

MEMORANDUM

TO: Superintendents and Principals

FROM: Catherine Danyluk
Director, Office of Student Services
Chief State Attendance Officer

RE: Enrollment Restrictions and Denial of Enrollment

DATE: March 23, 2018

This memo is to clarify the use of the certificate of incapacity. This form is often confused with the physician's statement required for a chronic illness under 511 IAC 7-42-12. The certificate of incapacity is provided for by statute, and it is an attendance matter. The form indicates that if a student is absent, a school can request the parent to provide a certificate of the illness or incapacity signed by the physician. This is consistent with the practice of most schools that will, for example, permit a parent to write a note or call the school to excuse a student's absence when the student is ill. Many schools will allow this for a few days, but at some point (typically around 4 – 5 days) schools will require a statement from a physician to excuse the absence.

IC 20-33-2-18 Parent to produce certificate of child's incapacity on demand

- (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.

Regardless of whether a physician's statement is being provided to request the provision of instructional services under 511 IAC 7-42-12 or to justify an absence under IC 20-33-2-18, it is still up to the school to determine whether the statement is sufficient to meet those needs or whether additional information is needed. It is also up to the school, consistent with its policy, to determine whether the absence is excused.

Ultimately it is the school, not the physician that determines whether an absence is excused or whether a medical statement is sufficient for any given purpose. If the school needs more information, the school should get consent from the parent to consult with the physician to not only verify the information but possibly to also explore ways to ensure the school can meet the educational needs of the student without compromising the student's health.

For additional information, please contact me at 317/232-9150 or cdanyluk@doe.in.gov.