

## INDIANA

**Compulsory Attendance Ages:** Beginning in fall of school year in which child turns 7 (or when child enrolls in a school, if earlier, or on 7<sup>th</sup> birthday if parent certifies they intend to enroll child in nonaccredited private school) until child turns 18, or graduates. West's Annotated Indiana Code § 20-33-2-6.

**Required Days of Instruction:** “for the number of days public schools are in session in the school corporation in which the child is enrolled in Indiana.” West’s Annotated Code § 20-33-2-5. Generally, 180 days.

**Required Subjects:** “A school that is nonpublic, non-accredited, and not otherwise approved by the Indiana State Board of Education 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.” (§ 20-33-2-12 (a))

**Home School Statute:** None.

**Alternative Statutes Allowing for Home Schools:** Ind. Code Ann. § 20-33-2-4(2). A child may attend “another school which is taught in the English language.”

1. The Indiana Appellate Court held that the Indiana compulsory attendance law allows the operation of home schools. *State v. Peterman*, 32 Ind. App. 665, 70 N.E. 550 (1904). Essentially, the Court said a school at home is a private school.

The Court defined a school as “a place where instruction is imparted to the young.... We do not think that the number of persons, whether one or many, make a place where instruction is imparted any less or any more a school.” *Peterman*, at 551. The court explained further: “Under a law very similar to ours, the Supreme Court of Massachusetts has held that the object and purpose of a compulsory educational law are that all the children shall be educated, not that they shall be educated in any particular way.” *Peterman*, at 551.

The Court concluded; “The result to be obtained, and not the means or manner of attaining it, was the goal which the lawmakers were attempting to reach. The [compulsory attendance] law was made for the parent who does not educate his child, and not for the parent who ... so places within the reach of the child the opportunity and means of acquiring an education equal to that obtainable in the public schools....” *Peterman*, at 552.

2. In *Mazanec v. North Judson-San Pierre School Corporation*, 614 F. Supp. 1152 (N.D. Ind. 1985), (aff'd by 798 F.2d 230), a federal district court recognized that parents have the constitutional right to educate their children in a home environment (at page 1160). The court wrote concerning the qualifications of home school parents that, "it is now doubtful that the requirements of a formally licensed or certified teacher ... would pass constitutional muster." (at p. 1160). On appeal, the circuit court ruled that a school corporation is not immune from a 1983 action for improper enforcement of compulsory attendance.
3. Parents must keep attendance records, Ind. Code Ann. § 20-33-2-20, "solely to verify the enrollment and attendance of the particular child upon request of the state superintendent ... or the superintendent of the school corporation in which the private school is located."
4. A private school administrator shall furnish, on request of the state superintendent of public instruction, the number of children by grade level attending the school. § 20-33-2-21(b). This request must be to the individual private school, not merely a blanket announcement to the public at large.
5. Although the child must be "provided with instruction equivalent to that given in public schools" (§ 20-33-2-28), the State Board of Education is not given the authority to define "equivalent instruction" nor to approve home schools. Furthermore, § 20-33-2-12(a) has removed all subject requirements, leaving home schools without any mandatory subjects.

**Teacher Qualifications:** None.

**Standardized Tests:** Not required.