

HOUSE BILL No. 1326

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 must seek to: (1) reduce out-of-school suspensions and disproportionality in discipline and expulsions; and (2) limit referrals to law enforcement or arrests on school property to cases in which referral to law enforcement or arrest is 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 discipline policies established by a superintendent or member of the superintendent's administrative staff must be consistent with positive discipline practices. 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. 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.

Porter

January 11, 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. 1326

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 **periodically updated** by the department.
10 **(b) The evidence based plan developed under this section must**
11 **seek to:**
12 **(1) reduce out-of-school suspensions and disproportionality in**
13 **discipline and expulsions; and**
14 **(2) limit referrals to law enforcement or arrests on school**
15 **property to cases in which referral to law enforcement or**
16 **arrest is necessary to protect the health and safety of other**
17 **students or school employees.**



1 (c) Beginning in 2018, the school corporation shall review the
2 evidence based plan once every three (3) years and any or all
3 changes aligned with evidence based practices incorporated in the
4 school improvement plan.

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

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

18 SECTION 3. IC 20-33-8-3.5 IS ADDED TO THE INDIANA CODE
19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
20 1, 2018]: **Sec. 3.5.** As used in this chapter, "positive discipline"
21 refers to discipline emphasizing prevention strategies that creates
22 safe, supportive, and positive school environments and responds to
23 misbehavior with interventions and consequences aimed at
24 understanding and addressing the causes of misbehavior, resolving
25 conflicts, meeting student needs, and keeping students in school
26 and learning.

27 SECTION 4. IC 20-33-8-3.7 IS ADDED TO THE INDIANA CODE
28 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
29 1, 2018]: **Sec. 3.7.** As used in this chapter, "restorative justice"
30 means a practice that emphasizes repairing the harm caused or
31 revealed by misconduct rather than punishment. The practice
32 emphasizes the following process:

- 33 (1) Identifying the misconduct and attempting to repair the
34 damage.
- 35 (2) Including all people affected by a conflict in the process of
36 responding to the conflict.
- 37 (3) Creating a process that promotes healing, reconciliation,
38 and the rebuilding of relationships to build mutual
39 responsibility and constructive responses to wrongdoing
40 within schools.

41 SECTION 5. IC 20-33-8-8, AS AMENDED BY P.L.121-2009,
42 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 8. (a) Student supervision and the desirable
 2 behavior of students in carrying out school purposes ~~is~~ **are** the
 3 responsibility of:

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

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

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

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

17 ~~(3)~~ **(4)** have qualified immunity with respect to a disciplinary
 18 action taken to promote student conduct under subdivision (2) if
 19 the action is taken in good faith and is reasonable.

20 (c) Students ~~must~~ **are expected to**:

- 21 (1) follow responsible directions of school personnel in all
 22 educational settings; and
 23 (2) refrain from disruptive behavior that interferes with the
 24 educational environment.

25 SECTION 6. IC 20-33-8-9, AS AMENDED BY P.L.121-2009,
 26 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2018]: Sec. 9. (a) This section applies to an individual who:

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

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

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

41 (d) If an individual removes a student from a class under subsection
 42 (c), the principal may place the student in another appropriate class or



1 placement or into ~~inschool~~ **in-school** suspension. The principal may not
 2 return the student to the class from which the student was removed
 3 until the principal has met with the student, the student's teacher, **the**
 4 **special education teacher of record, if applicable**, and the student's
 5 parents to determine an appropriate behavior plan for the student. If the
 6 student's parents do not meet with the principal and the student's
 7 teacher within a reasonable amount of time, the student may be moved
 8 to another class at the principal's discretion.

9 SECTION 7. IC 20-33-8-10, AS ADDED BY P.L.1-2005,
 10 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2018]: Sec. 10. (a) A principal may take action concerning the
 12 principal's school or a school activity within the principal's jurisdiction
 13 that is reasonably necessary to carry out or prevent interference with an
 14 educational function or school purposes.

15 (b) Subsection (a) allows a principal to write regulations that govern
 16 student conduct.

17 **(c) Rules that govern student conduct must reflect positive**
 18 **discipline practices that are supported by research.**

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

22 (1) superintendent; or

23 (2) member of the superintendent's administrative staff, with the
 24 superintendent's approval;

25 may take any action with respect to all schools within the
 26 superintendent's jurisdiction that is reasonably necessary to carry out
 27 or prevent interference with an educational function or school
 28 purposes.

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

31 SECTION 9. IC 20-33-8-12, AS AMENDED BY P.L.66-2009,
 32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2018]: Sec. 12. (a) Except as provided under ~~IC 20-33-8-16;~~
 34 **section 16 of this chapter**, the governing body of a school corporation
 35 must do the following:

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

37 **(A) must:**

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

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

42 **(iii) contribute to a continuous learning environment for**



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



1 an educational function must be administered.

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

4 SECTION 10. IC 20-33-8-13, AS ADDED BY P.L.1-2005,
5 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2018]: Sec. 13. (a) Discipline rules adopted under section 12
7 of this chapter must provide that a student with a chronic disease or
8 medical condition may possess and self-administer medication for the
9 chronic disease or medical condition during the times and in the places
10 set forth under section ~~14(b)~~ **14(g)** of this chapter if the following
11 conditions are met:

12 (1) The student's parent has filed an authorization with the
13 student's principal for the student to possess and self-administer
14 the medication. The authorization must include the statement
15 described in subdivision (2).

16 (2) A physician states in writing that:

17 (A) the student has an acute or chronic disease or medical
18 condition for which the physician has prescribed medication;

19 (B) the student has been instructed in how to self-administer
20 the medication; and

21 (C) the nature of the disease or medical condition requires
22 emergency administration of the medication.

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

25 SECTION 11. IC 20-33-8-13.5, AS AMENDED BY P.L.285-2013,
26 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2018]: Sec. 13.5. (a) Discipline rules adopted by the
28 governing body of a school corporation under section 12 of this chapter
29 must:

30 (1) prohibit bullying; and

31 (2) include:

32 (A) provisions concerning education, parental involvement,
33 and intervention;

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

36 (i) appropriate responses to bullying behaviors, wherever the
37 behaviors occur;

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

40 (iii) timetables for reporting of bullying incidents to the
41 parents of both the targeted student and the bully, in an
42 expedited manner;



- 1 (iv) timetables for reporting of bullying incidents to school
 2 counselors, school administrators, the superintendent, or law
 3 enforcement, if it is determined that ~~reporting~~ the bullying
 4 ~~incident to law enforcement is necessary~~; **raises a serious**
 5 **public safety issue**;
 6 (v) discipline provisions for teachers, school staff, or school
 7 administrators who fail to initiate or conduct an
 8 investigation of a bullying incident; and
 9 (vi) discipline provisions for false reporting of bullying; and
 10 (C) a detailed procedure outlining the use of follow-up
 11 services that includes:
 12 (i) support services for the victim; and
 13 (ii) bullying education for the bully.
- 14 (b) The discipline rules described in subsection (a) may be applied
 15 regardless of the physical location in which the bullying behavior
 16 occurred, whenever:
 17 (1) the individual committing the bullying behavior and any of the
 18 intended targets of the bullying behavior are students attending a
 19 school within a school corporation; and
 20 (2) disciplinary action is reasonably necessary to avoid substantial
 21 interference with school discipline or prevent an unreasonable
 22 threat to the rights of others to a safe and peaceful learning
 23 environment.
- 24 (c) The discipline rules described in subsection (a) must prohibit
 25 bullying through the use of data or computer software that is accessed
 26 through a:
 27 (1) computer;
 28 (2) computer system; or
 29 (3) computer network.
- 30 (d) This section may not be construed to give rise to a cause of
 31 action against a person or school corporation based on an allegation of
 32 noncompliance with this section. Noncompliance with this section may
 33 not be used as evidence against a school corporation in a cause of
 34 action.
- 35 (e) A record made of an investigation, a disciplinary action, or a
 36 follow-up action performed under rules adopted under this section is
 37 not a public record under IC 5-14-3.
- 38 (f) The department shall periodically review each policy adopted
 39 under this section to ensure the policy's compliance with this section.
- 40 SECTION 12. IC 20-33-8-14, AS ADDED BY P.L.1-2005,
 41 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2018]: Sec. 14. (a) **Subject to subsection (b)**, the following



1 are the grounds for student suspension or expulsion subject to the
 2 procedural requirements of this chapter and as stated by school
 3 corporation rules:

4 (1) Student misconduct.

5 (2) Substantial disobedience.

6 **(b) In general, positive discipline practices and alternatives to**
 7 **exclusion shall be used to address disciplinary matters or**
 8 **misconduct.**

9 **(c) In accordance with positive school discipline research,**
 10 **suspension or expulsion shall be limited to situations in which a**
 11 **student's conduct poses a threat to the health or safety of students**
 12 **or school employees. A suspension or expulsion is subject to the**
 13 **procedural requirements of this chapter and to school corporation**
 14 **rules.**

15 **(d) Exclusion from class shall be used only in situations in which**
 16 **it is necessary to address the disruptive behavior through**
 17 **interventions and securing supportive services for the student.**

18 **(e) In accordance with positive school discipline, a student may**
 19 **not be suspended or expelled solely for tardiness, absence, or**
 20 **truancy.**

21 **(f) This subsection applies to an expulsion that occurs after June**
 22 **30, 2018. A student who is expelled shall be enrolled in:**

23 **(1) a special course of study;**

24 **(2) an alternative educational program; or**

25 **(3) an alternative school;**

26 **during the period of the expulsion.**

27 ~~(b)~~ **(g) The grounds for suspension, or expulsion, and exclusion**
 28 **listed in subsection (a) subsections (c) and (d) apply when a student**
 29 **is:**

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

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

34 (3) traveling to or from school or a school activity, function, or
 35 event.

36 SECTION 13. IC 20-33-8-15, AS ADDED BY P.L.1-2005,
 37 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2018]: Sec. 15. **(a)** In addition to the grounds specified in
 39 section 14 of this chapter, a student may be suspended or expelled for
 40 engaging in unlawful activity on or off school grounds if:

41 (1) the unlawful activity may reasonably be considered to be ~~an~~
 42 **a substantial** interference with school purposes or an educational



1 function; or

2 (2) the student's removal is necessary to restore order or protect
3 persons on school property;

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

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

10 SECTION 14. IC 20-33-8-17, AS ADDED BY P.L.1-2005,
11 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2018]: Sec. 17. A student may be ~~expelled from~~ **denied
13 admittance to** school if the student's legal settlement is not in the
14 attendance area of the school corporation where the student is enrolled
15 **and the school corporation has adopted a policy to not accept
16 transfer students. If a school corporation learns that a student
17 attending a school within the school corporation does not have
18 legal settlement in the attendance area of the school corporation
19 and the school corporation has adopted a policy to not accept
20 transfer students, the school that the student attends shall refer
21 and assist in transferring the student to the school corporation
22 whose attendance area includes the student's legal settlement.**

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

29 (b) A principal may not suspend a student before the principal
30 **considers alternatives to a suspension under section 25 of this
31 chapter**, affords the student an opportunity for a meeting, **and
32 provides the student's parent notification of the meeting and the
33 opportunity to attend the meeting.** During ~~which the meeting~~, the
34 student is entitled to the following:

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

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

39 (3) An opportunity for the student to explain the student's
40 conduct.

41 (c) When misconduct requires immediate removal of a student, the
42 meeting under subsection (b) must begin as soon as reasonably possible



1 after the student's suspension.

2 (d) Following a suspension, the principal shall send a written
3 statement to the parent of the suspended student describing the
4 following:

- 5 (1) The student's **serious** misconduct.
- 6 (2) The action taken by the principal.

7 **(e) If a student is suspended, the principal shall put into place a**
8 **continuing education plan during the period of the student's**
9 **suspension as well as during the time frame immediately following**
10 **the student's reentry into school following the suspension. The**
11 **student's plan must include the following:**

- 12 **(1) The opportunity to take curricular material home for the**
13 **duration of the suspension.**
- 14 **(2) The right to receive all missed assignments and the**
15 **materials distributed to students in connection with the**
16 **assignments.**
- 17 **(3) The opportunity to take any examinations missed during**
18 **the suspension period.**

19 SECTION 16. IC 20-33-8-19, AS ADDED BY P.L.1-2005,
20 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2018]: Sec. 19. (a) A superintendent of a school corporation
22 may conduct an expulsion meeting or appoint one (1) of the following to
23 conduct an expulsion meeting:

- 24 (1) Legal counsel.
- 25 (2) A member of the administrative staff if the member:
26 (A) has not expelled the student during the current school
27 year; and
28 (B) was not involved in the events giving rise to the expulsion.

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

32 (b) An expulsion may take place only after the student and the
33 student's parent are given notice of their right to appear at an expulsion
34 meeting with the superintendent or a person designated under
35 subsection (a). Notice of the right to appear at an expulsion meeting
36 must:

- 37 (1) be made by certified mail or by personal delivery;
- 38 (2) contain the reasons for the expulsion; and
- 39 (3) contain the procedure for requesting an expulsion meeting.
- 40 (c) The individual conducting an expulsion meeting:
41 (1) shall make a written summary of the evidence heard at the
42 expulsion meeting;



- 1 (2) may take action that the individual finds appropriate; and
 2 (3) must give notice of the action taken under subdivision (2) to
 3 the student and the student's parent.
 4 (d) If the student or the student's parent not later than ten (10) days
 5 of receipt of a notice of action taken under subsection (c) makes a
 6 written appeal to the governing body, the governing body:
 7 (1) shall hold a meeting to consider:
 8 (A) the written summary of evidence prepared under
 9 subsection (c)(1); and
 10 (B) the arguments of the principal and the student or the
 11 student's parent;
 12 unless the governing body has voted under subsection (f) not to
 13 hear appeals of actions taken under subsection (c); and
 14 (2) may take action that the governing body finds appropriate.
 15 The decision of the governing body may be appealed only under
 16 section 21 of this chapter.
 17 (e) A student or a student's parent who fails to request and appear
 18 at an expulsion meeting after receipt of notice of the right to appear at
 19 an expulsion meeting forfeits all rights administratively to contest and
 20 appeal the expulsion. For purposes of this section, notice of the right to
 21 appear at an expulsion meeting or notice of the action taken at an
 22 expulsion meeting is effectively given at the time when the request or
 23 notice is delivered personally or sent by certified mail to a student and
 24 the student's parent.
 25 (f) The governing body may vote to not hear appeals of actions
 26 taken under subsection (c). If the governing body votes to not hear
 27 appeals, subsequent to the date on which the vote is taken, a student or
 28 parent may appeal only under section 21 of this chapter.
 29 **(g) A plan for continuing education for a student shall be put**
 30 **into place during the period of the student's expulsion.**
 31 **(h) Expulsion may be used only as a last resort in serious**
 32 **matters of school safety.**
 33 SECTION 17. IC 20-33-8-20, AS ADDED BY P.L.1-2005,
 34 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2018]: Sec. 20. (a) Except as provided in section 16 of this
 36 chapter **and subject to section 14 of this chapter**, a student may not
 37 be expelled for a longer period than the remainder of the school year in
 38 which the expulsion took effect if the misconduct occurs during the
 39 first semester. If a student is expelled during the second semester, the
 40 expulsion remains in effect for summer school and may remain in
 41 effect for the first semester of the following school year, unless
 42 otherwise modified or terminated by order of the governing body. ~~The~~



1 appropriate authorities may require that a student who is at least sixteen
 2 (16) years of age and who wishes to reenroll after an expulsion or an
 3 exclusion attend an alternative program.

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

7 (1) shall be conducted by the superintendent or an individual
 8 designated under section 19(a) of this chapter after notice of the
 9 review has been given to the student and the student's parent;

10 (2) is limited to newly discovered evidence or evidence of
 11 changes in the student's circumstances occurring since the
 12 original meeting; and

13 (3) may lead to a recommendation by the person conducting the
 14 review that the student be reinstated for the second semester.

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

18 (1) shall be conducted by the superintendent or an individual
 19 designated under section 19(a) of this chapter after notice of the
 20 review has been given to the student and the student's parent;

21 (2) is limited to newly discovered evidence or evidence of
 22 changes in the student's circumstances occurring since the
 23 original meeting; and

24 (3) may lead to a recommendation by the individual conducting
 25 the review that the student be reinstated for the upcoming school
 26 year.

27 SECTION 18. IC 20-33-8-23, AS ADDED BY P.L.1-2005,
 28 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2018]: Sec. 23. The superintendent or the person designated
 30 by the superintendent under section 19(a) of this chapter may continue
 31 **the** suspension of a student for more than the ten (10) school day
 32 period of the principal's suspension and until the time of the expulsion
 33 decision under section 19 of this chapter if the superintendent or the
 34 designated person determines that the student's continued suspension
 35 will prevent or substantially reduce the risk of:

36 (1) **substantial** interference with an educational function or
 37 school purposes; or

38 (2) a physical injury to the student, other students, school
 39 employees, or visitors to the school.

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



1 SECTION 19. IC 20-33-8-24 IS REPEALED [EFFECTIVE JULY
2 1, 2018]. ~~Sec. 24. (a) This section applies to a student who:~~

3 ~~(1) is at least sixteen (16) years of age; and~~

4 ~~(2) wishes to reenroll after an expulsion.~~

5 ~~(b) A principal may require a student to attend one (1) or more of~~
6 ~~the following:~~

7 ~~(1) An alternative school or alternative educational program;~~

8 ~~(2) Evening classes;~~

9 ~~(3) Classes established for students who are at least sixteen (16)~~
10 ~~years of age.~~

11 SECTION 20. IC 20-33-8-24.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2018]: **Sec. 24.5. A school corporation must**
14 **have a plan for the reentry into school of an expelled student. The**
15 **plan must include academic assessment and supportive services for**
16 **the expelled student.**

17 SECTION 21. IC 20-33-8-25, AS AMENDED BY P.L.233-2015,
18 SECTION 262, IS AMENDED TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2018]: Sec. 25. (a) This section applies to an
20 individual who:

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

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

24 (b) ~~An individual may take disciplinary action instead of or in~~
25 ~~addition to suspension and expulsion that is necessary to ensure a safe,~~
26 ~~orderly, and effective educational environment. Disciplinary action~~
27 ~~under this section may include the following: **Before consideration of**~~
28 ~~suspension or expulsion, the following disciplinary practices and~~
29 ~~alternatives shall be considered:~~

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

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

32 (3) Assigning additional work.

33 (4) Rearranging class schedules.

34 (5) Requiring a student to remain in school after regular school
35 hours:

36 (A) to do additional school work; or

37 (B) for counseling.

38 (6) Restricting extracurricular activities.

39 (7) **The student should have in place a continued education**
40 **plan to complete missed school work.** Removal of a student by
41 a teacher from ~~that the~~ teacher's class for a period not to exceed:

42 (A) ~~five (5) class periods for middle, junior high, or high~~



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



1 performs service under this subdivision.

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

7 ~~(H)~~ (9) Removal of a student from school sponsored
8 transportation.

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

11 **(11) Use of positive discipline practices supported by research,**
12 **including culturally responsive, trauma informed, and**
13 **restorative justice practices.**

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

22 SECTION 22. IC 20-33-8-29, AS AMENDED BY P.L.234-2007,
23 SECTION 119, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2018]: Sec. 29. (a) As used in this section,
25 "special school" includes the following:

- 26 (1) A career and technical education school.
27 (2) A special education school or program.
28 (3) An alternative school or program.

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

30 (c) The governing body of a special school may make necessary
31 modifications to the responsibilities of school personnel under this
32 chapter to accommodate ~~the an~~ administrative structure of ~~a the~~ special
33 school **that is consistent with creating a positive learning**
34 **environment.**

35 (d) In addition to a disciplinary action imposed by a special school,
36 the principal of the school where a student is enrolled may without
37 additional procedures adopt a disciplinary action or decision of a
38 special school as a disciplinary action of the school corporation.

39 SECTION 23. IC 20-33-8-30, AS AMENDED BY P.L.233-2015,
40 SECTION 263, IS AMENDED TO READ AS FOLLOWS
41 [EFFECTIVE JULY 1, 2018]: Sec. 30. (a) This section applies to the
42 following:



- 1 (1) A student who:
 2 (A) is expelled from a school corporation or charter school
 3 under this chapter; or
 4 (B) withdraws from a school corporation or charter school to
 5 avoid expulsion.
 6 (2) A student who:
 7 (A) is required to separate for disciplinary reasons from a
 8 nonpublic school or a school in a state other than Indiana by
 9 the administrative authority of the school; or
 10 (B) withdraws from a nonpublic school or a school in a state
 11 other than Indiana in order to avoid being required to separate
 12 from the school for disciplinary reasons by the administrative
 13 authority of the school.
 14 (b) The student referred to in subsection (a) may enroll in another
 15 school corporation or charter school during the period of the actual or
 16 proposed expulsion or separation **as an alternative to placement in an**
 17 **alternative education program** if:
 18 (1) the student's parent informs the school corporation in which
 19 the student seeks to enroll and also:
 20 (A) in the case of a student withdrawing from a charter school
 21 that is not a conversion charter school to avoid expulsion, the
 22 conversion charter school; or
 23 (B) in the case of a student withdrawing from a conversion
 24 charter school to avoid expulsion **or separation**:
 25 (i) the conversion charter school; and
 26 (ii) the school corporation that sponsored the conversion
 27 charter school;
 28 of the student's expulsion, separation, or withdrawal to avoid
 29 expulsion or separation;
 30 (2) the school corporation (and, in the case of a student
 31 withdrawal described in subdivision (1)(A) or (1)(B), the charter
 32 school) consents to the student's enrollment; and
 33 (3) the student agrees to the terms and conditions of enrollment
 34 established by the school corporation (or, in the case of a student
 35 withdrawal described in subdivision (1)(A) or (1)(B), the charter
 36 school or conversion charter school).
 37 (c) If:
 38 (1) a student's parent fails to inform the school corporation of the
 39 expulsion or separation or withdrawal to avoid expulsion or
 40 separation; or
 41 (2) a student fails to follow the terms and conditions of enrollment
 42 under subsection (b)(3);



1 the school corporation or charter school may withdraw consent and
2 prohibit the student's enrollment during the period of the actual or
3 proposed expulsion or separation:

4 (d) This section does not apply to a student who is expelled under
5 section 17 of this chapter.

6 SECTION 24. IC 20-33-8-31, AS ADDED BY P.L.1-2005,
7 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2018]: Sec. 31. (a) If a student is suspended or expelled from
9 school or from any educational function under this chapter, the
10 student's absence from school because of the suspension or expulsion
11 is not a violation of:

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

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

14 (b) **Compulsory attendance requires academic learning to**
15 **continue through all periods of the student's exclusion from class**
16 **or school, including during suspensions and expulsions.**

