

HOUSE BILL No. 1287

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-10.1-12; IC 20-19-3; IC 20-20; IC 20-24-8-5; IC 20-26-5; IC 20-33-8; IC 20-34-6.

Synopsis: School discipline. Provides that, not later than July 1, 2015, the department of education (department) shall develop, maintain, and make available to schools and school corporations a model evidence based plan for improving behavior and discipline within schools. Provides that a charter school and a school corporation shall establish an evidence based plan for improving student behavior and discipline. Provides that the department, in collaboration with certain entities, shall provide assistance to a charter school or school corporation in the implementation of the charter school or school corporation's plan. Requires a school corporation and charter school to compile and report certain information relating to disciplinary and law enforcement action. Requires the department to develop criteria and guidelines for determining the existence of disproportionality in discipline or inappropriately high rates of suspensions, expulsions, referrals to law enforcement, and arrests. Requires the department to work with schools to take corrective action on disproportionality in discipline and high rates of suspensions and expulsions. Requires the department to develop a searchable data base concerning a school corporation's use of school discipline and referral to law enforcement. Establishes the positive discipline practice program fund (fund). Provides that a school corporation may apply to the department to receive a grant from the fund to be used to assist in the reduction of disproportionality in discipline and to establish positive disciplinary practices. Repeals a provision that establishes a reporting requirement for school corporations relating to school safety. Provides that provisions relating to school discipline apply to charter schools. Makes various changes to
(Continued next page)

Effective: July 1, 2014.

Porter

January 15, 2014, read first time and referred to Committee on Education.



Digest Continued

provisions relating to school discipline to reduce student exclusion from school. Repeals a provision that provides that a principal may require a student more than 16 years of age who wishes to enroll in school to attend certain alternative educational programs. Makes an appropriation.



Introduced

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

HOUSE BILL No. 1287

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-2-10.1-12, AS AMENDED BY P.L.172-2013,
2 SECTION 5, AS AMENDED BY P.L.285-2013, SECTION 1, AND
3 AS AMENDED BY P.L.190-2013, SECTION 3, IS CORRECTED
4 AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
5 2014]: Sec. 12. (a) Each school within a school corporation shall
6 establish a safe school committee. The committee may be a
7 subcommittee of the committee that develops the strategic and
8 continuous school improvement and achievement plan under
9 IC 20-31-5.
10 (b) The department of education, ~~and~~ the school corporation's
11 school safety specialist, *and, upon request, a school resource officer*
12 *(as described in IC 20-26-18.2-1)* shall provide materials *and*
13 *guidelines* to assist a safe school committee in developing a plan *and*
14 *policy* for the school that addresses the following issues:

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- 1 (1) Unsafe conditions, crime prevention, school violence,
 2 bullying, *criminal gang activity*, and other issues that prevent the
 3 maintenance of a safe school.
- 4 (2) Professional development needs for faculty and staff to
 5 implement methods that decrease problems identified under
 6 subdivision (1).
- 7 (3) Methods to encourage:
 8 (A) involvement by the community and students;
 9 (B) development of relationships between students and school
 10 faculty and staff; and
 11 (C) use of problem solving teams.
- 12 (c) As a part of the plan developed under subsection (b), each safe
 13 school committee shall provide a copy of the floor plans for each
 14 building located on the school's property that clearly indicates each
 15 exit, the interior rooms and hallways, and the location of any hazardous
 16 materials located in the building to the law enforcement agency and the
 17 fire department that have jurisdiction over the school.
- 18 (d) *The guidelines developed under subsection (b) must include age*
 19 *appropriate, research based information that assists school*
 20 *corporations and safe school committees in:*
 21 (1) *developing and implementing bullying prevention programs;*
 22 (2) *establishing investigation and reporting procedures related*
 23 *to bullying; and*
 24 (3) *adopting discipline rules that comply with IC 20-33-8-13.5.*
- 25 (e) *In addition to developing guidelines under subsection (b), the*
 26 *department of education shall establish categories of types of bullying*
 27 *incidents to allow school corporations to use the categories in making*
 28 *reports under IC 20-20-8-8 and ~~IC 20-34-6-1~~. IC 20-26-5-32.5.*
- 29 SECTION 2. IC 20-19-3-14 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2014]: **Sec. 14. (a) Not later than July 1, 2015, the department**
 32 **shall review, update, and disseminate to schools and school**
 33 **corporations a model evidence based plan for improving student**
 34 **behavior and discipline within schools. The department shall**
 35 **consult with the department of child services, the division of mental**
 36 **health and addiction, parent organizations, and state educational**
 37 **institutions in developing the model plan. The model plan must be**
 38 **reviewed and disseminated every two (2) years.**
- 39 (b) **A model plan developed and maintained under subsection (a)**
 40 **must include the following elements:**
 41 (1) **Improving safe school planning and classroom**
 42 **management using positive behavioral supports and**



- 1 interventions, parental involvement, and other effective
 2 disciplinary tools.
- 3 (2) Providing improved mental health services in or through
 4 schools.
- 5 (3) Reviewing zero (0) tolerance policies to ensure:
 6 (A) compliance with applicable laws; and
 7 (B) that students are not inappropriately referred to
 8 juvenile justice agencies.
- 9 (4) Decreasing the need for in-school suspension, out-of-school
 10 suspension, expulsion, or referral to law enforcement.
- 11 (5) Reducing inappropriately high rates of in-school
 12 suspension, out-of-school suspension, expulsion, referrals to
 13 law enforcement, and arrests.
- 14 (6) Eliminating disproportionality in the use of exclusion in
 15 disciplinary actions.
- 16 (7) Ensuring the reintegration in school of a student who has
 17 been previously excluded.
- 18 (8) Providing assistance to parents concerning access to
 19 family strengthening programs.
- 20 (9) Improving communication, coordination, and
 21 collaboration among schools, including special education
 22 programs, parents, and juvenile justice agencies.
- 23 (10) Improving methods and procedures for school
 24 suspensions and referrals to alternative schools.
- 25 (c) The department, in collaboration with the department of
 26 child services, the division of mental health and addiction, parent
 27 organizations, and state educational institutions, shall provide
 28 assistance and resources to a school corporation in the
 29 implementation of the school corporation's model plan to ensure
 30 that teachers and administrators receive appropriate professional
 31 development to prepare them to carry out the model plan for
 32 improving student behavior and discipline.
- 33 SECTION 3. IC 20-19-3-15 IS ADDED TO THE INDIANA CODE
 34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 35 1, 2014]: Sec. 15. (a) The department shall compile and report to
 36 the public as required under IC 20-26-5-32.5(d) the school
 37 discipline information received from school corporations and
 38 charter schools under IC 20-26-5-32.5. The information compiled
 39 under this section shall be disaggregated for each school within a
 40 school corporation by:
 41 (1) race;
 42 (2) ethnicity;



- 1 (3) gender;
 2 (4) disability subject to special education services under
 3 IC 20-35;
 4 (5) age;
 5 (6) grade; and
 6 (7) discipline categories.

7 (b) The department shall develop criteria and guidelines for
 8 determining the existence of disproportionality in discipline or
 9 inappropriately high rates of in-school suspension, out-of-school
 10 suspension, expulsion, referrals to law enforcement, and arrests on
 11 school property.

12 (c) If the information reported by a school corporation or
 13 charter school under IC 20-26-5-32.5 indicates rates of in-school
 14 suspension, out-of-school suspension, expulsion, referrals to law
 15 enforcement, or arrests on school property that exceed criteria
 16 under guidelines developed by the department under subsection
 17 (b), the department shall work with the school corporation or
 18 charter school to develop a corrective action plan to reduce
 19 excessive use of exclusionary practices or the disproportionality
 20 until the criteria are no longer exceeded.

21 (d) The department shall develop guidelines for the use of the
 22 information reported under subsection (a) in developing a
 23 searchable data base concerning the history and current status of
 24 disproportionality in in-school suspension, out-of-school
 25 suspension, expulsions, and arrests on school property in school
 26 corporations and charter schools.

27 (e) The department, in consultation with the civil rights
 28 commission, shall develop criteria and guidelines for determining
 29 the existence of disproportionality. The department, with the
 30 assistance of the civil rights commission, shall identify schools and
 31 school corporations with disproportionate use of in-school
 32 suspension, out-of-school suspension, expulsions, referrals to law
 33 enforcement, or arrests on school property and make appropriate
 34 recommendations.

35 SECTION 4. IC 20-20-8-8, AS AMENDED BY P.L.246-2013,
 36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2014]: Sec. 8. The report must include the following
 38 information:

- 39 (1) Student enrollment.
 40 (2) Graduation rate (as defined in IC 20-26-13-6).
 41 (3) Attendance rate.
 42 (4) The following test scores, including the number and



- 1 percentage of students meeting academic standards:
- 2 (A) ISTEP program test scores.
- 3 (B) Scores for assessments under IC 20-32-5-21, if
- 4 appropriate.
- 5 (C) For a freeway school, scores on a locally adopted
- 6 assessment program, if appropriate.
- 7 (5) Average class size.
- 8 (6) The number and percentage of students in the following
- 9 groups or programs:
- 10 (A) Alternative education, if offered.
- 11 (B) Career and technical education.
- 12 (C) Special education.
- 13 (D) High ability.
- 14 (E) Remediation.
- 15 (F) Limited English language proficiency.
- 16 (G) Students receiving free or reduced price lunch under the
- 17 national school lunch program.
- 18 (H) School flex program, if offered.
- 19 (7) Advanced placement, including the following:
- 20 (A) For advanced placement tests, the percentage of students:
- 21 (i) scoring three (3), four (4), and five (5); and
- 22 (ii) taking the test.
- 23 (B) For the Scholastic Aptitude Test:
- 24 (i) test scores for all students taking the test;
- 25 (ii) test scores for students completing the academic honors
- 26 diploma program; and
- 27 (iii) the percentage of students taking the test.
- 28 (8) Course completion, including the number and percentage of
- 29 students completing the following programs:
- 30 (A) Academic honors diploma.
- 31 (B) Core 40 curriculum.
- 32 (C) Career and technical programs.
- 33 (9) The percentage of grade 8 students enrolled in algebra I.
- 34 (10) The percentage of graduates who pursue higher education.
- 35 (11) School safety, including:
- 36 (A) the number of students receiving suspension or expulsion
- 37 for the possession of alcohol, drugs, or weapons;
- 38 (B) the number of incidents reported under IC 20-33-9; and
- 39 (C) the number of bullying incidents reported under
- 40 ~~IC 20-34-6~~ **IC 20-26-5** by category.
- 41 (12) Financial information and various school cost factors,
- 42 including the following:



- 1 (A) Expenditures per pupil.
 2 (B) Average teacher salary.
 3 (C) Remediation funding.
- 4 (13) Technology accessibility and use of technology in
 5 instruction.
 6 (14) Interdistrict and intradistrict student mobility rates, if that
 7 information is available.
 8 (15) The number and percentage of each of the following within
 9 the school corporation:
 10 (A) Teachers who are certificated employees (as defined in
 11 IC 20-29-2-4).
 12 (B) Teachers who teach the subject area for which the teacher
 13 is certified and holds a license.
 14 (C) Teachers with national board certification.
- 15 (16) The percentage of grade 3 students reading at grade 3 level.
 16 (17) The number of students expelled, including the number
 17 participating in other recognized education programs during their
 18 expulsion.
 19 (18) Chronic absenteeism, which includes the number of students
 20 who have been absent from school for ten percent (10%) or more
 21 of a school year for any reason.
 22 (19) Habitual truancy, which includes the number of students who
 23 have been absent ten (10) days or more from school within a
 24 school year without being excused or without being absent under
 25 a parental request that has been filed with the school.
 26 (20) The number of students who have dropped out of school,
 27 including the reasons for dropping out.
 28 (21) The number of student work permits revoked.
 29 (22) The number of student driver's licenses revoked.
 30 (23) The number of students who have not advanced to grade 10
 31 due to a lack of completed credits.
 32 (24) The number of students ~~suspended~~ **who receive in-school or**
 33 **out-of-school suspension** for any reason.
 34 (25) The number of students receiving an international
 35 baccalaureate diploma.
 36 (26) Other indicators of performance as recommended by the
 37 education roundtable under IC 20-19-4.
- 38 SECTION 5. IC 20-20-19.5 IS ADDED TO THE INDIANA CODE
 39 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2014]:
 41 **Chapter 19.5. Positive Discipline Practice Program Fund**
 42 **Sec. 1. As used in this chapter, "fund" refers to the positive**



1 discipline practice program fund established by section 3 of this
2 chapter.

3 Sec. 2. As used in this chapter, "grant" refers to a grant from
4 the fund under this chapter.

5 Sec. 3. (a) The positive discipline practice program fund is
6 established to encourage school corporations and charter schools
7 to establish positive discipline practices and to reduce
8 disproportionality in the administration of discipline. The money
9 in the fund shall be used to provide grants by the department to
10 assist a school corporation or charter school:

11 (1) in placing school counselors, social workers, and school
12 psychologists in schools;

13 (2) in providing training and technical assistance in
14 implementing a school's evidence based plan for improving
15 student behavior and discipline under IC 20-26-5-32; and

16 (3) in reducing disproportionality in the administration of
17 discipline identified by the department under IC 20-19-3-15.

18 (b) If a school corporation or charter school is awarded a grant
19 under this chapter, the school corporation or charter school must:

20 (1) agree to develop a plan that will evaluate the impact and
21 results of the charter school's or school corporation's
22 program to establish positive discipline practices and to
23 reduce disproportionality in the administration of discipline;
24 and

25 (2) submit the charter school's or school corporation's
26 findings to the department.

27 (c) The department shall administer the fund.

28 (d) The fund consists of:

29 (1) gifts to the fund;

30 (2) appropriations from the general assembly; and

31 (3) grants, including grants from private entities.

32 (e) Money in the fund at the end of a state fiscal year does not
33 revert to the state general fund but remains available to provide
34 grants under this chapter.

35 (f) The treasurer of state shall invest the money in the fund not
36 currently needed to meet the obligations of the fund in the same
37 manner as other public funds may be invested. Interest that
38 accrues from those investments must be deposited in the fund.

39 (g) Money in the fund is continuously appropriated for the
40 purposes of this chapter.

41 Sec. 4. (a) In order for a school corporation or charter school to
42 receive a grant under this chapter, the superintendent of the school



1 corporation or the chief administrative officer of a charter school
 2 must apply to the department for a grant on a form provided by
 3 the department.

4 (b) The application for a grant must include the following
 5 information:

6 (1) A detailed description of how a grant will be used by a
 7 school corporation or charter school.

8 (2) Any other pertinent information required by the
 9 department, including evidence guaranteeing that if the school
 10 corporation or charter school receives a grant under this
 11 chapter, the school corporation or charter school will develop
 12 a plan to evaluate the impact and results of the charter
 13 school's or school corporation's program to establish positive
 14 discipline practices and to reduce disproportionality in the
 15 administration of discipline.

16 **Sec. 5.** Upon review of the applications received under section
 17 4 of this chapter, the department may award grants to charter
 18 schools or school corporations subject to available money.

19 **Sec. 6.** The department shall determine the amount of each
 20 grant that is awarded under this chapter.

21 **Sec. 7.** The department shall develop guidelines necessary to
 22 implement this chapter.

23 SECTION 6. IC 20-24-8-5, AS AMENDED BY P.L.160-2012,
 24 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2014]: Sec. 5. The following statutes and rules and guidelines
 26 adopted under the following statutes apply to a charter school:

- 27 (1) IC 5-11-1-9 (required audits by the state board of accounts).
 28 (2) IC 20-39-1-1 (unified accounting system).
 29 (3) IC 20-35 (special education).
 30 (4) IC 20-26-5-10 (criminal history).
 31 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
 32 agencies).
 33 (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
 34 (7) IC 20-28-10-14 (teacher freedom of association).
 35 (8) IC 20-28-10-17 (school counselor immunity).
 36 (9) For conversion charter schools only, IC 20-28-6, IC 20-28-7.5,
 37 IC 20-28-8, IC 20-28-9, and IC 20-28-10.
 38 (10) IC 20-33-2 (compulsory school attendance).
 39 (11) IC 20-33-3 (limitations on employment of children).
 40 (12) ~~IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student~~
 41 ~~due process and judicial review):~~ **IC 20-33-8 (student**
 42 **discipline).**



- 1 ~~(13)~~ **IC 20-33-8-16 (firearms and deadly weapons):**
 2 ~~(14)~~ **(13) IC 20-34-3 (health and safety measures).**
 3 ~~(15)~~ **(14) IC 20-33-9 (reporting of student violations of law).**
 4 ~~(16)~~ **(15) IC 20-30-3-2 and IC 20-30-3-4 (patriotic**
 5 **commemorative observances).**
 6 ~~(17)~~ **(16) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-8, and**
 7 **IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic**
 8 **standards, accreditation, assessment, and remediation).**
 9 ~~(18)~~ **(17) IC 20-33-7 (parental access to education records).**
 10 ~~(19)~~ **(18) IC 20-31 (accountability for school performance and**
 11 **improvement).**
 12 ~~(20)~~ **(19) IC 20-30-5-19 (personal financial responsibility**
 13 **instruction).**
 14 **(20) IC 20-26-5-32 (model plan for improving student**
 15 **behavior and discipline).**
 16 **(21) IC 20-26-5-32.5 (discipline and security reporting).**

17 SECTION 7. IC 20-26-5-32, AS ADDED BY P.L.66-2009,
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 32. **(a)** The governing body of each school
 20 corporation shall work with parents to:

- 21 (1) develop; and
 22 (2) review periodically;

23 an evidence based plan for improving student behavior and discipline
 24 in the school corporation after receiving a model plan developed **and**
 25 **maintained** by the department **under IC 20-19-3-14. The evidence**
 26 **based plan developed under this section must include guidelines for**
 27 **achieving the results described in IC 20-19-3-14(b).**

28 **(b) Beginning in 2015, the evidence based plan must be**
 29 **submitted to the department on a biannual basis.**

30 **(c) The department, in collaboration with the department of**
 31 **child services, the division of mental health and addiction, state**
 32 **educational institutions, and parent organizations, shall provide**
 33 **assistance to a school corporation in the implementation of the**
 34 **school corporation's evidence based plan developed under**
 35 **subsection (a) to ensure that teachers and administrators receive**
 36 **appropriate professional development to prepare them to carry out**
 37 **the plan for improving student behavior and discipline.**

38 SECTION 8. IC 20-26-5-32.5 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2014]: **Sec. 32.5. (a) Not later than January**
 41 **31, 2015, and January 31 each year thereafter, each school**
 42 **corporation shall submit a report to the department, on a form**



1 prescribed by the department, detailing the following information
 2 for the current school year for each school in the school
 3 corporation and for the entire school corporation:

4 (1) The number of students expelled at each school, including
 5 the number of expelled students participating in other
 6 recognized education programs during their expulsion.

7 (2) The number of students who:

8 (A) received out-of school suspension;

9 (B) received in-school suspension; and

10 (C) received any other discipline that separates the student
 11 from class under IC 20-33-8-25.

12 (3) The number of arrests of students on school corporation
 13 property, including statistics indicating whether the arrests
 14 were made by law enforcement officers, security guards,
 15 school safety specialists, other school corporation employees,
 16 or by citizen arrest.

17 (4) The offenses for which students were arrested on school
 18 corporation property.

19 (5) The number of contacts with law enforcement personnel
 20 by a school corporation employee that have resulted in arrests
 21 of students not on school corporation property.

22 (6) Statistics concerning the age, race, and gender of students
 23 arrested on school corporation property and categorizing the
 24 statistics by offenses.

25 (7) Statistics concerning whether a student described in
 26 subdivision (4) was receiving special education or related
 27 services under IC 20-35.

28 (8) Whether the school corporation has established and
 29 employs a school corporation police department under
 30 IC 20-26-16, and if so:

31 (A) the number of officers in the school corporation police
 32 department; and

33 (B) the training the officers must complete.

34 (9) If the school corporation employs private security guards
 35 to enforce rules or laws on school property, a detailed
 36 explanation of the use of private security guards by the school
 37 corporation.

38 (10) If the school corporation has an agreement with a local
 39 law enforcement agency regarding procedures to arrest
 40 students on school property, a detailed explanation of the use
 41 of the local law enforcement agency by the school corporation.

42 (11) The number of reported bullying incidents involving a



1 student of the school corporation by category. However,
 2 nothing in this subdivision may be construed to require all
 3 bullying incidents to be reported to a law enforcement agency.

4 (12) Any other information necessary for the department to
 5 carry out IC 20-19-3-14.

6 (b) The information compiled under this section by a school
 7 corporation shall be disaggregated for each school within a school
 8 corporation by:

9 (1) race;

10 (2) ethnicity;

11 (3) gender;

12 (4) disability subject to special education services under
 13 IC 20-35;

14 (5) age;

15 (6) grade; and

16 (7) discipline categories.

17 (c) Subject to subsection (e), not later than August 1 each year,
 18 the department shall submit a report to:

19 (1) the legislative council;

20 (2) the education roundtable established by IC 20-19-4-2; and

21 (3) the commission on improving the status of children in
 22 Indiana established by IC 2-5-36-3;

23 providing a summary of the reports submitted to the department
 24 under subsection (a). The report to the legislative council must be
 25 in an electronic format under IC 5-14-6.

26 (d) Subject to subsection (e), not later than March 1, 2015, and
 27 March 1 each year thereafter, the department must post the
 28 information received from a school corporation under this section
 29 on the department's Internet web site.

30 (e) The department has the discretion to provide aggregate data
 31 in a report described in subsection (c) or (d) when the department
 32 determines it is necessary to protect personally identifiable
 33 information under the federal Family Educational Rights and
 34 Privacy Act (20 U.S.C. 1232g).

35 SECTION 9. IC 20-33-8-2.5 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 37 1, 2014]: Sec. 2.5. As used in this chapter, "exclusion" means any
 38 suspension, expulsion, or involuntary transfer that removes a
 39 student from the student's regular classroom.

40 SECTION 10. IC 20-33-8-3, AS ADDED BY P.L.1-2005,
 41 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2014]: Sec. 3. (a) As used in this chapter, "expulsion" means



1 a disciplinary or other action whereby a student:

2 (1) is separated from school attendance for a period exceeding ten
3 (10) school days;

4 (2) is separated from school attendance for the balance of the
5 current semester or current year unless a student is permitted to
6 complete required examinations in order to receive credit for
7 courses taken in the current semester or current year; or

8 (3) is separated from school attendance for the period prescribed
9 under section 16 of this chapter. ~~which may include an~~
10 ~~assignment to attend an alternative school; an alternative~~
11 ~~educational program; or a homebound educational program.~~

12 (b) The term does not include situations when a student is:

13 (1) disciplined under section 25 of this chapter;

14 (2) removed from school in accordance with IC 20-34-3-9; or

15 (3) removed from school for failure to comply with the
16 immunization requirements of IC 20-34-4-5.

17 SECTION 11. IC 20-33-8-3.5 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2014]: **Sec. 3.5. As used in this chapter,**
20 **"positive discipline" refers to discipline that creates safe,**
21 **supportive, and positive school climates and responds to**
22 **misbehavior with interventions and consequences aimed at**
23 **understanding and addressing the causes of misbehavior, resolving**
24 **conflicts, meeting student needs, and keeping students in school**
25 **and learning.**

26 SECTION 12. IC 20-33-8-3.7 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2014]: **Sec. 3.7. As used in this chapter,**
29 **"restorative justice" means a theory of justice that emphasizes**
30 **repairing the harm caused or revealed by misconduct rather than**
31 **punishment. The theory emphasizes the following process:**

32 (1) **Identifying the misconduct and attempting to repair the**
33 **damage.**

34 (2) **Including all people impacted by a conflict in the process**
35 **of responding to conflict.**

36 (3) **Creating a process that promotes healing, reconciliation,**
37 **and the rebuilding of relationships to build mutual**
38 **responsibility and constructive responses to wrongdoing**
39 **within schools.**

40 SECTION 13. IC 20-33-8-8, AS AMENDED BY P.L.121-2009,
41 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2014]: Sec. 8. (a) Student supervision and the desirable



1 behavior of students in carrying out school purposes is the
2 responsibility of:

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

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

7 (1) stand in the relation of parents to the students of the school
8 corporation;

9 (2) have the right to take ~~any disciplinary action~~ **actions** necessary
10 to promote student conduct that conforms with an orderly and
11 effective educational system **and is consistent with creating a**
12 **positive learning environment for students**, subject to this
13 chapter; ~~and~~

14 **(3) shall exercise positive discipline practices and minimize**
15 **the use of exclusionary punishments; and**

16 ~~(4)~~ **(4)** have qualified immunity with respect to a disciplinary
17 action taken to promote student conduct under subdivision (2) if
18 the action is taken in good faith and is reasonable.

19 (c) Students must:

20 (1) follow responsible directions of school personnel in all
21 educational settings; and

22 (2) refrain from disruptive behavior that interferes with the
23 educational environment.

24 SECTION 14. IC 20-33-8-9, AS AMENDED BY P.L.121-2009,
25 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2014]: Sec. 9. (a) This section applies to an individual who:

- 27 (1) is a teacher or other school staff member; and
28 (2) has students under the individual's charge.

29 (b) An individual may take any ~~action~~ **actions** that ~~is~~ **are** reasonably
30 necessary to carry out or to prevent an interference with an educational
31 function that the individual supervises.

32 (c) ~~Subject to rules of the governing body and the administrative~~
33 ~~staff, an individual may remove a student for a period that does not~~
34 ~~exceed five (5) school days from an educational function supervised by~~
35 ~~the individual or another individual who is a teacher or other school~~
36 ~~staff member. Removal from class should be a last resort and should~~
37 ~~last only as long as necessary to control the student and secure~~
38 ~~appropriate interventions and supports, consistent with positive~~
39 ~~discipline practices.~~

40 (d) If an individual removes a student from a class under subsection
41 (c), the principal may place the student in another appropriate class or
42 placement or into ~~in-school~~ **in-school** suspension. The principal may not



1 return the student to the class from which the student was removed
 2 until the principal has met with the student, the student's teacher, and
 3 the student's parents to determine an appropriate behavior plan for the
 4 student. If the student's parents do not meet with the principal and the
 5 student's teacher within a reasonable amount of time, the student may
 6 be moved to another class at the principal's discretion.

7 SECTION 15. IC 20-33-8-10, AS ADDED BY P.L.1-2005,
 8 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2014]: Sec. 10. (a) A principal may take action concerning the
 10 principal's school or a school activity within the principal's jurisdiction
 11 that is reasonably necessary to carry out or prevent interference with an
 12 educational function or school purposes.

13 (b) Subsection (a) allows a principal to write regulations that govern
 14 student conduct.

15 **(c) Rules that govern student conduct shall reflect positive**
 16 **discipline practices that are supported in research.**

17 SECTION 16. IC 20-33-8-11, AS ADDED BY P.L.1-2005,
 18 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2014]: Sec. 11. A:

20 (1) superintendent; or

21 (2) member of the superintendent's administrative staff, with the
 22 superintendent's approval;

23 may take any action with respect to all schools within the
 24 superintendent's jurisdiction that is reasonably necessary to carry out
 25 or prevent interference with an educational function or school
 26 purposes. **Disciplinary policies shall be consistent with positive**
 27 **discipline practices.**

28 SECTION 17. IC 20-33-8-12, AS AMENDED BY P.L.66-2009,
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 12. (a) Except as provided under IC 20-33-8-16,
 31 the governing body of a school corporation must do the following:

32 **(1) Establish written discipline rules, which must include a**
 33 **graduated system of discipline and may include:**

34 **(A) appropriate dress codes; and**

35 **(B) if applicable; an agreement for court assisted resolution of**
 36 **school suspension and expulsion cases;**

37 **for the school corporation:**

38 **(1) Establish written discipline rules which:**

39 **(A) must:**

40 **(i) include a graduated system of discipline and**
 41 **incorporate positive discipline principles and practices;**

42 **(ii) minimize the use of exclusion in favor of alternative**



- 1 **approaches that keep students in school;**
 2 **(iii) contribute to a continuous learning environment for**
 3 **all students;**
 4 **(iv) minimize the involvement of law enforcement except**
 5 **in matters of serious public safety;**
 6 **(v) establish clear limits for referring students to law**
 7 **enforcement officials; and**
 8 **(vi) define public safety offenses that may subject**
 9 **students to arrest; and**
 10 **(B) may:**
 11 **(i) include appropriate dress codes; and**
 12 **(ii) if applicable, include an agreement for court assisted**
 13 **resolution of school suspension and expulsion cases;**
 14 **for the school corporation.**
 15 (2) Give general publicity to the discipline rules within a school
 16 where the discipline rules apply by actions such as:
 17 (A) making a copy of the discipline rules available to students
 18 and students' parents; or
 19 (B) delivering a copy of the discipline rules to students or the
 20 parents of students.
 21 This publicity requirement may not be construed technically and
 22 is satisfied if the school corporation makes a good faith effort to
 23 disseminate to students or parents generally the text or substance
 24 of a discipline rule.
 25 (b) The:
 26 (1) superintendent of a school corporation; and
 27 (2) principals of each school in a school corporation;
 28 **may shall** adopt regulations establishing lines of responsibility and
 29 related guidelines in compliance with the discipline policies of the
 30 governing body.
 31 (c) The governing body of a school corporation may delegate:
 32 (1) rulemaking;
 33 (2) disciplinary; and
 34 (3) other authority;
 35 as reasonably necessary to carry out the school purposes of the school
 36 corporation.
 37 (d) Subsection (a) does not apply to rules or directions concerning
 38 the following:
 39 (1) Movement of students.
 40 (2) Movement or parking of vehicles.
 41 (3) Day to day instructions concerning the operation of a
 42 classroom or teaching station.



1 (4) Time for commencement of school.

2 (5) Other standards or regulations relating to the manner in which
3 an educational function must be administered.

4 However, this subsection does not prohibit the governing body from
5 regulating the areas listed in this subsection.

6 SECTION 18. IC 20-33-8-13.5, AS AMENDED BY P.L.285-2013,
7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2014]: Sec. 13.5. (a) Discipline rules adopted by the
9 governing body of a school corporation under section 12 of this chapter
10 must:

11 (1) prohibit bullying; and

12 (2) include:

13 (A) provisions concerning education, parental involvement,
14 and intervention;

15 (B) a detailed procedure for the expedited investigation of
16 incidents of bullying that includes:

17 (i) appropriate responses to bullying behaviors, wherever the
18 behaviors occur;

19 (ii) provisions for anonymous and personal reporting of
20 bullying to a teacher or other school staff;

21 (iii) timetables for reporting of bullying incidents to the
22 parents of both the targeted student and the bully, in an
23 expedited manner;

24 (iv) timetables for reporting of bullying incidents to school
25 counselors, school administrators, the superintendent, or law
26 enforcement, if it is determined that reporting the bullying
27 incident to law enforcement ~~is necessary~~; **raises a serious**
28 **public safety issue**;

29 (v) discipline provisions for teachers, school staff, or school
30 administrators who fail to initiate or conduct an
31 investigation of a bullying incident; and

32 (vi) discipline provisions for false reporting of bullying; and

33 (C) a detailed procedure outlining the use of follow-up
34 services that includes:

35 (i) support services for the victim; and

36 (ii) bullying education for the bully.

37 (b) The discipline rules described in subsection (a) may be applied
38 regardless of the physical location in which the bullying behavior
39 occurred, whenever:

40 (1) the individual committing the bullying behavior and any of the
41 intended targets of the bullying behavior are students attending a
42 school within a school corporation; and



- 1 (2) disciplinary action is reasonably necessary to avoid substantial
2 interference with school discipline or prevent an unreasonable
3 threat to the rights of others to a safe and peaceful learning
4 environment.
- 5 (c) The discipline rules described in subsection (a) must prohibit
6 bullying through the use of data or computer software that is accessed
7 through a:
- 8 (1) computer;
9 (2) computer system; or
10 (3) computer network.
- 11 (d) This section may not be construed to give rise to a cause of
12 action against a person or school corporation based on an allegation of
13 noncompliance with this section. Noncompliance with this section may
14 not be used as evidence against a school corporation in a cause of
15 action.
- 16 (e) A record made of an investigation, a disciplinary action, or a
17 follow-up action performed under rules adopted under this section is
18 not a public record under IC 5-14-3.
- 19 (f) The department shall periodically review each policy adopted
20 under this section to ensure the policy's compliance with this section.
- 21 SECTION 19. IC 20-33-8-14, AS ADDED BY P.L.1-2005,
22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2014]: Sec. 14. (a) ~~The following are the grounds for student
24 suspension or expulsion subject to the procedural requirements of this
25 chapter and as stated by school corporation rules:~~
- 26 ~~(1) Student misconduct.~~
27 ~~(2) Substantial disobedience. In general, positive discipline
28 practices and alternatives to exclusion shall be used to address
29 disciplinary matters or misconduct.~~
- 30 (b) **Suspension or expulsion shall be limited to situations where
31 a student's conduct poses a threat to the health or safety of
32 students or school employees. A suspension or expulsion is subject
33 to the procedural requirements of this chapter and to school
34 corporation rules.**
- 35 (c) **Exclusions from class shall be used only in situations where
36 it is necessary to address the disruptive behavior through
37 interventions and securing supportive services for the student.**
- 38 (d) **A student may not be suspended or expelled solely for
39 tardiness, absence, or truancy.**
- 40 (e) **This subsection applies to an expulsion that occurs after June
41 30, 2014. A student who is expelled shall be enrolled in:**
- 42 (1) **a special course of study;**



1 **(2) an alternative educational program; or**
 2 **(3) an alternative school;**
 3 **during the period of the suspension or expulsion.**

4 ~~(b)~~ **(f)** The grounds for suspension or expulsion listed in ~~subsection~~
 5 ~~(a)~~ **subsections (b) and (c)** apply when a student is:

- 6 (1) on school grounds immediately before or during school hours,
 7 or immediately after school hours, or at any other time when the
 8 school is being used by a school group;
- 9 (2) off school grounds at a school activity, function, or event; or
- 10 (3) traveling to or from school or a school activity, function, or
 11 event.

12 SECTION 20. IC 20-33-8-15, AS ADDED BY P.L.1-2005,
 13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2014]: Sec. 15. **(a)** In addition to the grounds specified in
 15 section 14 of this chapter, a student may be suspended or expelled for
 16 engaging in unlawful activity on or off school grounds if:

- 17 (1) the unlawful activity may reasonably be considered to be ~~an~~
 18 **a substantial** interference with school purposes or an educational
 19 function; or
- 20 (2) the student's removal is necessary to restore order or protect
 21 persons on school property;

22 including an unlawful activity during weekends, holidays, other school
 23 breaks, and the summer period when a student may not be attending
 24 classes or other school functions.

25 **(b) A school shall provide a student suspended or expelled under**
 26 **subsection (a) with an alternative education during the period of**
 27 **the suspension or expulsion.**

28 SECTION 21. IC 20-33-8-17, AS ADDED BY P.L.1-2005,
 29 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2014]: Sec. 17. A student may be ~~expelled from~~ **denied**
 31 **admittance to** school if the student's legal settlement is not in the
 32 attendance area of the school corporation where the student is enrolled
 33 **and the school corporation has adopted a policy to not accept**
 34 **transfer students. If a school corporation learns that a student**
 35 **attending a school within the school corporation does not have**
 36 **legal settlement in the attendance area of the school corporation**
 37 **and the school corporation has adopted a policy to not accept**
 38 **transfer students, the school that the student attends shall refer**
 39 **and assist to transfer the student to the school corporation whose**
 40 **attendance area includes the student's legal settlement.**

41 SECTION 22. IC 20-33-8-18, AS ADDED BY P.L.1-2005,
 42 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2014]: Sec. 18. (a) A principal may suspend a student for not
 2 more than ten (10) school days under section 14, 15, or 16 of this
 3 chapter. However, the student may be suspended for more than ten (10)
 4 school days under section 23 of this chapter.

5 (b) A principal may not suspend a student before the principal
 6 **considers alternatives to a suspension under section 25 of this**
 7 **chapter**, affords the student an opportunity for a meeting, **and**
 8 **provides the student's parent notification of the meeting and the**
 9 **opportunity to attend the meeting.** During ~~which the meeting~~, the
 10 student is entitled to the following:

11 (1) A written ~~or an oral~~ statement of the charges against the
 12 student.

13 (2) If the student denies the charges, a **written** summary of the
 14 evidence against the student.

15 (3) An opportunity for the student to explain the student's
 16 conduct.

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

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

23 (1) The student's **serious** misconduct.

24 (2) The action taken by the principal.

25 (e) **If a student is suspended, the principal shall put into place a**
 26 **continuing education plan during the period of the student's**
 27 **suspension as well as during the time frame immediately following**
 28 **the student's reentry to school following the suspension. The**
 29 **student's plan shall include the following:**

30 (1) **The opportunity to take curricular material home for the**
 31 **duration of the suspension.**

32 (2) **The right to receive all missed assignments and the**
 33 **materials distributed to students in connection with the**
 34 **assignments.**

35 (3) **The opportunity to take any examinations missed during**
 36 **the suspension period.**

37 SECTION 23. IC 20-33-8-19, AS ADDED BY P.L.1-2005,
 38 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2014]: Sec. 19. (a) A superintendent of a school corporation
 40 may conduct an expulsion meeting or appoint one (1) of the following
 41 to conduct an expulsion meeting:

42 (1) Legal counsel.



1 (2) A member of the administrative staff if the member:

2 (A) has not expelled the student during the current school
3 year; and

4 (B) was not involved in the events giving rise to the expulsion.

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

8 (b) An expulsion may take place only after the student and the
9 student's parent are given notice of their right to appear at an expulsion
10 meeting with the superintendent or a person designated under
11 subsection (a). Notice of the right to appear at an expulsion meeting
12 must:

13 (1) be made by certified mail or by personal delivery;

14 (2) contain the reasons for the expulsion; and

15 (3) contain the procedure for requesting an expulsion meeting.

16 (c) The individual conducting an expulsion meeting:

17 (1) shall make a written summary of the evidence heard at the
18 expulsion meeting;

19 (2) may take action that the individual finds appropriate; and

20 (3) must give notice of the action taken under subdivision (2) to
21 the student and the student's parent.

22 (d) If the student or the student's parent not later than ten (10) days
23 of receipt of a notice of action taken under subsection (c) makes a
24 written appeal to the governing body, the governing body:

25 (1) shall hold a meeting to consider:

26 (A) the written summary of evidence prepared under
27 subsection (c)(1); and

28 (B) the arguments of the principal and the student or the
29 student's parent;

30 unless the governing body has voted under subsection (f) not to
31 hear appeals of actions taken under subsection (c); and

32 (2) may take action that the governing body finds appropriate.

33 The decision of the governing body may be appealed only under
34 section 21 of this chapter.

35 (e) A student or a student's parent who fails to request and appear
36 at an expulsion meeting after receipt of notice of the right to appear at
37 an expulsion meeting forfeits all rights administratively to contest and
38 appeal the expulsion. For purposes of this section, notice of the right to
39 appear at an expulsion meeting or notice of the action taken at an
40 expulsion meeting is effectively given at the time when the request or
41 notice is delivered personally or sent by certified mail to a student and
42 the student's parent.



1 (f) The governing body may vote to not hear appeals of actions
 2 taken under subsection (c). If the governing body votes to not hear
 3 appeals, subsequent to the date on which the vote is taken, a student or
 4 parent may appeal only under section 21 of this chapter.

5 **(g) A plan for continuing education shall be put into place**
 6 **during the period of the expulsion.**

7 **(h) An expulsion shall only be used as a last resort in serious**
 8 **matters of school safety.**

9 SECTION 24. IC 20-33-8-20, AS ADDED BY P.L.1-2005,
 10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2014]: Sec. 20. (a) Except as provided in section 16 of this
 12 chapter **and subject to section 14(c) of this chapter**, a student may not
 13 be expelled for a longer period than the remainder of the school year in
 14 which the expulsion took effect if the misconduct occurs during the
 15 first semester. If a student is expelled during the second semester, the
 16 expulsion remains in effect for summer school and may remain in
 17 effect for the first semester of the following school year, unless
 18 otherwise modified or terminated by order of the governing body. ~~The~~
 19 ~~appropriate authorities may require that a student who is at least sixteen~~
 20 ~~(16) years of age and who wishes to reenroll after an expulsion or an~~
 21 ~~exclusion attend an alternative program.~~

22 (b) An expulsion that takes effect more than three (3) weeks before
 23 the beginning of the second semester of a school year must be reviewed
 24 before the beginning of the second semester. The review:

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

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

- 36 (1) shall be conducted by the superintendent or an individual
 37 designated under section 19(a) of this chapter after notice of the
 38 review has been given to the student and the student's parent;
 39 (2) is limited to newly discovered evidence or evidence of
 40 changes in the student's circumstances occurring since the
 41 original meeting; and
 42 (3) may lead to a recommendation by the individual conducting



- 1 the review that the student be reinstated for the upcoming school
2 year.
- 3 SECTION 25. IC 20-33-8-23, AS ADDED BY P.L.1-2005,
4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2014]: Sec. 23. The superintendent or the person designated
6 by the superintendent under section 19(a) of this chapter may continue
7 suspension of a student for more than the ten (10) school day period of
8 the principal's suspension and until the time of the expulsion decision
9 under section 19 of this chapter if the superintendent or the designated
10 person determines that the student's continued suspension will prevent
11 or substantially reduce the risk of:
- 12 (1) **substantial** interference with an educational function or
13 school purposes; or
 - 14 (2) a physical injury to the student, other students, school
15 employees, or visitors to the school.
- 16 However, a student may not be suspended from school pending a
17 meeting on a student's proposed expulsion if the expulsion is ordered
18 under section 17 of this chapter.
- 19 SECTION 26. IC 20-33-8-24 IS REPEALED [EFFECTIVE JULY
20 1, 2014]. ~~Sec. 24. (a) This section applies to a student who:~~
- 21 ~~(1) is at least sixteen (16) years of age; and~~
 - 22 ~~(2) wishes to reenroll after an expulsion.~~
- 23 ~~(b) A principal may require a student to attend one (1) or more of~~
24 ~~the following:~~
- 25 ~~(1) An alternative school or alternative educational program;~~
 - 26 ~~(2) Evening classes;~~
 - 27 ~~(3) Classes established for students who are at least sixteen (16)~~
28 ~~years of age.~~
- 29 SECTION 27. IC 20-33-8-24.5 IS ADDED TO THE INDIANA
30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2014]: **Sec. 24.5. A school corporation must**
32 **have a plan for re-entry of an expelled student. The plan shall**
33 **include academic assessment and supportive services for the**
34 **expelled student.**
- 35 SECTION 28. IC 20-33-8-25, AS AMENDED BY P.L.66-2009,
36 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2014]: Sec. 25. (a) This section applies to an individual who:
- 38 (1) is a member of the administrative staff, a teacher, or other
39 school staff member; and
 - 40 (2) has students under the individual's charge.
- 41 (b) ~~An individual may take disciplinary action instead of or in~~
42 ~~addition to suspension and expulsion that is necessary to ensure a safe;~~



1 orderly, and effective educational environment. Disciplinary action
 2 under this section may include the following: **Prior to consideration**
 3 **of suspension or expulsion, the following disciplinary practices and**
 4 **alternatives shall be considered:**

- 5 (1) Counseling with a student or group of students.
 6 (2) Conferences with a parent or group of parents.
 7 (3) Assigning additional work.
 8 (4) Rearranging class schedules.
 9 (5) Requiring a student to remain in school after regular school
 10 hours:

11 (A) to do additional school work; or

12 (B) for counseling.

13 (6) Restricting extracurricular activities.

14 (7) Removal of a student by a teacher from ~~that~~ **the** teacher's class
 15 for a period not to exceed **the time necessary to address the**
 16 **misconduct and implement a behavior plan**

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

19 (B) ~~one (1) school day for elementary school students;~~

20 if the student is assigned regular or additional school work to
 21 complete in another school setting.

22 (8) ~~Assignment by the principal of:~~

23 (A) ~~a special course of study;~~

24 (B) ~~an alternative educational program; or~~

25 (C) ~~an alternative school.~~

26 (9) **(8)** Assignment by the principal of the school where the
 27 recipient of the disciplinary action is enrolled of not more than
 28 one hundred twenty (120) hours of service with a nonprofit
 29 organization operating in or near the community where the school
 30 is located or where the student resides. The following apply to
 31 service assigned under this subdivision:

32 (A) A principal may not assign a student under this
 33 subdivision unless the student's parent approves:

34 (i) the nonprofit organization where the student is assigned;
 35 and

36 (ii) the plan described in clause (B)(i).

37 A student's parent may request or suggest that the principal
 38 assign the student under this subdivision.

39 (B) The principal shall make arrangements for the student's
 40 service with the nonprofit organization. Arrangements must
 41 include the following:

42 (i) A plan for the service that the student is expected to



- 1 perform.
- 2 (ii) A description of the obligations of the nonprofit
- 3 organization to the student, the student's parents, and the
- 4 school corporation where the student is enrolled.
- 5 (iii) Monitoring of the student's performance of service by
- 6 the principal or the principal's designee.
- 7 (iv) Periodic reports from the nonprofit organization to the
- 8 principal and the student's parent or guardian of the student's
- 9 performance of the service.
- 10 (C) The nonprofit organization must obtain liability insurance
- 11 in the amount and of the type specified by the school
- 12 corporation where the student is enrolled that is sufficient to
- 13 cover liabilities that may be incurred by a student who
- 14 performs service under this subdivision.
- 15 (D) Assignment of service under this subdivision suspends the
- 16 implementation of a student's suspension or expulsion. A
- 17 student's completion of service assigned under this subdivision
- 18 to the satisfaction of the principal and the nonprofit
- 19 organization terminates the student's suspension or expulsion.
- 20 ~~(H)~~ **(9)** Removal of a student from school sponsored
- 21 transportation.
- 22 ~~(H)~~ **(10)** Referral to the juvenile court having jurisdiction over
- 23 the student **for serious public safety issues.**
- 24 **(11) Use of positive discipline practices supported in research,**
- 25 **including restorative justice practices.**
- 26 (c) As used in this subsection, "physical assault" means the knowing
- 27 or intentional touching of another person in a rude, insolent, or angry
- 28 manner. When a student physically assaults a person having authority
- 29 over the student, the principal of the school where the student is
- 30 enrolled shall refer the student to the juvenile court having jurisdiction
- 31 over the student. However, a student with disabilities (as defined in
- 32 IC 20-35-7-7) who physically assaults a person having authority over
- 33 the student is subject to procedural safeguards under 20 U.S.C. 1415.
- 34 SECTION 29. IC 20-33-8-29, AS AMENDED BY P.L.234-2007,
- 35 SECTION 119, IS AMENDED TO READ AS FOLLOWS
- 36 [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) As used in this section,
- 37 "special school" includes the following:
- 38 (1) A career and technical education school.
- 39 (2) A special education school or program.
- 40 (3) An alternative school or program.
- 41 (b) To the extent possible, this chapter applies to a special school.
- 42 (c) The governing body of a special school may make necessary



1 modifications to the responsibilities of school personnel under this
 2 chapter to accommodate the administrative structure of a special school
 3 **that is consistent with creating a positive learning environment.**

4 (d) In addition to a disciplinary action imposed by a special school,
 5 the principal of the school where a student is enrolled may without
 6 additional procedures adopt a disciplinary action or decision of a
 7 special school as a disciplinary action of the school corporation.

8 SECTION 30. IC 20-33-8-30, AS ADDED BY P.L.1-2005,
 9 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2014]: Sec. 30. (a) This section applies to the following:

11 (1) A student who:

12 (A) is expelled from a school corporation or charter school
 13 under this chapter; or

14 (B) withdraws from a school corporation or charter school to
 15 avoid expulsion.

16 (2) A student who:

17 (A) is required to separate for disciplinary reasons from a
 18 nonpublic school or a school in a state other than Indiana by
 19 the administrative authority of the school; or

20 (B) withdraws from a nonpublic school or a school in a state
 21 other than Indiana in order to avoid being required to separate
 22 from the school for disciplinary reasons by the administrative
 23 authority of the school.

24 (b) The student referred to in subsection (a) may enroll in another
 25 school corporation or charter school during the period of the actual or
 26 proposed expulsion or separation **as an alternative to placement in an**
 27 **alternative education program** if:

28 (1) the student's parent informs the school corporation in which
 29 the student seeks to enroll and also:

30 (A) in the case of a student withdrawing from a charter school
 31 that is not a conversion charter school to avoid expulsion, the
 32 conversion charter school; or

33 (B) in the case of a student withdrawing from a conversion
 34 charter school to avoid expulsion **or separation:**

35 (i) the conversion charter school; and

36 (ii) the school corporation that sponsored the conversion
 37 charter school;

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

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



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

5 (c) If:

6 (1) a student's parent fails to inform the school corporation of the
 7 expulsion or separation or withdrawal to avoid expulsion or
 8 separation; or

9 (2) a student fails to follow the terms and conditions of enrollment
 10 under subsection (b)(3);

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

14 (d) Before a consent is withdrawn under subsection (c) the student
 15 must have an opportunity for an informal meeting before the principal
 16 of the student's proposed school. At the informal meeting, the student
 17 is entitled to:

18 (1) a written or an oral statement of the reasons for the withdrawal
 19 of the consent;

20 (2) a summary of the evidence against the student; and

21 (3) an opportunity to explain the student's conduct.

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

24 SECTION 31. IC 20-33-8-31, AS ADDED BY P.L.1-2005,
 25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2014]: Sec. 31. (a) If a student is suspended or expelled from
 27 school or from any educational function under this chapter, the
 28 student's absence from school because of the suspension or expulsion
 29 is not a violation of:

30 (1) IC 20-33-2; or

31 (2) any other statute relating to compulsory school attendance.

32 (b) **Compulsory attendance requires that academic learning**
 33 **continues through all periods of the student's exclusion from class**
 34 **or school, including during suspensions and expulsions.**

35 SECTION 32. IC 20-34-6 IS REPEALED [EFFECTIVE JULY 1,
 36 2014]. (Student Safety Reporting).

37 SECTION 33. [EFFECTIVE JULY 1, 2014] (a) **There is**
 38 **appropriated to the department of education one million dollars**
 39 **(\$1,000,000) from the state general fund for its use in providing**
 40 **grants under IC 20-20-19.5, as added by this act, for a state fiscal**
 41 **year beginning July 1, 2014, and ending June 30, 2015.**

42 (b) **This SECTION expires July 1, 2015.**

