



February 6, 2015

---

---

## SENATE BILL No. 443

---

DIGEST OF SB 443 (Updated February 4, 2015 2:45 pm - DI 116)

**Citations Affected:** IC 5-2; IC 20-20; IC 20-26; IC 20-28; IC 20-30; IC 20-32; IC 20-33; IC 21-43; noncode.

**Synopsis:** Various education matters. Allows grants from the safe schools fund to provide schoolwide 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. Provides that an election for a student to have legal settlement in the school corporation whose attendance area contains the residence of the student's mother or father shall be made on a yearly basis and applies throughout the school year unless the student's mother or father no longer resides within the attendance area of the school corporation. Provides that a school corporation that has adopted a policy not to accept student transfers after June 30, 2013, is not prohibited from enrolling a transfer student from an accredited nonpublic school or charter school located within the school corporation's boundaries if the school corporation has entered into an agreement to allow students of the accredited nonpublic school or charter school to transfer to the school within the school corporation. Requires the department of education (department) 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. Removes a requirement that the department report instances of noncompliance of local salary scale requirements to the state board of education. Requires the department to allow the use of computer or digital response  
(Continued next page)

**Effective:** Upon passage; July 1, 2015.

---

---

### Kruse, Miller Pete, Rogers

---

---

January 12, 2015, read first time and referred to Committee on Education & Career Development.  
February 5, 2015, amended, reported favorably — Do Pass.

---

---

SB 443—LS 7316/DI 71



## Digest Continued

technology to complete a statewide, national, or international student assessment. Provides that a school corporation or school may allow a student to use computer or digital response technology to complete an assessment. Provides that a school staff member may take disciplinary action instead of suspending or expelling a student for misconduct that is not related to school safety. Requires the state board of education to develop for school counselors who hold a professional or accomplished teaching license professional development requirements or standards that emphasize improving skills and knowledge related to providing effective school counseling or guidance. Requires a school's professional development program to include separate professional development requirements for school counselors. Changes references in the Indiana Code from "guidance counselor" to "school counselor". Creates a school discipline data workgroup to study various issues related to the collection and analysis of school discipline data. Urges the legislative council to assign to the education study committee the topic of requiring 30 minutes for physical activity each school day for students and related topics.

**SB 443—LS 7316/DI 71**



February 6, 2015

First Regular Session 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.

## SENATE BILL No. 443

---

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

SB 443—LS 7316/DI 71



- 1 concerning:  
 2 (A) the identification of;  
 3 (B) the prevention of; and  
 4 (C) intervention in;  
 5 bullying.  
 6 (6) Provide educational outreach to school personnel and training  
 7 to school safety specialists and school resource officers  
 8 concerning:  
 9 (A) the identification of;  
 10 (B) the prevention of; and  
 11 (C) intervention in;  
 12 criminal gang activities.  
 13 **(7) Provide grants for schoolwide programs to improve school**  
 14 **climate and professional development and training for school**  
 15 **personnel concerning:**  
 16 **(A) alternatives to suspension and expulsion; and**  
 17 **(B) evidence based practices that contribute to a positive**  
 18 **school environment, including classroom management**  
 19 **skills, positive behavioral intervention and support,**  
 20 **restorative practices, and social emotional learning.**  
 21 (b) The fund consists of amounts deposited:  
 22 (1) under IC 33-37-9-4; and  
 23 (2) from any other public or private source.  
 24 (c) The institute shall determine grant recipients from the fund with  
 25 a priority on awarding grants in the following order:  
 26 (1) A grant for a safety plan.  
 27 (2) A safe haven grant requested under section 10 of this chapter.  
 28 (3) A safe haven grant requested under section 7 of this chapter.  
 29 (d) Upon recommendation of the council, the institute shall establish  
 30 a method for determining the maximum amount a grant recipient may  
 31 receive under this section.  
 32 SECTION 2. IC 20-20-31-5.5 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2015]: **Sec. 5.5. A program must include**  
 35 **separate professional development requirements for school**  
 36 **counselors that emphasize improvement for skills and knowledge**  
 37 **related to providing effective school counseling or guidance.**  
 38 SECTION 3. IC 20-20-31-5.6 IS ADDED TO THE INDIANA  
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2015]: **Sec. 5.6. (a) The state board shall**  
 41 **develop for school counselors who hold a professional or**  
 42 **accomplished teaching license professional development**



1 requirements or standards that emphasize improving skills and  
 2 knowledge related to providing effective school counseling or  
 3 guidance.

4 (b) The requirements or standards developed under subsection  
 5 (a) must be based on recommendations by the department, in  
 6 consultation with the Indiana School Counselor Association.

7 SECTION 4. IC 20-26-11-2.5, AS ADDED BY P.L.141-2006,  
 8 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2015]: Sec. 2.5. (a) In the case of a student described in  
 10 section 2(3) of this chapter, the:

11 (1) parent granted physical custody by a court; or

12 (2) student, if the student is at least eighteen (18) years of age;  
 13 may not later than fourteen (14) days before the first student day of the  
 14 school year, elect for the student to have legal settlement in the school  
 15 corporation whose attendance area contains the residence of the  
 16 student's mother or the school corporation whose attendance area  
 17 contains the residence of the student's father.

18 (b) An election under subsection (a) may shall be made only on a  
 19 yearly basis and applies throughout the school year unless the  
 20 student's mother or father no longer resides within the attendance  
 21 area of the school corporation.

22 (c) The parent or student who makes an election under subsection  
 23 (a) is not required to pay transfer tuition.

24 SECTION 5. IC 20-26-11-32, AS AMENDED BY P.L.39-2014,  
 25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2015]: Sec. 32. (a) This section does not apply to a school  
 27 corporation if the governing body has adopted a policy of not accepting  
 28 the transfer of any student who does not have legal settlement within  
 29 the school corporation.

30 (b) The governing body of a school corporation shall annually  
 31 establish:

32 (1) except as provided in subsection (m), the number of transfer  
 33 students the school corporation has the capacity to accept in each  
 34 grade level; and

35 (2) the date by which requests to transfer into the school  
 36 corporation must be received by the governing body.

37 (c) After establishing the date under subsection (b)(2), the  
 38 governing body shall:

39 (1) publish the date on the school corporation's Internet web site;  
 40 and

41 (2) report the date to the department.

42 (d) The department shall publish the dates received from school



1 corporations under subsection (c)(2) on the department's Internet web  
2 site.

3 (e) A student to whom this section applies may not request to  
4 transfer under this section primarily for athletic reasons to a school  
5 corporation in which the student does not have legal settlement.

6 (f) If the number of requests to transfer into a school corporation  
7 received by the date established for the school corporation under  
8 subsection (b)(2) exceeds the capacity established for the school  
9 corporation under subsection (b)(1), each timely request must be given  
10 an equal chance to be accepted, with the exception that a student  
11 described in subsection (h) shall be given priority. The governing body  
12 must determine which students will be admitted as transfer students to  
13 each school building and each grade level within the school corporation  
14 by a random drawing in a public meeting.

15 (g) Except as provided in subsections (i), (j), (k), and (m), the  
16 governing body of a school corporation may not deny a request for a  
17 student to transfer into the school corporation based upon the student's  
18 academic record, scores on ISTEP tests, disciplinary record, or  
19 disability, or upon any other factor not related to the school  
20 corporation's capacity.

21 (h) Except as provided in subsections (i), (j), and (k), the governing  
22 body of a school corporation may not deny a request for a student to  
23 transfer into the school corporation if the student requesting to transfer:

24 (1) is a member of a household in which any other member of the  
25 household is a student in the transferee school; or

26 (2) has a parent who is an employee of the school corporation.

27 (i) A governing body of a school corporation may limit the number  
28 of new transfers to a school building or grade level in the school  
29 corporation:

30 (1) to ensure that a student who attends a school within the school  
31 corporation as a transfer student during a school year may  
32 continue to attend the school in subsequent school years; and

33 (2) to allow a student described in subsection (h) to attend a  
34 school within the school corporation.

35 (j) Notwithstanding subsections (g) and (h), a governing body of a  
36 school corporation may deny a request for a student to transfer to the  
37 school corporation, or establish terms or conditions for enrollment that  
38 prevent a student from enrolling in a school, if the student has been  
39 suspended (as defined in IC 20-33-8-7) or expelled (as defined in  
40 IC 20-33-8-3) during the twelve (12) months preceding the student's  
41 request to transfer under this section:

42 (1) for ten (10) or more school days;



1 (2) for a violation under IC 20-33-8-16;

2 (3) for causing physical injury to a student, a school employee, or  
3 a visitor to the school; or

4 (4) for a violation of a school corporation's drug or alcohol rules.

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

9 (k) The governing body of a school corporation with a school  
10 building that offers a special curriculum may require a student who  
11 transfers to the school building to meet the same eligibility criteria  
12 required of all students who attend the school building that offers the  
13 special curriculum.

14 (l) The parent of a student for whom a request to transfer is made is  
15 responsible for providing the school corporation to which the request  
16 is made with records or information necessary for the school  
17 corporation to determine whether the request to transfer may be denied  
18 under subsection (j).

19 (m) ~~Notwithstanding this section, the governing body of a school~~  
20 ~~corporation may authorize the school corporation to enter into an~~  
21 ~~agreement with an accredited nonpublic school or charter school to~~  
22 ~~allow students of the accredited nonpublic school or charter school to~~  
23 ~~transfer to a school within the school corporation. A school~~  
24 ~~corporation that has adopted a policy not to accept student~~  
25 ~~transfers after June 30, 2013, is not prohibited from enrolling a~~  
26 ~~transfer student from an accredited nonpublic school or charter~~  
27 ~~school located within the school corporation's boundaries if the~~  
28 ~~school corporation has entered into an agreement to allow students~~  
29 ~~of the accredited nonpublic school or charter school to transfer to~~  
30 ~~the 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~~, **2015**, is not prohibited from  
33 enrolling a:

34 (1) transfer student who attended a school within the school  
35 corporation during the ~~2012-2013~~ **preceding** 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~~ **preceding** 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~~ **preceding** school year to enroll in  
 2 a school within the school corporation.

3 SECTION 6. 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 inschool 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 7. 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.**

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

30 SECTION 8. IC 20-28-3-3.5 IS ADDED TO THE INDIANA CODE  
 31 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 32 1, 2015]: **Sec. 3.5. The guidelines developed under section 3 of this**  
 33 **chapter must incorporate methods that assist individuals in**  
 34 **developing competency in employing approaches to create positive**  
 35 **classroom and school climates that are culturally responsive,**  
 36 **including:**

37 **(1) classroom management strategies;**

38 **(2) restorative justice;**

39 **(3) positive behavioral interventions and supports;**

40 **(4) social and emotional training as described in IC 12-21-5-2,**  
 41 **IC 20-19-2-10, IC 20-19-3-12, and IC 20-26-5-34.2; and**

42 **(5) conflict resolution.**



1 SECTION 9. IC 20-28-3-5 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2015]: **Sec. 5. The department shall develop and make available**  
4 **to school corporations materials that assist teachers,**  
5 **administrators, and school staff in developing culturally**  
6 **responsive, positive classroom behavioral management strategies**  
7 **and research based alternatives to exclusionary discipline for use**  
8 **in providing professional and staff development programs.**

9 SECTION 10. IC 20-28-9-1.5, AS ADDED BY P.L.286-2013,  
10 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2015]: Sec. 1.5. (a) This subsection applies to a contract in  
12 effect July 1, 2012, or upon the expiration of a contract in existence on  
13 July 1, 2011, whichever is earlier, and governs salary increases for a  
14 teacher employed by a school corporation on or after the date this  
15 subsection takes effect. Compensation attributable to additional  
16 degrees or graduate credits earned before the effective date of the local  
17 salary schedule created under this chapter shall continue.  
18 Compensation attributable to additional degrees for which a teacher has  
19 started course work before July 1, 2011, and completed course work  
20 before September 2, 2014, shall also continue.

21 (b) Increases or increments in a local salary scale must be based  
22 upon a combination of the following factors:

23 (1) A combination of the following factors taken together may  
24 account for not more than thirty-three percent (33%) of the  
25 calculation used to determine a teacher's increase or increment:

26 (A) The number of years of a teacher's experience.

27 (B) The attainment of either:

28 (i) additional content area degrees beyond the requirements  
29 for employment; or

30 (ii) additional content area degrees and credit hours beyond  
31 the requirements for employment, if required under an  
32 agreement bargained under IC 20-29.

33 (2) The results of an evaluation conducted under IC 20-28-11.5.

34 (3) The assignment of instructional leadership roles, including the  
35 responsibility for conducting evaluations under IC 20-28-11.5.

36 (4) The academic needs of students in the school corporation.

37 (c) A teacher rated ineffective or improvement necessary under  
38 IC 20-28-11.5 may not receive any raise or increment for the following  
39 year if the teacher's employment contract is continued. The amount that  
40 would otherwise have been allocated for the salary increase of teachers  
41 rated ineffective or improvement necessary shall be allocated for  
42 compensation of all teachers rated effective and highly effective based



1 on the criteria in subsection (b).

2 (d) A teacher who does not receive a raise or increment under  
3 subsection (c) may file a request with the superintendent or  
4 superintendent's designee not later than five (5) days after receiving  
5 notice that the teacher received a rating of ineffective. The teacher is  
6 entitled to a private conference with the superintendent or  
7 superintendent's designee.

8 (e) Not later than January 31, 2012, the department shall publish a  
9 model salary schedule that a school corporation may adopt.

10 (f) Each school corporation shall submit its local salary schedule to  
11 the department. The department shall publish the local salary schedules  
12 on the department's Internet web site.

13 ~~(g) The department shall report any noncompliance with this section  
14 to the state board.~~

15 ~~(h)~~ (g) The state board shall take appropriate action to ensure  
16 compliance with this section.

17 ~~(i)~~ (h) This chapter may not be construed to require or allow a  
18 school corporation to decrease the salary of any teacher below the  
19 salary the teacher was earning on or before July 1, 2012, if that  
20 decrease would be made solely to conform to the new salary scale.

21 ~~(j)~~ (i) After June 30, 2011, all rights, duties, or obligations  
22 established under IC 20-28-9-1 before its repeal are considered rights,  
23 duties, or obligations under this section.

24 SECTION 11. IC 20-30-4-2, AS AMENDED BY P.L.140-2008,  
25 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
26 JULY 1, 2015]: Sec. 2. In consultation with the student's ~~guidance~~  
27 **school** counselor, after seeking consultation with each student's  
28 parents, and not later than the date on which the student completes  
29 grade 9, each student shall further develop the graduation plan  
30 developed in grade 6 under section 1.5 of this chapter to also include  
31 the following:

32 (1) The subject and skill areas of interest to the student.

33 (2) A program of study under the college/technology preparation  
34 curriculum adopted by the state board under IC 20-30-10-2 for  
35 grades 10, 11, and 12 that meets the interests and aptitude of the  
36 student.

37 (3) Assurances that, upon satisfactory fulfillment of the plan, the  
38 student:

39 (A) is entitled to graduate; and

40 (B) will have taken at least the minimum variety and number  
41 of courses necessary to gain admittance to a state educational  
42 institution.



1 (4) An indication of assessments (other than ISTEP and the  
2 graduation examination) that the student plans to take voluntarily  
3 during grade 10 through grade 12, and which may include any of  
4 the following:

5 (A) The SAT Reasoning Test.

6 (B) The ACT test.

7 (C) Advanced placement exams.

8 (D) College readiness exams approved by the department.

9 (E) Workforce readiness exams approved by the department of  
10 workforce development established under IC 22-4.1-2.

11 SECTION 12. IC 20-30-4-6, AS AMENDED BY P.L.268-2013,  
12 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2015]: Sec. 6. (a) A student's ~~guidance~~ **school** counselor shall,  
14 in consultation with the student and the student's parent, review  
15 annually a student's graduation plan that was developed in grade 9  
16 under section 2 of this chapter to determine if the student is progressing  
17 toward fulfillment of the graduation plan.

18 (b) If a student is not progressing toward fulfillment of the  
19 graduation plan, the school counselor shall provide counseling services  
20 for the purpose of advising the student of credit recovery options and  
21 services available to help the student progress toward graduation.

22 (c) If a student is not progressing toward fulfillment of the  
23 graduation plan due to not achieving a passing score on the graduation  
24 examination, the school counselor shall meet with the:

25 (1) teacher assigned to the student for remediation in each subject  
26 area in which the student has not achieved a passing score on the  
27 graduation examination;

28 (2) parents of the student; and

29 (3) student;

30 to discuss available remediation and to plan to meet the requirements  
31 under IC 20-32-4.

32 SECTION 13. IC 20-32-2-2.3 IS ADDED TO THE INDIANA  
33 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2015]: **Sec. 2.3. "ISTEP program test"**  
35 **includes any statewide, national, or international assessment that**  
36 **a student is required to complete.**

37 SECTION 14. IC 20-32-5-9, AS AMENDED BY P.L.286-2013,  
38 SECTION 108, IS AMENDED TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2015]: Sec. 9. ~~(a) As used in this section;~~  
40 ~~"ISTEP program test" includes any statewide assessment that a student~~  
41 ~~is required to complete.~~

42 ~~(b)~~ (a) After reports of student scores are returned to a school



1 corporation, the school corporation shall promptly do the following:

2 (1) Give each student and the student's parent the student's ISTEP  
3 program test scores.

4 (2) Make available for inspection to each student and the student's  
5 parent the following:

6 (A) A copy of all questions that are not multiple choice or true  
7 and false and prompts used in assessing the student.

8 (B) A copy of the student's scored responses.

9 (C) A copy of the anchor papers and scoring rubrics used to  
10 score the student's responses.

11 A student's parent may request a rescoring of a student's responses to  
12 an ISTEP program test, including a student's essay.

13 ~~(c)~~ **(b)** A student's ISTEP program test scores may not be disclosed  
14 to the public.

15 SECTION 15. IC 20-32-5-15.5 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2015]: **Sec. 15.5. (a) The department shall**  
18 **allow the use of computer or digital response technology to**  
19 **complete an ISTEP program test.**

20 **(b) A school corporation or school may allow a student to use**  
21 **computer or digital response technology to complete an ISTEP**  
22 **program test.**

23 SECTION 16. IC 20-33-3-8, AS AMENDED BY P.L.1-2007,  
24 SECTION 147, IS AMENDED TO READ AS FOLLOWS  
25 [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The issuing officer in each  
26 accredited school (as described in ~~IC 20-19-2-8(a)(5)~~)  
27 **IC 20-19-2-8(a)(4)**) shall be an individual who is:

28 (1) a **guidance school** counselor;

29 (2) a school social worker; or

30 (3) an attendance officer for the school corporation and a teacher  
31 licensed by the division of professional standards of the  
32 department under IC 20-28-4 or IC 20-28-5;

33 and designated in writing by the principal.

34 (b) During the times in which the individual described in subsection  
35 (a) is not employed by the school or when school is not in session, there  
36 shall be an issuing officer available:

37 (1) who is a teacher licensed by the division of professional  
38 standards of the department under IC 20-28-4 or IC 20-28-5; and

39 (2) whose identity and hours of work shall be determined by the  
40 principal.

41 SECTION 17. IC 20-33-8-25, AS AMENDED BY P.L.66-2009,  
42 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2015]: Sec. 25. (a) This section applies to an individual who:  
 2 (1) is a member of the administrative staff, a teacher, or other  
 3 school staff member; and  
 4 (2) has students under the individual's charge.  
 5 (b) An individual may take **alternative** disciplinary action:  
 6 (1) instead of, **especially for misconduct that is not related to**  
 7 **school safety**; or  
 8 (2) in addition to;  
 9 suspension and expulsion that is necessary to ensure a safe, orderly,  
 10 and effective educational environment.  
 11 (c) Disciplinary action under this section may include the following:  
 12 (1) Counseling with a student or group of students.  
 13 (2) Conferences with a parent or group of parents.  
 14 (3) Assigning additional work.  
 15 (4) Rearranging class schedules.  
 16 (5) Requiring a student to remain in school after regular school  
 17 hours:  
 18 (A) to do additional school work; or  
 19 (B) for counseling.  
 20 (6) Restricting extracurricular activities.  
 21 (7) Removal of a student by a teacher from that teacher's class for  
 22 a period not to exceed:  
 23 (A) five (5) class periods for middle, junior high, or high  
 24 school students; or  
 25 (B) one (1) school day for elementary school students;  
 26 if the student is assigned regular or additional school work to  
 27 complete in another school setting.  
 28 (8) Assignment by the principal of:  
 29 (A) a special course of study;  
 30 (B) an alternative educational program; or  
 31 (C) an alternative school.  
 32 (9) Assignment by the principal of the school where the recipient  
 33 of the disciplinary action is enrolled of not more than one hundred  
 34 twenty (120) hours of service with a nonprofit organization  
 35 operating in or near the community where the school is located or  
 36 where the student resides. The following apply to service assigned  
 37 under this subdivision:  
 38 (A) A principal may not assign a student under this  
 39 subdivision unless the student's parent approves:  
 40 (i) the nonprofit organization where the student is assigned;  
 41 and  
 42 (ii) the plan described in clause (B)(i).



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

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

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

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

(ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.

(iii) Monitoring of the student's performance of service by the principal or the principal's designee.

(iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.

(C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.

(D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

(10) Removal of a student from school sponsored transportation.

(11) Referral to the juvenile court having jurisdiction over the student.

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

SECTION 18. IC 21-43-2-2, AS ADDED BY P.L.2-2007, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Each state educational institution shall prepare and make available to students and high school ~~guidance~~ **school** counselors a report indicating the:



- 1 (1) extent to which; and  
 2 (2) conditions under which;  
 3 postsecondary credit may be granted under this chapter.
- 4 SECTION 19. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
 5 **SECTION:**
- 6 (1) "department" refers to the department of education  
 7 established by IC 20-19-3-1;  
 8 (2) "exclusionary discipline" includes inschool suspension,  
 9 out-of-school suspension, expulsion, school based arrests,  
 10 school based referrals to the juvenile justice system, and  
 11 voluntary or involuntary placement in an alternative  
 12 education program; and  
 13 (3) "workgroup" refers to the school discipline workgroup  
 14 established by subsection (b).
- 15 (b) The school discipline workgroup is established with the  
 16 following eleven (11) members:
- 17 (1) One (1) member of a children's policy advocacy  
 18 organization.  
 19 (2) One (1) member of an organization that focuses on the  
 20 education of minority children.  
 21 (3) One (1) expert in school discipline data.  
 22 (4) One (1) teacher.  
 23 (5) One (1) member of an education related professional  
 24 association.  
 25 (6) One (1) member who provides school based social services.  
 26 (7) One (1) school safety specialist or school resource officer.  
 27 (8) One (1) juvenile court judge with a diversionary school  
 28 justice program.  
 29 (9) One (1) representative of the department.  
 30 (10) One (1) principal, school discipline dean, or dean of  
 31 student services.  
 32 (11) One (1) superintendent of a school corporation that is  
 33 implementing research based positive school discipline  
 34 practices, including positive behavioral interventions and  
 35 supports and restorative justice practices.
- 36 (c) Before July 1, 2015, the state board of education and the  
 37 chairperson of the commission on improving the status of children  
 38 in Indiana established under IC 2-5-36 shall jointly appoint the  
 39 members of the workgroup.
- 40 (d) The department shall provide staff support to the  
 41 workgroup.
- 42 (e) The workgroup shall do the following:



- 1           **(1) Analyze current data collection by school corporations to**  
 2 **identify:**  
 3           **(A) gaps and omissions of data;**  
 4           **(B) common definitions;**  
 5           **(C) systemic barriers to data collection, including the lack**  
 6 **of appropriate or consistent technology systems;**  
 7           **(D) key outcomes for data collection, including:**  
 8               **(i) disaggregation of data;**  
 9               **(ii) measuring disproportionality;**  
 10              **(iii) the identification of excessive use of exclusionary**  
 11 **discipline;**  
 12              **(iv) transparency;**  
 13              **(v) frequency of reporting;**  
 14              **(vi) means of reporting; and**  
 15              **(vii) tying data to professional development, technical**  
 16 **assistance, corrective action, and accountability;**  
 17 **(E) how schools can use the data and the types of technical**  
 18 **assistance needed for:**  
 19              **(i) assisting students whose behavior indicates particular**  
 20 **needs; and**  
 21              **(ii) improving the school's discipline and climate;**  
 22 **(F) how schools can improve the accuracy of the data**  
 23 **collected and the efficiency of transferring the data to the**  
 24 **department; and**  
 25 **(G) how a school can provide data relevant to different**  
 26 **components of the school, such as individual students,**  
 27 **different locations and classrooms, or schoolwide trends.**  
 28 **(2) Coordinate with key stakeholders involved in data**  
 29 **decisions or affected by the collection of data, including**  
 30 **superintendents, principals, teachers, mental health**  
 31 **advocates, special education advocates, advocates for children**  
 32 **in residential and foster care, and any other appropriate**  
 33 **persons.**  
 34 **(3) Analyze other models for data collection.**  
 35 **(4) Consider the impact that any new data collection system**  
 36 **or recommended categories will have on previous data**  
 37 **collected by the department.**  
 38 **(5) Study the following issues related to school discipline:**  
 39           **(A) The use of suspension and expulsion for attendance**  
 40 **related matters.**  
 41           **(B) Teacher training concerning positive classroom**  
 42 **behavioral management strategies and research based**



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

alternatives to exclusionary discipline.  
(6) Make recommendations to the state board of education and the commission on improving the status of children in Indiana concerning legislation and rules needed to address:  
(A) the topics studied under subdivision (5); and  
(B) the overall findings of the workgroup concerning data collection.

(f) This SECTION expires June 30, 2016.

SECTION 20. [EFFECTIVE JULY 1, 2015] (a) The legislative council is urged to assign to the education study committee established by IC 2-5-1.3-4 the study of the feasibility of:

- (1) requiring all public schools, including charter schools, to conduct at least thirty (30) minutes of physical activity each day for students;
- (2) lengthening the school day by thirty (30) minutes to accommodate the physical activity requirement;
- (3) requiring school corporations and charter schools to collect and submit to the state department of health data concerning the height, weight, ethnicity, age, and sex of students in grade 1, grade 6, and grade 12; and
- (4) requiring the state department of health to develop materials for school corporations and charter schools to distribute concerning body mass index and to publish an annual report summarizing the data collected by school corporations and charter schools.

(b) This SECTION expires December 31, 2015.

SECTION 21. An emergency is declared for this act.



## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 443, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 2. IC 20-20-31-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5.5. A program must include separate professional development requirements for school counselors that emphasize improvement for skills and knowledge related to providing effective school counseling or guidance.**

SECTION 3. IC 20-20-31-5.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 5.6. (a) The state board shall develop for school counselors who hold a professional or accomplished teaching license professional development requirements or standards that emphasize improving skills and knowledge related to providing effective school counseling or guidance.**

**(b) The requirements or standards developed under subsection (a) must be based on recommendations by the department, in consultation with the Indiana School Counselor Association."**

Page 6, line 9, delete ", including those students who" and insert ".".

Page 6, delete lines 10 through 14.

Page 6, line 33, delete "(a)".

Page 6, delete lines 39 through 42.

Page 7, delete line 1.

Page 8, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 11. IC 20-30-4-2, AS AMENDED BY P.L.140-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 2. In consultation with the student's guidance school counselor, after seeking consultation with each student's parents, and not later than the date on which the student completes grade 9, each student shall further develop the graduation plan developed in grade 6 under section 1.5 of this chapter to also include the following:**

- (1) The subject and skill areas of interest to the student.
- (2) A program of study under the college/technology preparation curriculum adopted by the state board under IC 20-30-10-2 for



grades 10, 11, and 12 that meets the interests and aptitude of the student.

(3) Assurances that, upon satisfactory fulfillment of the plan, the student:

(A) is entitled to graduate; and

(B) will have taken at least the minimum variety and number of courses necessary to gain admittance to a state educational institution.

(4) An indication of assessments (other than ISTEP and the graduation examination) that the student plans to take voluntarily during grade 10 through grade 12, and which may include any of the following:

(A) The SAT Reasoning Test.

(B) The ACT test.

(C) Advanced placement exams.

(D) College readiness exams approved by the department.

(E) Workforce readiness exams approved by the department of workforce development established under IC 22-4.1-2.

SECTION 12. IC 20-30-4-6, AS AMENDED BY P.L.268-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. (a) A student's ~~guidance~~ **school** counselor shall, in consultation with the student and the student's parent, review annually a student's graduation plan that was developed in grade 9 under section 2 of this chapter to determine if the student is progressing toward fulfillment of the graduation plan.

(b) If a student is not progressing toward fulfillment of the graduation plan, the school counselor shall provide counseling services for the purpose of advising the student of credit recovery options and services available to help the student progress toward graduation.

(c) If a student is not progressing toward fulfillment of the graduation plan due to not achieving a passing score on the graduation examination, the school counselor shall meet with the:

(1) teacher assigned to the student for remediation in each subject area in which the student has not achieved a passing score on the graduation examination;

(2) parents of the student; and

(3) student;

to discuss available remediation and to plan to meet the requirements under IC 20-32-4."

Page 9, delete lines 8 through 37, begin a new paragraph and insert:

"SECTION 17. IC 20-33-3-8, AS AMENDED BY P.L.1-2007, SECTION 147, IS AMENDED TO READ AS FOLLOWS

SB 443—LS 7316/DI 71



[EFFECTIVE JULY 1, 2015]: Sec. 8. (a) The issuing officer in each accredited school (as described in ~~IC 20-19-2-8(a)(5)~~ **IC 20-19-2-8(a)(4)**) shall be an individual who is:

- (1) a ~~guidance~~ **school** counselor;
- (2) a school social worker; or
- (3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5;

and designated in writing by the principal.

(b) During the times in which the individual described in subsection (a) is not employed by the school or when school is not in session, there shall be an issuing officer available:

- (1) who is a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5; and
- (2) whose identity and hours of work shall be determined by the principal."

Page 10, line 2, after "take" insert "**alternative**".

Page 10, line 3, after "of," insert "**especially**".

Page 11, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 14. IC 21-43-2-2, AS ADDED BY P.L.2-2007, SECTION 284, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. Each state educational institution shall prepare and make available to students and high school ~~guidance~~ **school** counselors a report indicating the:

- (1) extent to which; and
- (2) conditions under which;

postsecondary credit may be granted under this chapter."

Page 12, line 2, delete "data".

Page 12, line 4, delete "data".

Page 12, line 11, delete "educator." and insert "**teacher.**".

Page 13, between lines 26 and 27, begin a new line block indented and insert:

- "(5) Study the following issues related to school discipline:**
- (A) The use of suspension and expulsion for attendance related matters.**
  - (B) Teacher training concerning positive classroom behavioral management strategies and research based alternatives to exclusionary discipline."**

Page 13, line 27, delete "(5)" and insert "**(6)**".

Page 13, line 29, delete "the" and insert "":

- (A) the topics studied under subdivision (5); and**
- (B) the overall findings of the workgroup concerning data**



**collection."**

Page 13, delete line 30.

Page 13, between lines 31 and 32, begin a new paragraph and insert:

**"SECTION 16. [EFFECTIVE JULY 1, 2015] (a) The legislative council is urged to assign to the education study committee established by IC 2-5-1.3-4 the study of the feasibility of:**

- (1) requiring all public schools, including charter schools, to conduct at least thirty (30) minutes of physical activity each day for students;**
- (2) lengthening the school day by thirty (30) minutes to accommodate the physical activity requirement;**
- (3) requiring school corporations and charter schools to collect and submit to the state department of health data concerning the height, weight, ethnicity, age, and sex of students in grade 1, grade 6, and grade 12; and**
- (4) requiring the state department of health to develop materials for school corporations and charter schools to distribute concerning body mass index and to publish an annual report summarizing the data collected by school corporations and charter schools.**

**(b) This SECTION expires December 31, 2015."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 443 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 11, Nays 0.

