

HOUSE BILL No. 1640

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-10.1-2; IC 20-26-11-32; IC 20-28-3; IC 20-33.

Synopsis: Various education issues. Allows grants from the safe schools fund to provide school wide programs to improve school climate and professional development and training in alternatives to suspension and expulsion and evidence based practices that contribute to a positive school environment. Requires the department of education to develop guidelines for use by accredited teacher education institutions in preparing teachers to successfully apply classroom behavioral management strategies, including culturally responsive methods, to provide alternatives to suspension and expulsion. Provides that before a child may be referred to the juvenile justice system for truancy, a plan to improve attendance must be developed and implemented for the child. Provides that a student may not be suspended or expelled solely for infractions related to school attendance. Provides that a school staff member may take disciplinary action instead of suspension or expulsion, especially for misconduct that is not related to school safety. Requires the state board of education to study various issues related to the collection and analysis of school discipline data.

Effective: Upon passage; July 1, 2015.

Behning, Porter

January 22, 2015, read first time and referred to Committee on Education.



First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1640

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

- 1 SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.172-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2. (a) The Indiana safe schools fund is established
4 to do the following:
5 (1) Promote school safety through the:
6 (A) use of dogs trained to detect drugs and illegal substances;
7 and
8 (B) purchase of other equipment and materials used to
9 enhance the safety of schools.
10 (2) Combat truancy.
11 (3) Provide matching grants to schools for school safe haven
12 programs.
13 (4) Provide grants for school safety and safety plans.
14 (5) Provide educational outreach and training to school personnel
15 concerning:



- 1 (A) the identification of;
 2 (B) the prevention of; and
 3 (C) intervention in;
 4 bullying.
- 5 (6) Provide educational outreach to school personnel and training
 6 to school safety specialists and school resource officers
 7 concerning:
 8 (A) the identification of;
 9 (B) the prevention of; and
 10 (C) intervention in;
 11 criminal gang activities.
- 12 **(7) Provide grants for school wide programs to improve**
 13 **school climate and professional development and training for**
 14 **school personnel concerning:**
 15 **(A) alternatives to suspension and expulsion; and**
 16 **(B) evidence based practices that contribute to a positive**
 17 **school environment, including classroom management**
 18 **skills, positive behavioral intervention and support,**
 19 **restorative practices, and social emotional learning.**
- 20 (b) The fund consists of amounts deposited:
 21 (1) under IC 33-37-9-4; and
 22 (2) from any other public or private source.
- 23 (c) The institute shall determine grant recipients from the fund with
 24 a priority on awarding grants in the following order:
 25 (1) A grant for a safety plan.
 26 (2) A safe haven grant requested under section 10 of this chapter.
 27 (3) A safe haven grant requested under section 7 of this chapter.
- 28 (d) Upon recommendation of the council, the institute shall establish
 29 a method for determining the maximum amount a grant recipient may
 30 receive under this section.
- 31 SECTION 2. IC 20-26-11-32, AS AMENDED BY P.L.39-2014,
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2015]: Sec. 32. (a) This section does not apply to a school
 34 corporation if the governing body has adopted a policy of not accepting
 35 the transfer of any student who does not have legal settlement within
 36 the school corporation.
- 37 (b) The governing body of a school corporation shall annually
 38 establish:
 39 (1) except as provided in subsection (m), the number of transfer
 40 students the school corporation has the capacity to accept in each
 41 grade level; and
 42 (2) the date by which requests to transfer into the school



- 1 corporation must be received by the governing body.
- 2 (c) After establishing the date under subsection (b)(2), the
3 governing body shall:
- 4 (1) publish the date on the school corporation's Internet web site;
5 and
- 6 (2) report the date to the department.
- 7 (d) The department shall publish the dates received from school
8 corporations under subsection (c)(2) on the department's Internet web
9 site.
- 10 (e) A student to whom this section applies may not request to
11 transfer under this section primarily for athletic reasons to a school
12 corporation in which the student does not have legal settlement.
- 13 (f) If the number of requests to transfer into a school corporation
14 received by the date established for the school corporation under
15 subsection (b)(2) exceeds the capacity established for the school
16 corporation under subsection (b)(1), each timely request must be given
17 an equal chance to be accepted, with the exception that a student
18 described in subsection (h) shall be given priority. The governing body
19 must determine which students will be admitted as transfer students to
20 each school building and each grade level within the school corporation
21 by a random drawing in a public meeting.
- 22 (g) Except as provided in subsections (i), (j), (k), and (m), the
23 governing body of a school corporation may not deny a request for a
24 student to transfer into the school corporation based upon the student's
25 academic record, scores on ISTEP tests, disciplinary record, or
26 disability, or upon any other factor not related to the school
27 corporation's capacity.
- 28 (h) Except as provided in subsections (i), (j), and (k), the governing
29 body of a school corporation may not deny a request for a student to
30 transfer into the school corporation if the student requesting to transfer:
- 31 (1) is a member of a household in which any other member of the
32 household is a student in the transferee school; or
- 33 (2) has a parent who is an employee of the school corporation.
- 34 (i) A governing body of a school corporation may limit the number
35 of new transfers to a school building or grade level in the school
36 corporation:
- 37 (1) to ensure that a student who attends a school within the school
38 corporation as a transfer student during a school year may
39 continue to attend the school in subsequent school years; and
- 40 (2) to allow a student described in subsection (h) to attend a
41 school within the school corporation.
- 42 (j) Notwithstanding subsections (g) and (h), a governing body of a



1 school corporation may deny a request for a student to transfer to the
 2 school corporation, or establish terms or conditions for enrollment that
 3 prevent a student from enrolling in a school, if the student has been
 4 suspended (as defined in IC 20-33-8-7) or expelled (as defined in
 5 IC 20-33-8-3) during the twelve (12) months preceding the student's
 6 request to transfer under this section:

- 7 (1) for ten (10) or more school days;
- 8 (2) for a violation under IC 20-33-8-16;
- 9 (3) for causing physical injury to a student, a school employee, or
 10 a visitor to the school; or
- 11 (4) for a violation of a school corporation's drug or alcohol rules.

12 For purposes of subdivision (1), student discipline received under
 13 ~~IC 20-33-8-25(b)(7)~~ **IC 20-33-8-25(c)(7)** for a violation described in
 14 subdivisions (2) through (4) shall be included in the calculation of the
 15 number of school days that a student has been suspended.

16 (k) The governing body of a school corporation with a school
 17 building that offers a special curriculum may require a student who
 18 transfers to the school building to meet the same eligibility criteria
 19 required of all students who attend the school building that offers the
 20 special curriculum.

21 (l) The parent of a student for whom a request to transfer is made is
 22 responsible for providing the school corporation to which the request
 23 is made with records or information necessary for the school
 24 corporation to determine whether the request to transfer may be denied
 25 under subsection (j).

26 (m) Notwithstanding this section, the governing body of a school
 27 corporation may authorize the school corporation to enter into an
 28 agreement with an accredited nonpublic school or charter school to
 29 allow students of the accredited nonpublic school or charter school to
 30 transfer to a school within the school corporation.

31 (n) A school corporation that has adopted a policy to not accept
 32 student transfers after June 30, 2013, is not prohibited from enrolling
 33 a:

- 34 (1) transfer student who attended a school within the school
 35 corporation during the 2012-2013 school year; or
- 36 (2) member of a household in which any other member of the
 37 household was a transfer student who attended a school within the
 38 school corporation during the 2012-2013 school year.

39 However, if a school corporation enrolls a student described in
 40 subdivision (1) or (2), the school corporation shall also allow a student
 41 or member of the same household of a student who attended an
 42 accredited nonpublic school within the attendance area of the school



1 corporation during the 2012-2013 school year to enroll in a school
2 within the school corporation.

3 SECTION 3. IC 20-28-3-0.3 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2015]: **Sec. 0.3. As used in this chapter:**

6 **(1) "culturally responsive methods" refer to methods that use**
7 **the cultural knowledge, experiences, social and emotional**
8 **learning needs, and performance styles of diverse students to**
9 **ensure that classroom management strategies and research**
10 **based alternatives to exclusionary discipline are appropriate**
11 **and effective for the students; and**

12 **(2) "exclusionary discipline" includes in school suspension,**
13 **out of school suspension, expulsion, school based arrests,**
14 **school based referrals to the juvenile justice system, and**
15 **voluntary or involuntary placement in an alternative**
16 **education program.**

17 SECTION 4. IC 20-28-3-3, AS ADDED BY P.L.246-2005,
18 SECTION 149, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2015]: **Sec. 3. (a) The department shall develop**
20 **guidelines for use by accredited teacher education institutions and**
21 **departments in preparing individuals to:**

22 **(1) teach in various environments; and**

23 **(2) successfully apply positive classroom behavioral**
24 **management strategies and research based alternatives to**
25 **exclusionary discipline in a manner that serves the diverse**
26 **learning needs of all students, including those students who**
27 **are:**

28 **(A) from diverse racial and ethnic backgrounds;**

29 **(B) low social economic status;**

30 **(C) English language learners; and**

31 **(D) exceptional learners (as defined in IC 20-31-2-6).**

32 **(b) The guidelines developed under subsection (a) must include**
33 **courses and methods that assist individuals in developing cultural**
34 **competency (as defined in IC 20-31-2-5).**

35 **(c) In developing the guidelines under subsection (b), the**
36 **department must coordinate with key stakeholders who are**
37 **affected by the guidelines, including teacher education institutions**
38 **and departments, superintendents, principals, teachers, mental**
39 **health advocates, advocates for children in residential and foster**
40 **care, and other appropriate individuals and entities.**

41 SECTION 5. IC 20-28-3-3.5 IS ADDED TO THE INDIANA CODE
42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2015]: **Sec. 3.5. The guidelines developed under section 3 of this chapter must incorporate methods that assist individuals in developing competency in employing approaches to create positive classroom and school climates that are culturally responsive, including:**

- 6 (1) classroom management strategies;
- 7 (2) restorative practices;
- 8 (3) positive behavioral interventions and supports;
- 9 (4) social and emotional training as described in IC 12-21-5-2,
- 10 IC 20-19-2-10, IC 20-19-3-12, and IC 20-26-5-34.2; and
- 11 (5) conflict resolution.

12 SECTION 6. IC 20-28-3-5 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2015]: **Sec. 5. (a) The department shall develop and make
 15 available to school corporations materials and model disciplinary
 16 plans that assist teachers, administrators, and school staff in
 17 developing culturally responsive, positive classroom behavioral
 18 management strategies and research based alternatives to
 19 exclusionary discipline for use in providing professional and staff
 20 development programs.**

21 **(b) A teacher shall participate in annual training to develop
 22 positive classroom behavioral management strategies and research
 23 based alternatives to exclusionary discipline. The training must be
 24 directly correlated to the school's improvement plan and
 25 accreditation process under IC 20-31.**

26 **(c) In developing the materials under subsection (a), the
 27 department must coordinate with key stakeholders who are
 28 affected by the materials, including teacher education institutions
 29 and departments, superintendents, principals, teachers, mental
 30 health advocates, advocates for children in residential and foster
 31 care, and other appropriate individuals and entities.**

32 SECTION 7. IC 20-33-2-25, AS AMENDED BY P.L.90-2011,
 33 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: **Sec. 25. (a) The superintendent or principal of the
 35 school a child attends shall create and implement a plan to improve
 36 the child's attendance before referring the child under subsection
 37 (b). If the child and the child's parent fail to comply with the
 38 attendance plan, the child may be referred under subsection (b).**

39 **(b) The superintendent or an attendance officer having jurisdiction
 40 shall report a child who is habitually absent from school in violation of
 41 this chapter to an intake officer of the juvenile court or the department
 42 of child services. The intake officer or the department of child services**



1 shall proceed in accord with IC 31-30 through IC 31-40.

2 SECTION 8. IC 20-33-8-14, AS ADDED BY P.L.1-2005,
3 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 14. (a) The following are the grounds for student
5 suspension or expulsion, subject to the procedural requirements of this
6 chapter and as stated by school corporation rules:

7 (1) Student misconduct.

8 (2) Substantial disobedience.

9 (b) The grounds for suspension or expulsion listed in subsection (a)
10 apply when a student is:

11 (1) on school grounds immediately before or during school hours,
12 or immediately after school hours, or at any other time when the
13 school is being used by a school group;

14 (2) off school grounds at a school activity, function, or event; or

15 (3) traveling to or from school or a school activity, function, or
16 event.

17 **(c) A student may not be suspended or expelled solely for**
18 **infractions related to school attendance, including unexcused**
19 **tardiness, absence, or truancy.**

20 SECTION 9. IC 20-33-8-25, AS AMENDED BY P.L.66-2009,
21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2015]: Sec. 25. (a) This section applies to an individual who:

23 (1) is a member of the administrative staff, a teacher, or other
24 school staff member; and

25 (2) has students under the individual's charge.

26 (b) An individual may take disciplinary action:

27 **(1) instead of, especially for misconduct that is not related to**
28 **school safety; or**

29 **(2) in addition to;**

30 suspension and expulsion that is necessary to ensure a safe, orderly,
31 and effective educational environment.

32 **(c) Disciplinary action under this section may include the following:**

33 (1) Counseling with a student or group of students.

34 (2) Conferences with a parent or group of parents.

35 (3) Assigning additional work.

36 (4) Rearranging class schedules.

37 (5) Requiring a student to remain in school after regular school
38 hours:

39 (A) to do additional school work; or

40 (B) for counseling.

41 (6) Restricting extracurricular activities.

42 (7) Removal of a student by a teacher from that teacher's class for



- 1 a period not to exceed:
 2 (A) five (5) class periods for middle, junior high, or high
 3 school students; or
 4 (B) one (1) school day for elementary school students;
 5 if the student is assigned regular or additional school work to
 6 complete in another school setting.
 7 (8) Assignment by the principal of:
 8 (A) a special course of study;
 9 (B) an alternative educational program; or
 10 (C) an alternative school.
 11 (9) Assignment by the principal of the school where the recipient
 12 of the disciplinary action is enrolled of not more than one hundred
 13 twenty (120) hours of service with a nonprofit organization
 14 operating in or near the community where the school is located or
 15 where the student resides. The following apply to service assigned
 16 under this subdivision:
 17 (A) A principal may not assign a student under this
 18 subdivision unless the student's parent approves:
 19 (i) the nonprofit organization where the student is assigned;
 20 and
 21 (ii) the plan described in clause (B)(i).
 22 A student's parent may request or suggest that the principal
 23 assign the student under this subdivision.
 24 (B) The principal shall make arrangements for the student's
 25 service with the nonprofit organization. Arrangements must
 26 include the following:
 27 (i) A plan for the service that the student is expected to
 28 perform.
 29 (ii) A description of the obligations of the nonprofit
 30 organization to the student, the student's parents, and the
 31 school corporation where the student is enrolled.
 32 (iii) Monitoring of the student's performance of service by
 33 the principal or the principal's designee.
 34 (iv) Periodic reports from the nonprofit organization to the
 35 principal and the student's parent or guardian of the student's
 36 performance of the service.
 37 (C) The nonprofit organization must obtain liability insurance
 38 in the amount and of the type specified by the school
 39 corporation where the student is enrolled that is sufficient to
 40 cover liabilities that may be incurred by a student who
 41 performs service under this subdivision.
 42 (D) Assignment of service under this subdivision suspends the



1 implementation of a student's suspension or expulsion. A
 2 student's completion of service assigned under this subdivision
 3 to the satisfaction of the principal and the nonprofit
 4 organization terminates the student's suspension or expulsion.
 5 (10) Removal of a student from school sponsored transportation.
 6 (11) Referral to the juvenile court having jurisdiction over the
 7 student.

8 ~~(c)~~ (d) As used in this subsection, "physical assault" means the
 9 knowing or intentional touching of another person in a rude, insolent,
 10 or angry manner. When a student physically assaults a person having
 11 authority over the student, the principal of the school where the student
 12 is enrolled shall refer the student to the juvenile court having
 13 jurisdiction over the student. However, a student with disabilities (as
 14 defined in IC 20-35-7-7) who physically assaults a person having
 15 authority over the student is subject to procedural safeguards under 20
 16 U.S.C. 1415.

17 SECTION 10. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
 18 **SECTION, "exclusionary discipline" includes in school suspension,**
 19 **out of school suspension, expulsion, school based arrests, school**
 20 **based referrals to the juvenile justice system, and voluntary or**
 21 **involuntary placement in an alternative education program.**

22 (b) **The state board of education shall do the following:**
 23 (1) **Analyze current data collection by school corporations to**
 24 **identify:**
 25 (A) **gaps and omissions of data;**
 26 (B) **common definitions;**
 27 (C) **systemic barriers to data collection, including the lack**
 28 **of appropriate or consistent technology systems;**
 29 (D) **key outcomes for data collection, including:**
 30 (i) **disaggregation of data;**
 31 (ii) **measuring disproportionality;**
 32 (iii) **the identification of excessive use of exclusionary**
 33 **discipline;**
 34 (iv) **transparency;**
 35 (v) **frequency of reporting;**
 36 (vi) **means of reporting; and**
 37 (vii) **tying data to professional development, technical**
 38 **assistance, corrective action, and accountability;**
 39 (E) **how schools can use the data and the types of technical**
 40 **assistance needed for:**
 41 (i) **assisting students whose behavior indicates particular**
 42 **needs; and**



- 1 (ii) improving the school's discipline and climate;
- 2 (F) how schools can improve the accuracy of the data
- 3 collected and the efficiency of transferring the data to the
- 4 department; and
- 5 (G) how a school can provide data relevant to different
- 6 components of the school, such as individual students,
- 7 different locations and classrooms, or school wide trends.
- 8 (2) Coordinate with key stakeholders involved in data
- 9 decisions or affected by the collection of data, including
- 10 superintendents, principals, teachers, mental health
- 11 advocates, special education advocates, advocates for children
- 12 in residential and foster care, and any other appropriate
- 13 persons.
- 14 (3) Analyze other models for data collection.
- 15 (4) Consider the impact that any new data collection system
- 16 or recommended categories will have on previous data
- 17 collected by the department.
- 18 (5) If necessary, make recommendations to the commission on
- 19 improving the status of children in Indiana and to the general
- 20 assembly for legislation to address the findings made under
- 21 this SECTION.
- 22 (6) If necessary, adopt rules to address the findings made
- 23 under this SECTION.
- 24 (c) This SECTION expires June 30, 2016.
- 25 SECTION 11. An emergency is declared for this act.

