

Several questions have arisen as to the legislative changes in the enrollment of kindergarten students for the 2019-2020 and 2020-2021 school years. We offer the following guidance:

HEA 1001, SECTION 223 (the budget bill), amended IC 20-43-4-5 and will allow school corporations to include certain kindergarten students in its Average Daily Membership (ADM) count. Specifically, effective June 29, 2019, a school corporation will be allowed to include in its ADM count a student who turns 5 on or before September 1, 2019 and is enrolled in kindergarten. For the 2020-2021 school year, a school corporation will be allowed to include in its ADM count a student who turns 5 on or before October 1, 2020.

However, there was no change to the kindergarten entrance law, specifically IC 20-33-2-7, which requires students to be at least 5 by August 1 to officially enroll in kindergarten.

Reading the two statutes together, ISBA has advised that, pursuant to IC 20-33-2-7:

1. To enroll in kindergarten, a student must be at least 5 years old on August 1 of the year of enrollment.
2. Schools **may** adopt a procedure that would allow the parents of a student who turns 5 after August 1 to appeal to the superintendent for enrollment in kindergarten. Schools may continue to use their discretion, consistent with their early entrance appeal procedures, to determine whether any student who turns 5 after August 1 should be enrolled in kindergarten.

Pursuant to IC 20-43-4-5, any school corporation that adopts an early enrollment procedure and admits a student who turns 5 after August 1 may include in its count for ADM purposes the student who turns 5 by September 1 in 2019. In 2020, the student must turn 5 by October 1 in order to be counted for state support.

In summary, a school corporation must admit a student who turns 5 by August 1. The school retains the discretion to admit any student who turns 5 after date, abiding by its early entrance appeal procedure. Pursuant to the appeal procedure, any student could be admitted, but only those students who turn 5 by September 1 in 2019 may be counted for ADM purposes, and only those students who turn 5 by October 1 in 2020 may be counted for ADM purposes.

Please feel free to contact the ISBA Legal Staff if you have additional questions.

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