parents who wish to apply for assistance under this chapter. The school shall provide assistance to those applicants who are unable to write or otherwise make a written application. The parent shall submit the completed application to the school corporation. The school corporation shall make a determination of financial eligibility.
(b) If the school corporation makes a determination that the parent is ineligible based on the information in the application, the school corporation shall give the parent written reasons for the denial and inform the parent of the right to request a hearing before the governing body of the school corporation or the governing body's designee. After the determination, the school corporation may bill the parent for the student's fees, but the school corporation may not take any legal action against the parent until the parent has had the opportunity to make an appeal in a hearing before the governing body of the school corporation or the governing body's designee. If the parent pays the fees based on the school corporation's determination, and after the appeal it is determined that the parent qualifies for assistance, the school corporation shall reimburse the parent.
As added by P.L.1-2005, SEC.17.

IC 20-33-5-7
Public schools; textbook assistance; state reimbursement
Sec. 7. (a) If a determination is made that the applicant is eligible for assistance, the school corporation shall pay the cost of the student's required fees.

(b) A school corporation shall receive a reimbursement from the department for some or all of the costs incurred by a school corporation during a school year in providing curricular materials assistance to students who are eligible under section 2 of this chapter.

(c) To be guaranteed some level of reimbursement from the department, the governing body of a school corporation shall request the reimbursement before November 1 of a school year.

(d) In its request, the governing body shall certify to the department:
   (1) the number of students who are enrolled in that school corporation and who are eligible for assistance under this chapter;
   (2) the costs incurred by the school corporation in providing:
      (A) curricular materials (including curricular materials used in special education and high ability classes) to these students;
      (B) workbooks, digital content, and consumable curricular materials (including workbooks, consumable curricular materials, and other consumable instructional materials that are used in special education and high ability classes) that are used by students for not more than one (1) school year; and
      (C) instead of the purchase of curricular materials, developmentally appropriate material for instruction in kindergarten through the grade 3 level, laboratories, and children's literature programs;
   (3) that the curricular materials described in subdivision (2)(A) (except curricular materials used in special education classes and high ability classes) have been adopted by the governing body; and
   (4) any other information required by the department.

(e) Each school within a school corporation shall maintain complete and accurate information concerning the number of students determined to be eligible for assistance under this chapter. This information shall be provided to the department upon request.

(f) Parents receiving other governmental assistance or aid that considers educational needs in computing the entire amount of assistance granted may not be denied assistance if the applicant's total family income does not exceed the standards established by this chapter.

(g) The amount of reimbursement that a school corporation is entitled to receive shall be determined as provided in section 9.5 of this chapter.


IC 20-33-5-7.5
Estimate of students eligible for assistance
Sec. 7.5. (a) If a school corporation does not request reimbursement under this chapter before April 1 of a particular school year, the school corporation shall, before the following June 1 of that year, estimate and report to the department the percentage of the school corporation's students who are enrolled in the school corporation and are eligible for assistance under this chapter.

(b) The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section.

As added by P.L.37-2014, SEC.1.

IC 20-33-5-8
Repealed
(Repealed by P.L.229-2011, SEC.275.)

IC 20-33-5-9
Nonpublic schools; textbook assistance; state reimbursement

Sec. 9. (a) If a parent of a child or an emancipated minor who is enrolled in an accredited nonpublic school meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may receive a reimbursement from the department as provided in this chapter for the costs or some of the costs incurred by the parent or emancipated minor in fees that are reimbursable under section 7 of this chapter.

(b) The department shall provide each accredited nonpublic school with sufficient application forms for assistance, prescribed by the state board of accounts.

(c) Each accredited nonpublic school shall provide the parents or emancipated minors who wish to apply for assistance with:

(1) the appropriate application forms; and

(2) any assistance needed in completing the application form.

(d) The parent or emancipated minor shall submit the application to the accredited nonpublic school. The accredited nonpublic school shall make a determination of financial eligibility subject to appeal by the parent or emancipated minor.

(e) If a determination is made that the applicant is eligible for assistance, subsection (a) applies.

(f) To be guaranteed some level of reimbursement from the department, the principal or other designee shall submit the reimbursement request before November 1 of a school year.

(g) In its request, the principal or other designee shall certify to the department:

(1) the number of students who are enrolled in the accredited nonpublic school and who are eligible for assistance under this chapter;

(2) the costs incurred in providing:

(A) curricular materials (including curricular materials used in special education and high ability classes); and

(B) workbooks, digital content, and consumable curricular materials (including workbooks, consumable curricular materials, and other consumable teaching materials that are
used in special education and high ability classes) that are
used by students for not more than one (1) school year;
(3) that the curricular materials described in subdivision (2)(A)
(except any curricular materials used in special education
classes and high ability classes) have been adopted by the
governing body; and
(4) any other information required by the department.
(h) The amount of reimbursement that a parent or emancipated
minor is entitled to receive shall be determined as provided in section
9.5 of this chapter.
(i) The accredited nonpublic school shall distribute the money
received under this chapter to the appropriate eligible parents or
emancipated minors.
(j) Section 7(f) of this chapter applies to parents or emancipated
minors as described in this section.
(k) The accredited nonpublic school and the department shall
maintain complete and accurate information concerning the number
of applicants determined to be eligible for assistance under this
section.
(l) The state board shall adopt rules under IC 4-22-2 to implement
this section.
P.L.73-2011, SEC.21; P.L.229-2011, SEC.193; P.L.286-2013,
SEC.114.

IC 20-33-5-9.5
Reimbursement formula
Sec. 9.5. (a) This section applies to reimbursements made under
this chapter in the state fiscal year beginning after June 30, 2013.
(b) The amount of reimbursement that a school corporation or an
accredited nonpublic school is entitled to receive under section 7 of
this chapter in a state fiscal year is equal to the amount determined in
the following STEPS:
STEP ONE: Determine the amount appropriated to make
reimbursements under this chapter for the state fiscal year.
STEP TWO: Determine the total number of eligible students for
which reimbursement was requested under either section 7 or 9
of this chapter before November 1 of the previous calendar year
by all school corporations and accredited nonpublic schools.
STEP THREE: Divide the result determined in STEP ONE by
the number determined in STEP TWO.
STEP FOUR: Multiply:
(A) the STEP THREE result; by
(B) the number of eligible students for which reimbursement
was requested under section 7 or 9 of this chapter before
November 1 of the state fiscal year by the school corporation
or the accredited nonpublic school.
As added by P.L.229-2011, SEC.194. Amended by P.L.205-2013,
SEC.258.
IC 20-33-5-10
Repealed
(Repealed by P.L.229-2011, SEC.275.)

IC 20-33-5-11
Failure of parent to pay fees
Sec. 11. (a) A school corporation may not:
(1) withhold curricular materials and supplies;
(2) require any special services from a child; or
(3) deny the child any benefit or privilege;
because the parent fails to pay required fees.
(b) Notwithstanding subsection (a), a school corporation may take
any action authorized by law to collect unpaid fees from parents who
are determined to be ineligible for assistance, including recovery of
reasonable attorney's fees and court costs in addition to a judgment
award against those parents.
As added by P.L.1-2005, SEC.17. Amended by P.L.286-2013,
SEC.115.

IC 20-33-5-12
Payment of fees for unqualified individuals
Sec. 12. Under extraordinary circumstances, the township trustee
may pay for the fees enumerated in section 3 of this chapter for
individuals who do not otherwise qualify under the financial
eligibility standard established in this chapter. Assistance in such
cases may be provided by the township trustee under IC 12-20.
As added by P.L.1-2005, SEC.17.

IC 20-33-5-13
Shoes and clothing; financial assistance; clothing bank;
establishment by school corporation
Sec. 13. (a) Financial assistance for shoes and clothing shall be
provided directly by the township trustee under IC 12-20 to parents
who do not have sufficient means to furnish the shoes and clothing
needed by the children to attend school.
(b) A school corporation may establish a clothing bank to provide
for children's clothing needs on an emergency basis.
As added by P.L.1-2005, SEC.17.

IC 20-33-5-14
School curricular material reimbursement contingency fund
Sec. 14. (a) The school curricular materials reimbursement
contingency fund is established to reimburse school corporations,
eligible parents of children who attend accredited nonpublic schools,
and emancipated minors who attend accredited nonpublic schools as
provided in section 9 of this chapter for assistance provided under
this chapter. The fund consists of money appropriated to the fund by
the general assembly. The state superintendent shall administer the
fund.
(b) The treasurer of state shall invest the money in the school
curricular materials reimbursement contingency fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.  

IC 20-33-5-15
Assistance in completion of twenty-first century scholars program enrollment form

Sec. 15. (a) Each school corporation shall provide each student who applies for free or reduced priced lunches under the national school lunch program with an enrollment form for the twenty-first century scholars program under IC 21-12-6.

(b) The department shall provide each school corporation with sufficient application forms under this section.

(c) Each school shall give assistance in reading the instructions and completing the enrollment forms for the twenty-first century scholars program.

As added by P.L.9-2009, SEC.1.
IC 20-33-6
Chapter 6. Parental Participation in a Student's Education

IC 20-33-6-1
Applicability of chapter
Sec. 1. This chapter does not apply to a nonpublic school.
As added by P.L.1-2005, SEC.17.

IC 20-33-6-2
Development of written compact; participation of parents and students; signatures
Sec. 2. (a) Each school in a school corporation may develop a written compact that contains the expectations for the school, the student, the student's teachers, and the student's parents.
(b) A school that develops a compact under this section must seek the participation of parents and students in developing the compact.
(c) Each educator at the school shall affirm and sign the compact, and each student and the student's parents shall sign and affirm the compact.
As added by P.L.1-2005, SEC.17.

IC 20-33-6-3
Compliance with written compact
Sec. 3. A parent, a student, an educator, and a school shall make a reasonable effort to comply with the terms of the compact.
As added by P.L.1-2005, SEC.17.
IC 20-33-7
Chapter 7. Parental Access to Student Records

IC 20-33-7-1
"Education records"
Sec. 1. As used in this chapter, "education records" means information that:
(1) is recorded by a nonpublic or public school; and
(2) concerns a student who is or was enrolled in the school.
As added by P.L.1-2005, SEC.17.

IC 20-33-7-2
Custodial and noncustodial parents; equal access; exceptions
Sec. 2. (a) Except as provided in subsection (b), a nonpublic or public school must allow a custodial parent and a noncustodial parent of a child the same access to their child's education records.
(b) A nonpublic or public school may not allow a noncustodial parent access to the child's education records if:
(1) a court has issued an order that limits the noncustodial parent's access to the child's education records; and
(2) the school has received a copy of the court order or has actual knowledge of the court order.
As added by P.L.1-2005, SEC.17.

IC 20-33-7-3
Report of educational records without parental consent
Sec. 3. (a) As used in this section, "juvenile justice agency" has the meaning set forth in IC 10-13-4-5.
(b) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent under the following conditions:
(1) The disclosure or reporting of education records is to a state or local juvenile justice agency.
(2) The disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released.
(3) The juvenile justice agency receiving the information certifies, in writing, to the entity providing the information that the agency or individual receiving the information has agreed not to disclose it to a third party, other than another juvenile justice agency, without the consent of the child's parent.
(c) For purposes of subsection (b)(2), a disclosure or reporting of education records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the juvenile justice agency seeking the information provides sufficient information to enable the keeper of the education records to
determine that the juvenile justice agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to supervision of the child as an adjudicated delinquent child.

(d) A school corporation to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent, if the child has been suspended or expelled and referred to a court in accordance with an agreement for court assisted resolution of suspension and expulsion cases under IC 20-33-8.5. The request for the education records of a child by a court must be for the purpose of assisting the child before adjudication.

(e) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply that:

1. discloses or reports on the education records of a child, including personally identifiable information contained in the education records, in violation of this section; and
2. makes a good faith effort to comply with this section;

is immune from civil liability.

IC 20-33-8
Chapter 8. Student Discipline

IC 20-33-8-0.2
"Bullying"
Sec. 0.2. (a) As used in this chapter, "bullying" means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment that:

(1) places the targeted student in reasonable fear of harm to the targeted student's person or property;
(2) has a substantially detrimental effect on the targeted student's physical or mental health;
(3) has the effect of substantially interfering with the targeted student's academic performance; or
(4) has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

(b) The term may not be interpreted to impose any burden or sanction on, or include in the definition of the term, the following:

(1) Participating in a religious event.
(2) Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.
(3) Participating in an activity consisting of the exercise of a student's rights protected under the First Amendment to the United States Constitution or Article I, Section 31 of the Constitution of the State of Indiana, or both.
(4) Participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults.
(5) Participating in an activity undertaken at the prior written direction of the student's parent.
(6) Engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.


IC 20-33-8-0.5
"Physician"
Sec. 0.5. As used in this chapter, "physician" means an individual licensed to practice medicine or osteopathic medicine under:

(1) IC 25-22.5; or
(2) the law of another state.

As added by P.L.1-2005, SEC.17.
IC 20-33-8-1
"Principal"
Sec. 1. As used in this chapter, "principal" includes a principal's designee.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-2
"Educational function"
Sec. 2. As used in this chapter, "educational function" means the performance by a school corporation or its officers or employees of an act or a series of acts in carrying out school purposes.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-3
"Expulsion"
Sec. 3. (a) As used in this chapter, "expulsion" means a disciplinary or other action whereby a student:
(1) is separated from school attendance for a period exceeding ten (10) school days;
(2) is separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or
(3) is separated from school attendance for the period prescribed under section 16 of this chapter, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.
(b) The term does not include situations when a student is:
(1) disciplined under section 25 of this chapter;
(2) removed from school in accordance with IC 20-34-3-9; or
(3) removed from school for failure to comply with the immunization requirements of IC 20-34-4-5.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-4
"School purposes"
Sec. 4. As used in this chapter, "school purposes" refers to the purposes for which a school corporation operates, including the following:
(1) To promote knowledge and learning generally.
(2) To maintain an orderly and effective educational system.
(3) To take any action under the authority granted to school corporations and their governing bodies by IC 20-26-5 or by any other statute.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-5
"School property"
Sec. 5. As used in this chapter, "school property" means the following:
(1) A building or other structure owned or rented by a school corporation.
(2) The grounds adjacent to and owned or rented in common with a building or other structure owned or rented by a school corporation.

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

IC 20-33-8-6
"Superintendent" includes superintendent's designee

Sec. 6. As used in this chapter, "superintendent" includes a superintendent's designee.

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

IC 20-33-8-7
"Suspension"

Sec. 7. (a) As used in this chapter, "suspension" means any disciplinary action that does not constitute an expulsion under section 3 of this chapter, whereby a student is separated from school attendance for a period of not more than ten (10) school days.

(b) The term does not include a situation in which a student is:
(1) disciplined under section 25 of this chapter;
(2) removed from school in accordance with IC 20-34-3-9; or
(3) removed from school for failure to comply with the immunization requirements of IC 20-34-4-5.

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

IC 20-33-8-8
Duty and powers of school corporation to supervise and discipline students

Sec. 8. (a) Student supervision and the desirable behavior of students in carrying out school purposes is the responsibility of:

(1) a school corporation; and
(2) the students of a school corporation.

(b) In all matters relating to the discipline and conduct of students, school corporation personnel:

(1) stand in the relation of parents to the students of the school corporation;
(2) have the right to take any disciplinary action necessary to promote student conduct that conforms with an orderly and effective educational system, subject to this chapter; and
(3) have qualified immunity with respect to a disciplinary action taken to promote student conduct under subdivision (2) if the action is taken in good faith and is reasonable.

(c) Students must:

(1) follow responsible directions of school personnel in all educational settings; and
(2) refrain from disruptive behavior that interferes with the educational environment.

IC 20-33-8-9
Disciplinary powers of teachers and school staff members
Sec. 9. (a) This section applies to an individual who:
(1) is a teacher or other school staff member; and
(2) has students under the individual's charge.
(b) An individual may take any action that is reasonably necessary
to carry out or to prevent an interference with an educational function
that the individual supervises.
(c) Subject to rules of the governing body and the administrative
staff, an individual may remove a student for a period that does not
exceed five (5) school days from an educational function supervised
by the individual or another individual who is a teacher or other
school staff member.
(d) If an individual removes a student from a class under
subsection (c), the principal may place the student in another
appropriate class or placement or into inschool suspension. The
principal may not return the student to the class from which the
student was removed until the principal has met with the student, the
student's teacher, and the student's parents to determine an
appropriate behavior plan for the student. If the student's parents do
not meet with the principal and the student's teacher within a
reasonable amount of time, the student may be moved to another
class at the principal's discretion.
As added by P.L.1-2005, SEC.17. Amended by P.L.121-2009,
SEC.13.

IC 20-33-8-10
Disciplinary powers of principals
Sec. 10. (a) A principal may take action concerning the principal's
school or a school activity within the principal's jurisdiction that is
reasonably necessary to carry out or prevent interference with an
educational function or school purposes.
(b) Subsection (a) allows a principal to write regulations that
govern student conduct.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-11
Disciplinary powers of superintendents and administrative staff
members
Sec. 11. A:
(1) superintendent; or
(2) member of the superintendent's administrative staff, with the
superintendent's approval;
may take any action with respect to all schools within the
superintendent's jurisdiction that is reasonably necessary to carry out
or prevent interference with an educational function or school
purposes.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-12
Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body

Sec. 12. (a) Except as provided under IC 20-33-8-16, the governing body of a school corporation must do the following:

1. Establish written discipline rules, which must include a graduated system of discipline and may include:
   - appropriate dress codes; and
   - if applicable, an agreement for court assisted resolution of school suspension and expulsion cases;
for the school corporation.

2. Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:
   - making a copy of the discipline rules available to students and students' parents; or
   - delivering a copy of the discipline rules to students or the parents of students.
This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The:
   1. superintendent of a school corporation; and
   2. principals of each school in a school corporation;
may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate:
   1. rulemaking;
   2. disciplinary; and
   3. other authority;
as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning the following:
   1. Movement of students.
   2. Movement or parking of vehicles.
   3. Day to day instructions concerning the operation of a classroom or teaching station.
   4. Time for commencement of school.
   5. Other standards or regulations relating to the manner in which an educational function must be administered.
However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection.


IC 20-33-8-13
Possession and self-administration of medication permitted

Sec. 13. (a) Discipline rules adopted under section 12 of this
chapter must provide that a student with a chronic disease or medical condition may possess and self-administer medication for the chronic disease or medical condition during the times and in the places set forth under section 14(b) of this chapter if the following conditions are met:

(1) The student's parent has filed an authorization with the student's principal for the student to possess and self-administer the medication. The authorization must include the statement described in subdivision (2).

(2) A physician states in writing that:
   (A) the student has an acute or chronic disease or medical condition for which the physician has prescribed medication;
   (B) the student has been instructed in how to self-administer the medication; and
   (C) the nature of the disease or medical condition requires emergency administration of the medication.

(b) The authorization and statement described in subsection (a) must be filed annually with the student's principal.

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

IC 20-33-8-13.5
Discipline rules prohibiting bullying required
Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

(1) prohibit bullying; and
(2) include:
   (A) provisions concerning education, parental involvement, and intervention;
   (B) a detailed procedure for the expedited investigation of incidents of bullying that includes:
      (i) appropriate responses to bullying behaviors, wherever the behaviors occur;
      (ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
      (iii) timetables for reporting of bullying incidents to the parents of both the targeted student and the bully, in an expedited manner;
      (iv) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;
      (v) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and
      (vi) discipline provisions for false reporting of bullying; and
   (C) a detailed procedure outlining the use of follow-up services that includes:
      (i) support services for the victim; and
      (ii) bullying education for the bully.
(b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:
   (1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
   (2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.
(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:
   (1) computer;
   (2) computer system; or
   (3) computer network.
(d) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.
(e) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.

IC 20-33-8-14
Grounds for suspension or expulsion
Sec. 14. (a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:
   (1) Student misconduct.
   (2) Substantial disobedience.
(b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:
   (1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
   (2) off school grounds at a school activity, function, or event; or
   (3) traveling to or from school or a school activity, function, or event.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-15
Unlawful activity by student
Sec. 15. In addition to the grounds specified in section 14 of this chapter, a student may be suspended or expelled for engaging in
unlawful activity on or off school grounds if:
   (1) the unlawful activity may reasonably be considered to be an
       interference with school purposes or an educational function; or
   (2) the student's removal is necessary to restore order or protect
       persons on school property;
including an unlawful activity during weekends, holidays, other
school breaks, and the summer period when a student may not be
attending classes or other school functions.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-16
Possession of firearms, deadly weapons, or destructive devices
Sec. 16. (a) As used in this section, "firearm" has the meaning set
forth in IC 35-47-1-5.
   (b) As used in this section, "deadly weapon" has the meaning set
       forth in IC 35-31.5-2-86. The term does not include a firearm or
destructive device.
   (c) As used in this section, "destructive device" has the meaning
       set forth in IC 35-47.5-2-4.
   (d) Notwithstanding section 20 of this chapter, a student who is:
       (1) identified as bringing a firearm or destructive device to
           school or on school property; or
       (2) in possession of a firearm or destructive device on school
           property;
must be expelled for at least one (1) calendar year, with the return of
the student to be at the beginning of the first school semester after the
end of the one (1) year period.
   (e) The superintendent may, on a case by case basis, modify the
       period of expulsion under subsection (d) for a student who is expelled
under this section.
   (f) Notwithstanding section 20 of this chapter, a student who is:
       (1) identified as bringing a deadly weapon to school or on
           school property; or
       (2) in possession of a deadly weapon on school property;
may be expelled for not more than one (1) calendar year.
   (g) A superintendent or the superintendent's designee shall
       immediately notify the appropriate law enforcement agency having
jurisdiction over the property where the school is located if a student
engages in a behavior described in subsection (d). The superintendent
may give similar notice if the student engages in a behavior described
in subsection (f). Upon receiving notification under this subsection,
the law enforcement agency shall begin an investigation and take
appropriate action.
   (h) A student with disabilities (as defined in IC 20-35-7-7) who
possesses a firearm on school property is subject to procedural
As added by P.L.1-2005, SEC.17. Amended by P.L.114-2012,
SEC.42.

IC 20-33-8-17
**Student's legal settlement not in attendance area**

Sec. 17. A student may be expelled from school if the student's legal settlement is not in the attendance area of the school corporation where the student is enrolled.

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

**IC 20-33-8-18**

**Maximum term of suspension; procedure**

Sec. 18. (a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

1. A written or an oral statement of the charges against the student.
2. If the student denies the charges, a summary of the evidence against the student.
3. An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

1. The student's misconduct.
2. The action taken by the principal.

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

**IC 20-33-8-19**

**Expulsion procedure; appeals**

Sec. 19. (a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:

1. Legal counsel.
2. A member of the administrative staff if the member:
   - (A) has not expelled the student during the current school year; and
   - (B) was not involved in the events giving rise to the expulsion.

The superintendent or a person designated under this subsection may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

(b) An expulsion may take place only after the student and the student's parent are given notice of their right to appear at an expulsion meeting with the superintendent or a person designated under subsection (a). Notice of the right to appear at an expulsion meeting must:
(1) be made by certified mail or by personal delivery;
(2) contain the reasons for the expulsion; and
(3) contain the procedure for requesting an expulsion meeting.
(c) The individual conducting an expulsion meeting:
   (1) shall make a written summary of the evidence heard at the
      expulsion meeting;
   (2) may take action that the individual finds appropriate; and
   (3) must give notice of the action taken under subdivision (2) to
      the student and the student's parent.
(d) If the student or the student's parent not later than ten (10) days
    of receipt of a notice of action taken under subsection (c) makes a
    written appeal to the governing body, the governing body:
    (1) shall hold a meeting to consider:
        (A) the written summary of evidence prepared under
            subsection (c)(1); and
        (B) the arguments of the principal and the student or the
            student's parent;
      unless the governing body has voted under subsection (f) not to
      hear appeals of actions taken under subsection (c); and
    (2) may take action that the governing body finds appropriate.
The decision of the governing body may be appealed only under
section 21 of this chapter.
(e) A student or a student's parent who fails to request and appear
    at an expulsion meeting after receipt of notice of the right to appear
    at an expulsion meeting forfeits all rights administratively to contest
    and appeal the expulsion. For purposes of this section, notice of the
    right to appear at an expulsion meeting or notice of the action taken
    at an expulsion meeting is effectively given at the time when the
    request or notice is delivered personally or sent by certified mail to
    a student and the student's parent.
(f) The governing body may vote to not hear appeals of actions
    taken under subsection (c). If the governing body votes to not hear
    appeals, subsequent to the date on which the vote is taken, a student
    or parent may appeal only under section 21 of this chapter.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-20
Maximum term of expulsion; reenrollment in alternative program
after expulsion or exclusion; reinstatement review
Sec. 20. (a) Except as provided in section 16 of this chapter, a
student may not be expelled for a longer period than the remainder of
the school year in which the expulsion took effect if the misconduct
occurs during the first semester. If a student is expelled during the
second semester, the expulsion remains in effect for summer school
and may remain in effect for the first semester of the following
school year, unless otherwise modified or terminated by order of the
governing body. The appropriate authorities may require that a
student who is at least sixteen (16) years of age and who wishes to
reenroll after an expulsion or an exclusion attend an alternative
program.
(b) An expulsion that takes effect more than three (3) weeks before the beginning of the second semester of a school year must be reviewed before the beginning of the second semester. The review:

1. shall be conducted by the superintendent or an individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;
2. is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and
3. may lead to a recommendation by the person conducting the review that the student be reinstated for the second semester.

(c) An expulsion that will remain in effect during the first semester of the following school year must be reviewed before the beginning of the school year. The review:

1. shall be conducted by the superintendent or an individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;
2. is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and
3. may lead to a recommendation by the individual conducting the review that the student be reinstated for the upcoming school year.

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

IC 20-33-8-21
Scope of judicial review
Sec. 21. Judicial review of a governing body's action under this chapter by the circuit or superior court of the county in which a student who is the subject of the governing body's action resides is limited to the issue of whether the governing body acted without following the procedure required under this chapter.

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

IC 20-33-8-22
Effectiveness of statute during judicial review
Sec. 22. An expulsion that has been upheld by a governing body continues in effect during judicial review under section 21 of this chapter unless:

1. the court grants a temporary restraining order under the Indiana Rules of Civil Procedure; and
2. the school corporation was given the opportunity to appear at the hearing regarding the temporary restraining order.

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

IC 20-33-8-23
Suspension pending expulsion decision
Sec. 23. The superintendent or the person designated by the superintendent under section 19(a) of this chapter may continue suspension of a student for more than the ten (10) school day period
of the principal's suspension and until the time of the expulsion decision under section 19 of this chapter if the superintendent or the designated person determines that the student's continued suspension will prevent or substantially reduce the risk of:

(1) interference with an educational function or school purposes; or

(2) a physical injury to the student, other students, school employees, or visitors to the school.

However, 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 of this chapter.

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

IC 20-33-8-24
Requirements for reenrollment after expulsion

Sec. 24. (a) This section applies to a student who:

(1) is at least sixteen (16) years of age; and

(2) wishes to reenroll after an expulsion.

(b) A principal may require a student to attend one (1) or more of the following:

(1) An alternative school or alternative educational program.

(2) Evening classes.

(3) Classes established for students who are at least sixteen (16) years of age.

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

IC 20-33-8-25
Additional disciplinary actions authorized

Sec. 25. (a) This section applies to an individual who:

(1) is a member of the administrative staff, a teacher, or other school staff member; and

(2) has students under the individual's charge.

(b) An individual may take disciplinary action instead of or in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:

(1) Counseling with a student or group of students.

(2) Conferences with a parent or group of parents.

(3) Assigning additional work.

(4) Rearranging class schedules.

(5) Requiring a student to remain in school after regular school hours:

(A) to do additional school work; or

(B) for counseling.

(6) Restricting extracurricular activities.

(7) Removal of a student by a teacher from that teacher's class for a period not to exceed:

(A) five (5) class periods for middle, junior high, or high school students; or

(B) one (1) school day for elementary school students;
if the student is assigned regular or additional school work to complete in another school setting.

(8) Assignment by the principal of:
   (A) a special course of study;
   (B) an alternative educational program; or
   (C) an alternative school.

(9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:
   (A) A principal may not assign a student under this subdivision unless the student's parent approves:
      (i) the nonprofit organization where the student is assigned; and
      (ii) the plan described in clause (B)(i).
   A student's parent may request or suggest that the principal assign the student under this subdivision.
   (B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:
      (i) A plan for the service that the student is expected to perform.
      (ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.
      (iii) Monitoring of the student's performance of service by the principal or the principal's designee.
      (iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.
   (C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.
   (D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

(10) Removal of a student from school sponsored transportation.
(11) Referral to the juvenile court having jurisdiction over the student.

(c) As used in this subsection, "physical assault" means the knowing or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the
student is enrolled shall refer the student to the juvenile court having jurisdiction over the student. However, a student with disabilities (as defined in IC 20-35-7-7) who physically assaults a person having authority over the student is subject to procedural safeguards under 20 U.S.C. 1415.


IC 20-33-8-26
Rules requiring participation in disciplinary action by person caring for dependent student

Sec. 26. (a) The governing body of a school corporation may adopt rules that require a person having care of a dependent student to participate in an action taken under this chapter in connection with a student's behavior. The rules must include the following:

1. Procedures for giving actual notice to the person having care of the dependent student.
2. A description of the steps that the person must take to participate in the school corporation's action.
3. A description of the additional actions in connection with the student's behavior that are justified in part or in full if the person does not participate in the school corporation's action.

(b) A dependent student is a child in need of services under IC 31-34-1-7 if, before the student child becomes eighteen (18) years of age:

1. the student's parent fails to participate in a disciplinary proceeding in connection with the student's improper behavior, as provided for by this section, if the behavior of the student has been repeatedly disruptive in the school; and
2. the student needs care, treatment, or rehabilitation that the child:
   A. is not receiving; and
   B. is unlikely to be provided or accepted without the coercive intervention of the court.

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

IC 20-33-8-27
Supplemental procedures authorized

Sec. 27. The governing body of a school corporation may by rule:

1. amplify;
2. supplement; or
3. extend;
the procedures provided in this chapter in any manner that is consistent with this chapter.

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

IC 20-33-8-28
Waiver of rights

Sec. 28. Any rights granted to a student or a student's parent by this chapter may be waived only by a written instrument signed by both the student and the student's parent. The waiver is valid if made:
(1) voluntarily; and
(2) with the knowledge of the:
   (A) procedures available under this chapter; and
   (B) consequences of the waiver.

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

IC 20-33-8-29
Special schools
Sec. 29. (a) As used in this section, "special school" includes the following:
   (1) A career and technical education school.
   (2) A special education school or program.
   (3) An alternative school or program.
   (b) To the extent possible, this chapter applies to a special school.
   (c) The governing body of a special school may make necessary modifications to the responsibilities of school personnel under this chapter to accommodate the administrative structure of a special school.
   (d) In addition to a disciplinary action imposed by a special school, the principal of the school where a student is enrolled may without additional procedures adopt a disciplinary action or decision of a special school as a disciplinary action of the school corporation.


IC 20-33-8-30
Enrollment in another school corporation or charter school during period of expulsion or proposed expulsion
Sec. 30. (a) This section applies to the following:
   (1) A student who:
      (A) is expelled from a school corporation or charter school under this chapter; or
      (B) withdraws from a school corporation or charter school to avoid expulsion.
   (2) A student who:
      (A) is required to separate for disciplinary reasons from a nonpublic school or a school in a state other than Indiana by the administrative authority of the school; or
      (B) withdraws from a nonpublic school or a school in a state other than Indiana in order to avoid being required to separate from the school for disciplinary reasons by the administrative authority of the school.
   (b) The student referred to in subsection (a) may enroll in another school corporation or charter school during the period of the actual or proposed expulsion or separation if:
      (1) the student's parent informs the school corporation in which the student seeks to enroll and also:
         (A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or
(B) in the case of a student withdrawing from a conversion charter school to avoid expulsion:
   (i) the conversion charter school; and
   (ii) the school corporation that sponsored the conversion charter school;

of the student's expulsion, separation, or withdrawal to avoid expulsion or separation;

(2) the school corporation (and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school) consents to the student's enrollment; and

(3) the student agrees to the terms and conditions of enrollment established by the school corporation (or, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school).

(c) If:
   (1) a student's parent fails to inform the school corporation of the expulsion or separation or withdrawal to avoid expulsion or separation; or
   (2) a student fails to follow the terms and conditions of enrollment under subsection (b)(3);

the school corporation or charter school may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion or separation.

(d) Before a consent is withdrawn under subsection (c) the student must have an opportunity for an informal meeting before the principal of the student's proposed school. At the informal meeting, the student is entitled to:
   (1) a written or an oral statement of the reasons for the withdrawal of the consent;
   (2) a summary of the evidence against the student; and
   (3) an opportunity to explain the student's conduct.

(e) This section does not apply to a student who is expelled under section 17 of this chapter.

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

IC 20-33-8-32

Locker searches

Sec. 32. (a) A school corporation must provide each:
   (1) student; and
   (2) student's parent;

As added by P.L.1-2005, SEC.17.
a copy of the rules of the governing body on searches of students' lockers and locker contents.

(b) A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in:

(1) that locker; or
(2) the locker's contents.

(c) In accordance with the rules of the governing body, a principal may search:

(1) a student's locker; and
(2) the locker's contents;
at any time.

(d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may:

(1) at the request of the school principal; and
(2) in accordance with rules of the governing body of the school corporation;
asist a school administrator in searching a student's locker and the locker's contents.

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

IC 20-33-8-33
Duty to submit information to bureau of motor vehicles

Sec. 33. Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the suspension of driving privileges under IC 9-24-2-4.


IC 20-33-8-34
Disciplinary action for children with disabilities

Sec. 34. (a) Notwithstanding any other law, a suspension, an expulsion, or another disciplinary action against a student who is a child with a disability (as defined in IC 20-35-1-2) is subject to the:

(1) procedural requirements of 20 U.S.C. 1415; and
(2) rules adopted by the state board.

(b) The division of special education shall propose rules under IC 20-35-2-1(b)(5) to the state board for adoption under IC 4-22-2 governing suspensions, expulsions, and other disciplinary action for a student who is a child with a disability (as defined in IC 20-35-1-2).

As added by P.L.1-2005, SEC.17.
IC 20-33-8.5
Chapter 8.5. Court Assisted Resolution of Suspension and Expulsion Cases

IC 20-33-8.5-1
Applicability
Sec. 1. This chapter does not apply to a nonpublic school.  
As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-2
Agreement between superintendent and court having juvenile jurisdiction
Sec. 2. A superintendent and a court having juvenile jurisdiction in the county may enter into a voluntary agreement (referred to as the "agreement" in this chapter) for court assisted resolution of school suspension and expulsion cases. The agreement may require the court to supervise or provide for the supervision of an expelled or suspended student who has been referred to the court by the school corporation in accordance with the terms of the agreement.  
As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-3
Agreement; court's responsibilities
Sec. 3. The agreement may require that a court do one (1) or more of the following:
(1) Establish a flexible program for the supervision of a student who has been suspended or expelled.
(2) Supervise a student who has been suspended or expelled.
(3) Require a student who has been suspended or expelled to participate in a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled. 
As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-4
Agreement; school corporation's responsibilities
Sec. 4. (a) The agreement may require that a school corporation do one (1) or more of the following:
(1) Define the violation for which a student who has been suspended or expelled shall be referred to the court.
(2) Refer a student who has been suspended or expelled for a violation described in subdivision (1) to the court.
(3) Establish a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.  
(b) If a school corporation enters into an agreement, the discipline rules adopted by the school corporation under IC 20-33-8-12 must specify the violations for which a student may be referred to the court under the agreement.  
As added by P.L.242-2005, SEC.23.
IC 20-33-8.5-5
Agreement; payment of expenses
Sec. 5. The agreement must provide how the expenses of supervising a student who has been suspended or expelled are funded. A school corporation may not be required to expend more than the transition to foundation amount (as determined under IC 20-43-5-6) for each student referred under the agreement.

IC 20-33-8.5-6
Informal hearing before court
Sec. 6. A student shall be given an informal hearing before the court, in a setting agreed upon by the court and the school system, as soon as practicable following the student's referral to the court, after notice of the hearing has been provided to the student's parent.
As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-7
Hearing not a determination of whether student is child in need of services
Sec. 7. A hearing under this chapter is not a hearing to determine whether a student who has been suspended or expelled is a child in need of services. However, if a court determines that a student who has been suspended or expelled may:
(1) be a child in need of services (as described in IC 31-34-1);
or
(2) have committed a delinquent act (as described in IC 31-37);
the court may notify the office of family and children or the prosecuting attorney.
As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-8
Presence of parent or guardian at hearing
Sec. 8. A parent or guardian has the right to be present and may be required to be present during the student's appearance.
As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-9
Appearance of student not to be used in subsequent court proceedings
Sec. 9. A student's appearance in court under this chapter shall not be used against the child or the child's parents or guardians in any subsequent court proceeding, including but not limited to any delinquency or child in need of services matter under IC 31.
As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-10
Expungement of court record
Sec. 10. All records of the student's court appearance shall be
expunged upon the student's completion of the out-of-school suspension or expulsion program.

As added by P.L.242-2005, SEC.23.

**IC 20-33-8.5-11**

**Student with disability; procedural requirements**

Sec. 11. Notwithstanding the terms of the agreement, a suspension, an expulsion, or a referral of a student who is a child with a disability (as defined in IC 20-1-6-1) is subject to the:

1. procedural requirements of 20 U.S.C. 1415; and
2. rules adopted by the Indiana state board of education.

As added by P.L.242-2005, SEC.23.

**IC 20-33-8.5-12**

**Child not deprived of due process rights**

Sec. 12. This chapter does not deprive a child of any due process rights to which the child may be entitled.

As added by P.L.242-2005, SEC.23.
IC 20-33-9
Chapter 9. Reporting Requirements

IC 20-33-9-1
Application of chapter
Sec. 1. Sections 5 through 9 of this chapter apply to the following:
(1) A violation under IC 7.1-5-7 (concerning minors and alcoholic beverages).
(2) A violation under IC 35-48-4 (offenses related to controlled substances).
As added by P.L.1-2005, SEC.17.

IC 20-33-9-1.3
"Battery"
Sec. 1.3. As used in this chapter, "battery" refers to battery under IC 35-42-2-1.
As added by P.L.72-2006, SEC.2.

IC 20-33-9-1.5
"Harassment"
Sec. 1.5. As used in this chapter, "harassment" refers to harassment under IC 35-45-2-2.
As added by P.L.72-2006, SEC.3.

IC 20-33-9-2
"Intimidation"
Sec. 2. As used in this chapter, "intimidation" refers to intimidation under IC 35-45-2-1.
As added by P.L.1-2005, SEC.17.

IC 20-33-9-3
"Member of the administrative staff"
Sec. 3. As used in this chapter, "member of the administrative staff" or comparable language means a school corporation employee who:
(1) is certificated under the statutes relating to the licensing of teachers; and
(2) has supervisory authority.
As added by P.L.1-2005, SEC.17.

IC 20-33-9-4
"Threat"
Sec. 4. As used in this chapter, "threat" has the meaning set forth in IC 35-45-2-1.
As added by P.L.1-2005, SEC.17.

IC 20-33-9-5
Controlled substance violations; reports by school employees
Sec. 5. If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed:
(1) a violation described in section 1 of this chapter; or
(2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult;
in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person. 
As added by P.L.1-2005, SEC.17.

IC 20-33-9-6
Controlled substance violations; reports by members of administrative staffs
Sec. 6. A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report:
(1) a general description of the violation;
(2) the name or a general description of each violator known to the member;
(3) the date, time, and place of the violation;
(4) the name or a general description of each person who the member knows witnessed any part of the violation; and
(5) a general description and the location of any property that the member knows was involved in the violation;
in writing to a law enforcement officer.
As added by P.L.1-2005, SEC.17.

IC 20-33-9-7
Privileged or confidential information
Sec. 7. A report is not required under sections 5 through 6 of this chapter if:
(1) a federal statute or regulation;
(2) IC 20-28-10-17, IC 25-33-1-17, IC 34-46-3-1, or another state statute; or
(3) a rule adopted by a state agency;
imposes a duty on the employee of the school corporation or member of the administrative staff not to disclose privileged or confidential information that otherwise would have been the basis of a report.
As added by P.L.1-2005, SEC.17.

IC 20-33-9-8
Immunity from civil liability; presumption of good faith
Sec. 8. (a) A person, other than a person who has committed a violation under section 1 of this chapter or a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult, who:
(1) makes a report under this chapter in good faith;  
(2) participates in good faith in a judicial proceeding resulting  
from a report under this chapter;  
(3) employs a person described in subdivision (1) or (2); or  
(4) supervises a person described in subdivision (1) or (2);  
is not liable for civil damages or penalties that might otherwise be  
imposed because of the conduct described in subdivisions (1)  
through (4).  
  (b) A person described in subsection (a)(1) or (a)(2) is presumed  
to act in good faith.  
As added by P.L.1-2005, SEC.17.  

IC 20-33-9-9  
Programs to implement chapter  
Sec. 9. The law enforcement agencies and the school corporations  
in each county shall develop and administer a program to efficiently  
implement this chapter.  
As added by P.L.1-2005, SEC.17.  

IC 20-33-9-10  
Duty to report threat  
Sec. 10. In addition to any other duty to report arising under this  
article, an individual who has reason to believe that a school  
employee:  
  (1) has received a threat;  
  (2) is the victim of intimidation;  
  (3) is the victim of battery; or  
  (4) is the victim of harassment;  
shall report that information as required by this chapter.  

IC 20-33-9-10.5  
Criminal gang activity; duty to report; maintaining safe school  
environment  
Sec. 10.5. (a) This section does not apply to a charter school or an  
accredited nonpublic school.  
(b) A school employee shall report any incidence of suspected  
criminal gang activity, criminal gang intimidation, or criminal gang  
recruitment to the principal and the school safety specialist.  
(c) The principal and the school safety specialist may take  
appropriate action to maintain a safe and secure school environment,  
including providing appropriate intervention services.  
As added by P.L.190-2013, SEC.8.  

IC 20-33-9-11  
Procedure to make report  
Sec. 11. (a) If an individual who is required to make a report  
under this chapter is a member of the staff of a school, the individual  
shall make the report by immediately notifying the principal of the  
school that a school employee may have received a threat or may be
the victim of intimidation, battery, or harassment.

(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 of this chapter.


IC 20-33-9-12
Relief of obligation to report

Sec. 12. This chapter does not relieve an individual of the obligation to report a threat, intimidation, a battery, or harassment on the individual's own behalf, unless a report has already been made to the best of the individual's belief.


IC 20-33-9-13
Oral report to local law enforcement agency

Sec. 13. An individual who has a duty under sections 10 through 12 of this chapter to report that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment shall immediately make an oral report to the local law enforcement agency.


IC 20-33-9-14
Immunity from liability

Sec. 14. Except as provided in section 15 of this chapter, an individual, other than a person accused of making a threat against a school employee, intimidating a school employee, committing a battery against a school employee, or harassing a school employee, who:

(1) makes, or causes to be made, a report under this chapter; or
(2) participates in any judicial proceeding or other proceeding:
   (A) resulting from a report under this chapter; or
   (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.


IC 20-33-9-15
Liability

Sec. 15. An individual who has acted maliciously or in bad faith is not immune from civil or criminal liability under this chapter.

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

IC 20-33-9-16
Good faith

Sec. 16. An individual making a report under sections 10 through 14 of this chapter or assisting in any requirement of sections 10 through 14 of this chapter is presumed to have acted in good faith.

As added by P.L.1-2005, SEC.17.
IC 20-33-10
Chapter 10. Access to High School Student Information by Military Organizations

IC 20-33-10-1
Applicability of chapter
Sec. 1. This chapter applies only to public high schools.
As added by P.L.1-2005, SEC.17.

IC 20-33-10-2
"Armed forces of the United States"
Sec. 2. As used in this chapter, "armed forces of the United States" means:
  (1) the United States Air Force;
  (2) the United States Army;
  (3) the United States Coast Guard;
  (4) the United States Marine Corps;
  (5) the United States Navy; and
  (6) any reserve components of the military forces listed in subdivisions (1) through (5).
As added by P.L.1-2005, SEC.17.

IC 20-33-10-3
"Student directory information"
Sec. 3. As used in this chapter, "student directory information" means the student's:
  (1) name;
  (2) address; and
  (3) telephone number, if the telephone number is a listed or published telephone number.
As added by P.L.1-2005, SEC.17.

IC 20-33-10-4
Access to student information by military recruiters; exclusions; fee
Sec. 4. (a) Except as provided in subsection (b), a high school shall provide access to the high school campus and the high school's student directory information to official recruiting representatives of:
  (1) the armed forces of the United States;
  (2) the Indiana Air National Guard;
  (3) the Indiana Army National Guard; and
  (4) the service academies of the armed forces of the United States;
for purposes of informing students of educational and career opportunities available in the armed forces of the United States, the Indiana Air National Guard, the Indiana Army National Guard, and the service academies of the armed forces of the United States.
(b) If:
  (1) a high school student; or
  (2) the parent of a high school student;
submits a signed, written request to a high school at the end of the
student’s sophomore year that indicates the student or the parent of the student does not want the student's directory information to be provided to official recruiting representatives under subsection (a), the high school may not provide access to the student's directory information to an official recruiting representative. A high school shall notify students and the parents, guardians, or custodians of students of the provisions of this subsection.

(c) A high school may require an official recruiting representative to pay a fee:
   (1) for copying and mailing the high school's student directory information described under subsection (a); and
   (2) in an amount that is not more than the actual costs incurred by the high school.

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

IC 20-33-10-5
Restrictions on use of information
Sec. 5. Information received by an official recruiting representative under section 4 of this chapter:
   (1) may be used only to provide information to students concerning educational and career opportunities available in:
      (A) the armed forces of the United States;
      (B) the Indiana Air National Guard;
      (C) the Indiana Army National Guard; and
      (D) the service academies of the armed forces of the United States; and
   (2) may not be released to a person who is not involved in recruiting high school students for:
      (A) the armed forces of the United States;
      (B) the Indiana Air National Guard;
      (C) the Indiana Army National Guard; and
      (D) the service academies of the armed forces of the United States.

As added by P.L.1-2005, SEC.17.
IC 20-33-11  
Chapter 11. Interrogation of a Student

IC 20-33-11-1  
Application of definitions  
Sec. 1. The definitions in IC 20-33-8 apply to this chapter.  
*As added by P.L.67-2007, SEC.1.*

IC 20-33-11-2  
Chapter compliance  
Sec. 2. A school, including a public or nonpublic school, shall comply with this chapter.  
*As added by P.L.67-2007, SEC.1.*

IC 20-33-11-3  
Parental notification of student interrogations  
Sec. 3. (a) This section applies if a school does not have a policy that requires a student's parent to be notified if the student is interrogated on school property by a law enforcement officer.  
(b) If a student who is at least eighteen (18) years of age is interrogated by a law enforcement officer:  
1. on school property; and  
2. regarding an investigation in which the student may be a suspect;  
the school principal must make an effort to immediately notify the student's parent of the interrogation, or if immediate notification is not possible, the school principal must notify the student's parent not later than twelve (12) hours after the interrogation occurs. This subsection does not require the presence of a student's parent at the interrogation if the student is eighteen (18) years of age or older.  
*As added by P.L.67-2007, SEC.1.*

IC 20-33-11-4  
Schools with policies regarding student interrogations  
Sec. 4. If a school has a policy that requires a student's parent to be notified by a designated school employee if the student is interrogated on school property by a law enforcement officer, the school policy must apply to all students, regardless of the age of the student.  
*As added by P.L.67-2007, SEC.1.*