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Mrs. Debi Ketron
IAHE Action
P.O. Box 80121
Indianapolis, IN 46280

Dear Mrs. Ketron,

IAHE Action has requested that I review Indiana Code 20-33-2-28.6 and offer a legal opinion regarding the applicability of the code section to students other than those attending public high schools. After reviewing the statute, I can offer the following legal opinion:

1. Indiana Code 20-33-2-28.6 specifies an approved procedure for transferring a student from an Indiana public high school and into a “nonaccredited nonpublic school.”
2. Under IC 20-33-2-4, an Indiana home-school taught in English would satisfy Indiana’s compulsory school attendance requirements as a non-accredited non-public school.
3. The statutory procedure mandates that an Indiana public high school provide to the transferring student’s parent a form developed by the Indiana Department of Education and approved by the Indiana State Board of Education which explains the legal requirements of attending a nonaccredited nonpublic school located in Indiana. This form must be signed by both the principal and the parent acknowledging an understanding of the information contained therein.
4. There is no case law analyzing the meaning of the statute. However, IC 1-1-4-1 states that when determining the meaning of statutes, “words and phrases shall be taken in their plain, or ordinary and usual, sense.”
5. Paragraph (a) of IC 20-33-2-28.6 clearly states that “this section [IC 20-33-2-28.6] applies to a high school student who is transferring to a nonaccredited nonpublic school.
6. Accordingly, the statutory procedures of this statute including the use of the “form” mentioned in paragraph (b) are only authorized for students currently enrolled in an Indiana public high school.
7. Therefore, the withdrawal form noted in IC 20-33-2-28.6 is not required or authorized when transferring non-high school aged children, including middle and elementary aged students.

If you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely

Blair Todd
Attorney at Law