

HOUSE BILL No. 1208

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-5-32; IC 20-33-8.

Synopsis: School discipline. Provides that an evidence based plan for improving student behavior and discipline in a school corporation: (1) may not contain any zero tolerance requirements; (2) must reduce disproportionality in discipline or inappropriately high rates of in-school suspension, out-of-school suspension, and expulsion; and (3) must limit referrals to law enforcement or arrests on school property to those necessary to protect the health and safety of other students or school employees. Adds a definition of "exclusion". Adds a definition of "positive discipline". Provides that a school's discipline policy must include a graduated system of discipline and incorporate positive discipline principles and establish clear limits for referring students to law enforcement officials only in cases necessary to protect the safety of other students or school employees. Makes various changes to provisions relating to school discipline to reduce student exclusion from school. Repeals a provision that provides that a principal may require a student at least 16 years of age who wishes to reenroll in school after an expulsion to attend certain alternative educational programs.

Effective: July 1, 2018.

Taylor J

January 9, 2018, read first time and referred to Committee on Education.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1208

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 20-26-5-32, AS ADDED BY P.L.66-2009,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 32. **(a)** The governing body of each school
4 corporation shall work with parents to:
5 (1) develop; and
6 (2) review periodically;
7 an evidence based plan for improving student behavior and discipline
8 in the school corporation after receiving a model plan developed **and**
9 **maintained** by the department.
10 **(b) The evidence based plan developed under this section:**
11 **(1) may not contain any zero tolerance requirements;**
12 **(2) must reduce disproportionality in discipline or**
13 **inappropriately high rates of in-school suspension,**
14 **out-of-school suspension, and expulsion; and**
15 **(3) must limit referrals to law enforcement or arrests on**
16 **school property to cases in which referral to law enforcement**
17 **or arrest is necessary to protect the health and safety of other**



1 students or school employees.

2 (c) Beginning in 2019, the evidence based plan must be
3 submitted to the department once every two (2) years.

4 (d) The department, in collaboration with the department of
5 child services, the division of mental health and addiction, parent
6 organizations, and state educational institutions, shall assist a
7 school corporation with the implementation of the school
8 corporation's evidence based plan developed under subsection (a)
9 to ensure that teachers and administrators receive appropriate
10 professional development in preparation for carrying out the plan.

11 SECTION 2. IC 20-33-8-2.5 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2018]: **Sec. 2.5. As used in this chapter, "exclusion" means any
14 suspension, expulsion, or involuntary transfer that removes a
15 student from the student's regular classroom.**

16 SECTION 3. IC 20-33-8-3, AS ADDED BY P.L.1-2005, SECTION
17 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
18 2018]: Sec. 3. (a) As used in this chapter, "expulsion" means a
19 disciplinary or other action whereby a student:

20 (1) is separated from school attendance for a period exceeding ten

21 (10) school days;

22 (2) is separated from school attendance for the balance of the
23 current semester or current year unless a student is permitted to
24 complete required examinations in order to receive credit for
25 courses taken in the current semester or current year; or

26 (3) is separated from school attendance for the period prescribed
27 under section 16 of this chapter. ~~which may include an
28 assignment to attend an alternative school, an alternative
29 educational program, or a homebound educational program.~~

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

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

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

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

35 SECTION 4. IC 20-33-8-3.5 IS ADDED TO THE INDIANA CODE
36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
37 1, 2018]: **Sec. 3.5. As used in this chapter, "positive discipline"
38 refers to discipline that creates safe, supportive, and positive school
39 environments and responds to misbehavior with interventions and
40 consequences aimed at understanding and addressing the causes of
41 misbehavior, resolving conflicts, meeting student needs, and
42 keeping students in school and learning.**



1 SECTION 5. IC 20-33-8-3.7 IS ADDED TO THE INDIANA CODE
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 3 1, 2018]: **Sec. 3.7. As used in this chapter, "restorative justice"**
 4 **means a theory of justice that emphasizes repairing the harm**
 5 **caused or revealed by misconduct rather than punishment. The**
 6 **theory emphasizes the following process:**

7 (1) **Identifying the misconduct and attempting to repair the**
 8 **damage.**

9 (2) **Including all people affected by a conflict in the process of**
 10 **responding to the conflict.**

11 (3) **Creating a process that promotes healing, reconciliation,**
 12 **and the rebuilding of relationships to build mutual**
 13 **responsibility and constructive responses to wrongdoing**
 14 **within schools.**

15 SECTION 6. IC 20-33-8-8, AS AMENDED BY P.L.121-2009,
 16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2018]: Sec. 8. (a) Student supervision and the desirable
 18 behavior of students in carrying out school purposes ~~is~~ **are** the
 19 responsibility of:

20 (1) a school corporation; and

21 (2) the students of a school corporation.

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

24 (1) stand in the relation of parents to the students of the school
 25 corporation;

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

31 **(3) shall exercise positive discipline practices and minimize**
 32 **the use of exclusion as a punishment; and**

33 ~~(3)~~ (4) have qualified immunity with respect to a disciplinary
 34 action taken to promote student conduct under subdivision (2) if
 35 the action is taken in good faith and is reasonable.

36 (c) Students must:

37 (1) follow responsible directions of school personnel in all
 38 educational settings; and

39 (2) refrain from disruptive behavior that interferes with the
 40 educational environment.

41 SECTION 7. IC 20-33-8-9, AS AMENDED BY P.L.121-2009,
 42 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 9. (a) This section applies to an individual who:

2 (1) is a teacher or other school staff member; and

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

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

7 (c) ~~Subject to rules of the governing body and the administrative~~
8 ~~staff, an individual may remove a student for a period that does not~~
9 ~~exceed five (5) school days from an educational function supervised by~~
10 ~~the individual or another individual who is a teacher or other school~~
11 ~~staff member. Removal from class should be a last resort and should~~
12 **last only as long as necessary to control the student and secure**
13 **appropriate interventions and supports, consistent with positive**
14 **discipline practices.**

15 (d) If an individual removes a student from a class under subsection
16 (c), the principal may place the student in another appropriate class or
17 placement or into ~~in-school~~ **in-school** suspension. The principal may not
18 return the student to the class from which the student was removed
19 until the principal has met with the student, the student's teacher, and
20 the student's parents to determine an appropriate behavior plan for the
21 student. If the student's parents do not meet with the principal and the
22 student's teacher within a reasonable amount of time, the student may
23 be moved to another class at the principal's discretion.

24 SECTION 8. IC 20-33-8-10, AS ADDED BY P.L.1-2005,
25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2018]: Sec. 10. (a) A principal may take action concerning the
27 principal's school or a school activity within the principal's jurisdiction
28 that is reasonably necessary to carry out or prevent interference with an
29 educational function or school purposes.

30 (b) Subsection (a) allows a principal to write regulations that govern
31 student conduct.

32 (c) **Rules that govern student conduct shall reflect positive**
33 **discipline practices that are supported by research.**

34 SECTION 9. IC 20-33-8-11, AS ADDED BY P.L.1-2005,
35 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2018]: Sec. 11. (a) **Subject to subsection (b), a:**

37 (1) superintendent; or

38 (2) member of the superintendent's administrative staff, with the
39 superintendent's approval;

40 may take any action with respect to all schools within the
41 superintendent's jurisdiction that is reasonably necessary to carry out
42 or prevent interference with an educational function or school



1 purposes.

2 **(b) Disciplinary policies adopted or effected under this section**
 3 **must be consistent with positive discipline practices.**

4 SECTION 10. IC 20-33-8-12, AS AMENDED BY P.L.66-2009,
 5 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2018]: Sec. 12. (a) Except as provided under ~~IC 20-33-8-16;~~
 7 **section 16 of this chapter**, the governing body of a school corporation
 8 must do the following:

9 (1) Establish written discipline rules ~~which:~~ **that:**

10 (A) must:

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

13 (ii) **minimize the use of exclusion in favor of alternative**
 14 **approaches that keep students in school;**

15 (iii) **contribute to a continuous learning environment for**
 16 **all students;**

17 (iv) **minimize the involvement of law enforcement except**
 18 **in matters of serious public safety;**

19 (v) **establish clear limits for referring students to law**
 20 **enforcement officials only in cases necessary to protect**
 21 **the safety of other students or school employees; and**

22 (vi) **define public safety offenses that may subject**
 23 **students to arrest; and**

24 (B) may:

25 (i) include ~~(A)~~ appropriate dress codes; and

26 ~~(B)~~ (ii) if applicable, **include** an agreement for court assisted
 27 resolution of school suspension and expulsion cases;

28 for the school corporation.

29 (2) Give general publicity to the discipline rules within a school
 30 where the discipline rules apply by actions such as:

31 (A) making a copy of the discipline rules available to students
 32 and students' parents; or

33 (B) delivering a copy of the discipline rules to students or the
 34 parents of students.

35 This publicity requirement may not be construed technically and
 36 is satisfied if the school corporation makes a good faith effort to
 37 disseminate to students or parents generally the text or substance
 38 of a discipline rule.

39 (b) The:

40 (1) superintendent of a school corporation; and

41 (2) principals of each school in a school corporation;

42 ~~may~~ **shall** adopt regulations establishing lines of responsibility and



1 related guidelines in compliance with the discipline policies of the
2 governing body.

3 (c) The governing body of a school corporation may delegate:

- 4 (1) rulemaking;
- 5 (2) disciplinary; and
- 6 (3) other authority;

7 as reasonably necessary to carry out the school purposes of the school
8 corporation.

9 (d) Subsection (a) does not apply to rules or directions concerning
10 the following:

- 11 (1) Movement of students.
- 12 (2) Movement or parking of vehicles.
- 13 (3) Day to day instructions concerning the operation of a
- 14 classroom or teaching station.
- 15 (4) Time for commencement of school.
- 16 (5) Other standards or regulations relating to the manner in which
- 17 an educational function must be administered.

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

20 SECTION 11. IC 20-33-8-13, AS ADDED BY P.L.1-2005,
21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2018]: Sec. 13. (a) Discipline rules adopted under section 12
23 of this chapter must provide that a student with a chronic disease or
24 medical condition may possess and self-administer medication for the
25 chronic disease or medical condition during the times and in the places
26 set forth under section ~~14(b)~~ **14(f)** of this chapter if the following
27 conditions are met:

- 28 (1) The student's parent has filed an authorization with the
- 29 student's principal for the student to possess and self-administer
- 30 the medication. The authorization must include the statement
- 31 described in subdivision (2).
- 32 (2) A physician states in writing that:
 - 33 (A) the student has an acute or chronic disease or medical
 - 34 condition for which the physician has prescribed medication;
 - 35 (B) the student has been instructed in how to self-administer
 - 36 the medication; and
 - 37 (C) the nature of the disease or medical condition requires
 - 38 emergency administration of the medication.

39 (b) The authorization and statement described in subsection (a) must
40 be filed annually with the student's principal.

41 SECTION 12. IC 20-33-8-13.5, AS AMENDED BY P.L.285-2013,
42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 13.5. (a) Discipline rules adopted by the
 2 governing body of a school corporation under section 12 of this chapter
 3 must:

4 (1) prohibit bullying; and

5 (2) include:

6 (A) provisions concerning education, parental involvement,
 7 and intervention;

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

10 (i) appropriate responses to bullying behaviors, wherever the
 11 behaviors occur;

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

14 (iii) timetables for reporting of bullying incidents to the
 15 parents of both the targeted student and the bully, in an
 16 expedited manner;

17 (iv) timetables for reporting of bullying incidents to school
 18 counselors, school administrators, the superintendent, or law
 19 enforcement, if it is determined that ~~reporting the bullying~~
 20 ~~incident to law enforcement is necessary~~; **raises a serious**
 21 **public safety issue**;

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

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

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

28 (i) support services for the victim; and

29 (ii) bullying education for the bully.

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

33 (1) the individual committing the bullying behavior and any of the
 34 intended targets of the bullying behavior are students attending a
 35 school within a school corporation; and

36 (2) disciplinary action is reasonably necessary to avoid substantial
 37 interference with school discipline or prevent an unreasonable
 38 threat to the rights of others to a safe and peaceful learning
 39 environment.

40 (c) The discipline rules described in subsection (a) must prohibit
 41 bullying through the use of data or computer software that is accessed
 42 through a:



- 1 (1) computer;
 2 (2) computer system; or
 3 (3) computer network.

4 (d) This section may not be construed to give rise to a cause of
 5 action against a person or school corporation based on an allegation of
 6 noncompliance with this section. Noncompliance with this section may
 7 not be used as evidence against a school corporation in a cause of
 8 action.

9 (e) A record made of an investigation, a disciplinary action, or a
 10 follow-up action performed under rules adopted under this section is
 11 not a public record under IC 5-14-3.

12 (f) The department shall periodically review each policy adopted
 13 under this section to ensure the policy's compliance with this section.

14 SECTION 13. IC 20-33-8-14, AS ADDED BY P.L.1-2005,
 15 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 14. (a) ~~The following are the grounds for student
 17 suspension or expulsion subject to the procedural requirements of this
 18 chapter and as stated by school corporation rules:~~

- 19 ~~(1) Student misconduct;~~
 20 ~~(2) Substantial disobedience. In general, positive discipline
 21 practices and alternatives to exclusion shall be used to address
 22 disciplinary matters or misconduct.~~

23 (b) **Suspension or expulsion shall be limited to situations in
 24 which a student's conduct poses a threat to the health or safety of
 25 students or school employees. A suspension or expulsion is subject
 26 to the procedural requirements of this chapter and to school
 27 corporation rules.**

28 (c) **Exclusion from class shall be used only in situations in which
 29 it is necessary to address the disruptive behavior through
 30 interventions and securing supportive services for the student.**

31 (d) **A student may not be suspended or expelled solely for
 32 tardiness, absence, or truancy.**

33 (e) **This subsection applies to an expulsion that occurs after June
 34 30, 2018. A student who is expelled shall be enrolled in:**

- 35 (1) **a special course of study;**
 36 (2) **an alternative educational program; or**
 37 (3) **an alternative school;**

38 **during the period of the expulsion.**

39 ~~(b) (f) The grounds for suspension, or expulsion, and exclusion~~
 40 ~~listed in subsection (a) subsections (b) and (c) apply when a student~~
 41 ~~is:~~

- 42 (1) on school grounds immediately before or during school hours,



1 or immediately after school hours, or at any other time when the
2 school is being used by a school group;

3 (2) off school grounds at a school activity, function, or event; or
4 (3) traveling to or from school or a school activity, function, or
5 event.

6 SECTION 14. IC 20-33-8-15, AS ADDED BY P.L.1-2005,
7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2018]: Sec. 15. (a) In addition to the grounds specified in
9 section 14 of this chapter, a student may be suspended or expelled for
10 engaging in unlawful activity on or off school grounds if:

11 (1) the unlawful activity may reasonably be considered to be ~~an~~
12 **a substantial** interference with school purposes or an educational
13 function; or

14 (2) the student's removal is necessary to restore order or protect
15 persons on school property;
16 including an unlawful activity during weekends, holidays, other school
17 breaks, and the summer period when a student may not be attending
18 classes or other school functions.

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

22 SECTION 15. IC 20-33-8-17, AS ADDED BY P.L.1-2005,
23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2018]: Sec. 17. A student may be ~~expelled from~~ **denied**
25 **admittance to** school if the student's legal settlement is not in the
26 attendance area of the school corporation where the student is enrolled
27 **and the school corporation has adopted a policy to not accept**
28 **transfer students. If a school corporation learns that a student**
29 **attending a school within the school corporation does not have**
30 **legal settlement in the attendance area of the school corporation**
31 **and the school corporation has adopted a policy to not accept**
32 **transfer students, the school that the student attends shall refer**
33 **and assist in transferring the student to the school corporation**
34 **whose attendance area includes the student's legal settlement.**

35 SECTION 16. IC 20-33-8-18, AS ADDED BY P.L.1-2005,
36 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2018]: Sec. 18. (a) A principal may suspend a student for not
38 more than ten (10) school days under section 14, 15, or 16 of this
39 chapter. However, the student may be suspended for more than ten (10)
40 school days under section 23 of this chapter.

41 (b) A principal may not suspend a student before the principal
42 **considers alternatives to a suspension under section 25 of this**



1 **chapter**, affords the student an opportunity for a meeting, **and**
 2 **provides the student's parent notification of the meeting and the**
 3 **opportunity to attend the meeting.** During ~~which the meeting~~, the
 4 student is entitled to the following:

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

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

9 (3) An opportunity for the student to explain the student's
 10 conduct.

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

14 (d) Following a suspension, the principal shall send a written
 15 statement to the parent of the suspended student describing the
 16 following:

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

18 (2) The action taken by the principal.

19 **(e) If a student is suspended, the principal shall put into place a**
 20 **continuing education plan during the period of the student's**
 21 **suspension as well as during the time frame immediately following**
 22 **the student's reentry into school following the suspension. The**
 23 **student's plan shall include the following:**

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

26 (2) **The right to receive all missed assignments and the**
 27 **materials distributed to students in connection with the**
 28 **assignments.**

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

31 SECTION 17. IC 20-33-8-19, AS ADDED BY P.L.1-2005,
 32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2018]: Sec. 19. (a) A superintendent of a school corporation
 34 may conduct an expulsion meeting or appoint one (1) of the following
 35 to conduct an expulsion meeting:

36 (1) Legal counsel.

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

38 (A) has not expelled the student during the current school
 39 year; and

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

41 The superintendent or a person designated under this subsection may
 42 issue subpoenas, compel the attendance of witnesses, and administer



- 1 oaths to persons giving testimony at an expulsion meeting.
- 2 (b) An expulsion may take place only after the student and the
3 student's parent are given notice of their right to appear at an expulsion
4 meeting with the superintendent or a person designated under
5 subsection (a). Notice of the right to appear at an expulsion meeting
6 must:
- 7 (1) be made by certified mail or by personal delivery;
 - 8 (2) contain the reasons for the expulsion; and
 - 9 (3) contain the procedure for requesting an expulsion meeting.
- 10 (c) The individual conducting an expulsion meeting:
- 11 (1) shall make a written summary of the evidence heard at the
12 expulsion meeting;
 - 13 (2) may take action that the individual finds appropriate; and
 - 14 (3) must give notice of the action taken under subdivision (2) to
15 the student and the student's parent.
- 16 (d) If the student or the student's parent not later than ten (10) days
17 of receipt of a notice of action taken under subsection (c) makes a
18 written appeal to the governing body, the governing body:
- 19 (1) shall hold a meeting to consider:
 - 20 (A) the written summary of evidence prepared under
21 subsection (c)(1); and
 - 22 (B) the arguments of the principal and the student or the
23 student's parent;
 - 24 unless the governing body has voted under subsection (f) not to
25 hear appeals of actions taken under subsection (c); and
 - 26 (2) may take action that the governing body finds appropriate.
- 27 The decision of the governing body may be appealed only under
28 section 21 of this chapter.
- 29 (e) A student or a student's parent who fails to request and appear
30 at an expulsion meeting after receipt of notice of the right to appear at
31 an expulsion meeting forfeits all rights administratively to contest and
32 appeal the expulsion. For purposes of this section, notice of the right to
33 appear at an expulsion meeting or notice of the action taken at an
34 expulsion meeting is effectively given at the time when the request or
35 notice is delivered personally or sent by certified mail to a student and
36 the student's parent.
- 37 (f) The governing body may vote to not hear appeals of actions
38 taken under subsection (c). If the governing body votes to not hear
39 appeals, subsequent to the date on which the vote is taken, a student or
40 parent may appeal only under section 21 of this chapter.
- 41 **(g) A plan for continuing education for a student shall be put**
42 **into place during the period of the student's expulsion.**



1 **(h) Expulsion shall be used only as a last resort in serious**
 2 **matters of school safety.**

3 SECTION 18. IC 20-33-8-20, AS ADDED BY P.L.1-2005,
 4 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2018]: Sec. 20. (a) Except as provided in section 16 of this
 6 chapter **and subject to section 14 of this chapter**, a student may not
 7 be expelled for a longer period than the remainder of the school year in
 8 which the expulsion took effect if the misconduct occurs during the
 9 first semester. If a student is expelled during the second semester, the
 10 expulsion remains in effect for summer school and may remain in
 11 effect for the first semester of the following school year, unless
 12 otherwise modified or terminated by order of the governing body. ~~The~~
 13 ~~appropriate authorities may require that a student who is at least sixteen~~
 14 ~~(16) years of age and who wishes to reenroll after an expulsion or an~~
 15 ~~exclusion attend an alternative program.~~

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

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

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

- 30 (1) shall be conducted by the superintendent or an individual
 31 designated under section 19(a) of this chapter after notice of the
 32 review has been given to the student and the student's parent;
 33 (2) is limited to newly discovered evidence or evidence of
 34 changes in the student's circumstances occurring since the
 35 original meeting; and
 36 (3) may lead to a recommendation by the individual conducting
 37 the review that the student be reinstated for the upcoming school
 38 year.

39 SECTION 19. IC 20-33-8-23, AS ADDED BY P.L.1-2005,
 40 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2018]: Sec. 23. The superintendent or the person designated
 42 by the superintendent under section 19(a) of this chapter may continue



1 **the** suspension of a student for more than the ten (10) school day
 2 period of the principal's suspension and until the time of the expulsion
 3 decision under section 19 of this chapter if the superintendent or the
 4 designated person determines that the student's continued suspension
 5 will prevent or substantially reduce the risk of:

- 6 (1) **substantial** interference with an educational function or
 7 school purposes; or
 8 (2) a physical injury to the student, other students, school
 9 employees, or visitors to the school.

10 However, a student may not be suspended from school pending a
 11 meeting on a student's proposed expulsion if the expulsion is ordered
 12 under section 17 of this chapter.

13 SECTION 20. IC 20-33-8-24 IS REPEALED [EFFECTIVE JULY
 14 1, 2018]. Sec. 24. (a) This section applies to a student who:

- 15 (1) is at least sixteen (16) years of age; and
 16 (2) wishes to reenroll after an expulsion:

17 (b) A principal may require a student to attend one (1) or more of
 18 the following:

- 19 (1) An alternative school or alternative educational program;
 20 (2) Evening classes;
 21 (3) Classes established for students who are at least sixteen (16)
 22 years of age.

23 SECTION 21. IC 20-33-8-24.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2018]: **Sec. 24.5. A school corporation must
 26 have a plan for reentry into school of an expelled student. The plan
 27 must include academic assessment and supportive services for the
 28 expelled student.**

29 SECTION 22. IC 20-33-8-25, AS AMENDED BY P.L.233-2015,
 30 SECTION 262, IS AMENDED TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2018]: Sec. 25. (a) This section applies to an
 32 individual who:

- 33 (1) is a member of the administrative staff, a teacher, or other
 34 school staff member; and
 35 (2) has students under the individual's charge.

36 (b) ~~An individual may take disciplinary action instead of or in~~
 37 ~~addition to suspension and expulsion that is necessary to ensure a safe,~~
 38 ~~orderly, and effective educational environment. Disciplinary action~~
 39 ~~under this section may include the following: **Prior to consideration**~~
 40 ~~**of suspension or expulsion, the following disciplinary practices and**~~
 41 ~~**alternatives shall be considered:**~~

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



- 1 (2) Conferences with a parent or group of parents.
 2 (3) Assigning additional work.
 3 (4) Rearranging class schedules.
 4 (5) Requiring a student to remain in school after regular school
 5 hours:
 6 (A) to do additional school work; or
 7 (B) for counseling.
 8 (6) Restricting extracurricular activities.
 9 (7) Removal of a student by a teacher from ~~that the~~ **the** teacher's class
 10 for a period not to exceed
 11 (A) ~~five (5) class periods for middle, junior high, or high~~
 12 ~~school students; or~~
 13 ~~(B) one (1) school day for elementary school students;~~
 14 **the time necessary to address the misconduct and implement**
 15 **a behavior plan** if the student is assigned regular or additional
 16 school work to complete in another school setting.
 17 (8) ~~Assignment by the principal of:~~
 18 (A) ~~a special course of study;~~
 19 (B) ~~an alternative educational program; or~~
 20 (C) ~~an alternative school.~~
 21 ~~(9)~~ **(8)** Assignment by the principal of the school where the
 22 recipient of the disciplinary action is enrolled of not more than
 23 one hundred twenty (120) hours of service with a nonprofit
 24 organization operating in or near the community where the school
 25 is located or where the student resides. The following apply to
 26 service assigned under this subdivision:
 27 (A) A principal may not assign a student under this
 28 subdivision unless the student's parent approves:
 29 (i) the nonprofit organization where the student is assigned;
 30 and
 31 (ii) the plan described in clause (B)(i).
 32 A student's parent may request or suggest that the principal
 33 assign the student under this subdivision.
 34 (B) The principal shall make arrangements for the student's
 35 service with the nonprofit organization. Arrangements must
 36 include the following:
 37 (i) A plan for the service that the student is expected to
 38 perform.
 39 (ii) A description of the obligations of the nonprofit
 40 organization to the student, the student's parents, and the
 41 school corporation where the student is enrolled.
 42 (iii) Monitoring of the student's performance of service by



1 the principal or the principal's designee.

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

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

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

15 ~~(H)~~ **(9)** Removal of a student from school sponsored
16 transportation.

17 ~~(I)~~ **(10)** Referral to the juvenile court having jurisdiction over
18 the student, **in cases raising serious public safety issues.**

19 **(11) Use of positive discipline practices supported by research,**
20 **including restorative justice practices.**

21 (e) As used in this subsection, "physical assault" means the knowing
22 or intentional touching of another person in a rude, insolent, or angry
23 manner. When a student physically assaults a person having authority
24 over the student, the principal of the school where the student is
25 enrolled shall refer the student to the juvenile court having jurisdiction
26 over the student. However, a student with a disability (as defined in
27 IC 20-35-1-8) who physically assaults a person having authority over
28 the student is subject to procedural safeguards under 20 U.S.C. 1415.

29 SECTION 23. IC 20-33-8-29, AS AMENDED BY P.L.234-2007,
30 SECTION 119, IS AMENDED TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2018]: Sec. 29. (a) As used in this section,
32 "special school" includes the following:

- 33 (1) A career and technical education school.
34 (2) A special education school or program.
35 (3) An alternative school or program.

36 (b) To the extent possible, this chapter applies to a special school.

37 (c) The governing body of a special school may make necessary
38 modifications to the responsibilities of school personnel under this
39 chapter to accommodate ~~the an~~ administrative structure of ~~a the~~ special
40 school **that is consistent with creating a positive learning**
41 **environment.**

42 (d) In addition to a disciplinary action imposed by a special school,



1 the principal of the school where a student is enrolled may without
 2 additional procedures adopt a disciplinary action or decision of a
 3 special school as a disciplinary action of the school corporation.

4 SECTION 24. IC 20-33-8-30, AS AMENDED BY P.L.233-2015,
 5 SECTION 263, IS AMENDED TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2018]: Sec. 30. (a) This section applies to the
 7 following:

8 (1) A student who:

9 (A) is expelled from a school corporation or charter school
 10 under this chapter; or

11 (B) withdraws from a school corporation or charter school to
 12 avoid expulsion.

13 (2) A student who:

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

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

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

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

27 (A) in the case of a student withdrawing from a charter school
 28 that is not a conversion charter school to avoid expulsion, the
 29 conversion charter school; or

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

32 (i) the conversion charter school; and

33 (ii) the school corporation that sponsored the conversion
 34 charter school;

35 of the student's expulsion, separation, or withdrawal to avoid
 36 expulsion or separation;

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

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



- 1 school or conversion charter school).
- 2 (e) If:
- 3 (1) a student's parent fails to inform the school corporation of the
- 4 expulsion or separation or withdrawal to avoid expulsion or
- 5 separation; or
- 6 (2) a student fails to follow the terms and conditions of enrollment
- 7 under subsection (b)(3);
- 8 the school corporation or charter school may withdraw consent and
- 9 prohibit the student's enrollment during the period of the actual or
- 10 proposed expulsion or separation:
- 11 (d) This section does not apply to a student who is expelled under
- 12 section 17 of this chapter:
- 13 SECTION 25. IC 20-33-8-31, AS ADDED BY P.L.1-2005,
- 14 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2018]: Sec. 31. (a) If a student is suspended or expelled from
- 16 school or from any educational function under this chapter, the
- 17 student's absence from school because of the suspension or expulsion
- 18 is not a violation of:
- 19 (1) IC 20-33-2; or
- 20 (2) any other statute relating to compulsory school attendance.
- 21 (b) **Compulsory attendance requires academic learning to**
- 22 **continue through all periods of the student's exclusion from class**
- 23 **or school, including during suspensions and expulsions.**

