



January 30, 2018

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## HOUSE BILL No. 1421

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DIGEST OF HB 1421 (Updated January 30, 2018 11:22 am - DI 116)

**Citations Affected:** IC 20-26; IC 20-33.

**Synopsis:** School discipline. Provides that, beginning in the 2019-2020 school year, a school corporation must develop an evidence based plan for improving student behavior and discipline that aspires to: (1) reduce out-of-school suspension and disproportionality in discipline and expulsion; 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. 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 who is at least 16 years of age and wishes to reenroll in school after an expulsion to attend certain alternative educational programs.

**Effective:** July 1, 2018.

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### Behning, Porter

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January 16, 2018, read first time and referred to Committee on Education.  
January 30, 2018, amended, reported — Do Pass.

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HB 1421—LS 7148/DI 116





January 30, 2018

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. 1421

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 **aspire to:**  
12 **(1) reduce out-of-school suspension and disproportionality in**  
13 **discipline and expulsion; and**  
14 **(2) limit referrals to law enforcement and 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.**

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1 (c) Beginning in the 2019-2020 school year, the evidence based  
 2 plan shall be reviewed by the school corporation once every three  
 3 (3) years, and any or all changes must be aligned with evidence  
 4 based practices incorporated in the school improvement plan.

5 (d) Beginning in the 2019-2020 school year, the department, in  
 6 collaboration with parent organizations and state educational  
 7 institutions, shall provide information and assistance to school  
 8 corporations regarding 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 or expulsion that removes a student from the student's  
 17 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. Included in these prevention strategies is building  
 27 positive adult-child relationships through trauma-informed,  
 28 culturally-responsive, and restorative practices.**

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

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

41 SECTION 5. IC 20-33-8-3.8 IS ADDED TO THE INDIANA CODE  
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1, 2018]: **As used in this chapter, "culturally-responsive" means a system of congruent behaviors, attitudes, and policies that enables teachers to work effectively in cross-cultural situations. The term includes the use of knowledge concerning individuals and groups to develop specific standards, policies, practices, and attitudes to be used in appropriate cultural settings to increase students' education performance.**

SECTION 6. IC 20-33-8-3.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 3.9. As used in this chapter, "trauma-informed" means a school in which all parties involved recognize and respond to the impact of traumatic stress on those who have contact with the school, including school staff, children, caregivers, and service providers. Programs and agencies within such a system infuse and sustain trauma awareness, knowledge, and skills into their organizational cultures, practices, and policies. They act in collaboration with all those who are involved with the child, using the best available science, to maximize physical and psychological safety, facilitate the recovery of the child and family, and support their ability to thrive.**

SECTION 7. IC 20-33-8-8, AS AMENDED BY P.L.121-2009, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 8. (a) Student supervision and the desirable behavior of students in carrying out school purposes is are the responsibility of:**

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

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

- (1) stand in the relation of parents to the students of the school corporation;
- (2) have the right to take ~~any disciplinary action~~ **actions** necessary to promote student conduct that conforms with an orderly and effective educational system **and is consistent with creating a positive learning environment for students**, subject to this chapter; ~~and~~
- (3) shall exercise positive discipline practices and minimize the use of exclusion as a punishment; and**
- ~~(3)~~ **(4)** have qualified immunity with respect to a disciplinary action taken to promote student conduct under subdivision (2) if the action is taken in good faith and is reasonable.

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



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

3 (2) refrain from disruptive behavior that interferes with the  
4 educational environment.

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

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

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

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

13 (c) Subject to rules of the governing body and the administrative  
14 staff, an individual may remove a student for a period that does not  
15 exceed five (5) school days from an educational function supervised by  
16 the individual or another individual who is a teacher or other school  
17 staff member. **Removal from a classroom should be a last resort and**  
18 **should last only as long as necessary to de-escalate the situation,**  
19 **ensure safety and order, and secure appropriate interventions and**  
20 **supports, consistent with positive discipline practices.**

21 (d) If an individual removes a student from a class under subsection  
22 (c), the principal may place the student in another appropriate class or  
23 placement or into ~~in-school~~ **in-school** suspension. The principal may not  
24 return the student to the class from which the student was removed  
25 until the principal has met with the student, the student's teacher, **the**  
26 **special education teacher of record, if applicable,** and the student's  
27 parents to determine an appropriate behavior plan for the student. If the  
28 student's parents do not meet with the principal and the student's  
29 teacher within a reasonable amount of time, the student may be moved  
30 to another class at the principal's discretion.

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

37 (b) Subsection (a) allows a principal to write regulations that govern  
38 student conduct.

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



1 SECTION 10. IC 20-33-8-11, AS ADDED BY P.L.1-2005,  
 2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2018]: Sec. 11. **(a) Subject to subsection (b), a:**

4 (1) superintendent; or

5 (2) member of the superintendent's administrative staff, with the  
 6 superintendent's approval;

7 may take any action with respect to all schools within the  
 8 superintendent's jurisdiction that is reasonably necessary to carry out  
 9 or prevent interference with an educational function or school  
 10 purposes.

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

13 SECTION 11. IC 20-33-8-12, AS AMENDED BY P.L.66-2009,  
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 JULY 1, 2018]: Sec. 12. (a) Except as provided under ~~IC 20-33-8-16;~~  
 16 **section 16 of this chapter**, the governing body of a school corporation  
 17 must do the following:

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

19 **(A) must:**

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

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

24 **(iii) contribute to a continuous learning environment for**  
 25 **all students; and**

26 **(iv) minimize the involvement of law enforcement except**  
 27 **in matters of public safety risk; and**

28 **(B) may:**

29 **(i) include ~~(A)~~ appropriate dress codes; and**

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

32 for the school corporation.

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

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

37 (B) delivering a copy of the discipline rules to students or the  
 38 parents of students.

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



- 1 (b) The:  
 2 (1) superintendent of a school corporation; and  
 3 (2) principals of each school in a school corporation;  
 4 may adopt regulations establishing lines of responsibility and related  
 5 guidelines in compliance with the discipline policies of the governing  
 6 body.
- 7 (c) The governing body of a school corporation may delegate:  
 8 (1) rulemaking;  
 9 (2) disciplinary; and  
 10 (3) other authority;  
 11 as reasonably necessary to carry out the school purposes of the school  
 12 corporation.
- 13 (d) Subsection (a) does not apply to rules or directions concerning  
 14 the following:  
 15 (1) Movement of students.  
 16 (2) Movement or parking of vehicles.  
 17 (3) Day to day instructions concerning the operation of a  
 18 classroom or teaching station.  
 19 (4) Time for commencement of school.  
 20 (5) Other standards or regulations relating to the manner in which  
 21 an educational function must be administered.
- 22 However, this subsection does not prohibit the governing body from  
 23 regulating the areas listed in this subsection.
- 24 SECTION 12. IC 20-33-8-13, AS ADDED BY P.L.1-2005,  
 25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2018]: Sec. 13. (a) Discipline rules adopted under section 12  
 27 of this chapter must provide that a student with a chronic disease or  
 28 medical condition may possess and self-administer medication for the  
 29 chronic disease or medical condition during the times and in the places  
 30 set forth under section ~~14(b)~~ **14(g)** of this chapter if the following  
 31 conditions are met:  
 32 (1) The student's parent has filed an authorization with the  
 33 student's principal for the student to possess and self-administer  
 34 the medication. The authorization must include the statement  
 35 described in subdivision (2).  
 36 (2) A physician states in writing that:  
 37 (A) the student has an acute or chronic disease or medical  
 38 condition for which the physician has prescribed medication;  
 39 (B) the student has been instructed in how to self-administer  
 40 the medication; and  
 41 (C) the nature of the disease or medical condition requires  
 42 emergency administration of the medication.





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

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

8 (1) Student misconduct.

9 (2) Substantial disobedience.

10 **(b) In general, positive discipline practices and alternatives to**  
11 **exclusion shall be used to address disciplinary matters or**  
12 **misconduct.**

13 **(c) Exclusion from class shall be used only in situations in which**  
14 **it is necessary to address a student's disruptive behavior through**  
15 **interventions and securing supportive services for the student.**

16 **(d) In accordance with positive discipline practices, a student**  
17 **may not be suspended or expelled solely for tardiness or absence.**  
18 **The student may be expelled for truancy only after the student has**  
19 **moved through all steps of the school's evidence based and positive**  
20 **discipline plans with no solution.**

21 **(e) 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) (f)~~ **(f)** The grounds for suspension, or expulsion, ~~listed in subsection~~  
28 ~~(a)~~ **(a)** and exclusion under subsection (c) apply when a student is:

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

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

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

35 SECTION 14. 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 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.**

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

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

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



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

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

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

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

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

15 (3) may lead to a recommendation by the individual conducting  
 16 the review that the student be reinstated for the upcoming school  
 17 year.

18 SECTION 16. IC 20-33-8-24 IS REPEALED [EFFECTIVE JULY  
 19 1, 2018]. Sec. 24. (a) This section applies to a student who:

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

21 (2) wishes to reenroll after an expulsion.

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

24 (1) An alternative school or alternative educational program;

25 (2) Evening classes;

26 (3) Classes established for students who are at least sixteen (16)  
 27 years of age.

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

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

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

35 (b) An individual may take disciplinary action instead of or in  
 36 addition to suspension and expulsion that is necessary to ensure a safe,  
 37 orderly, and effective educational environment. Disciplinary action  
 38 under this section may include the following:

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

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

41 (3) Assigning additional work.

42 (4) Rearranging class schedules.



- 1 (5) Requiring a student to remain in school after regular school
- 2 hours:
- 3 (A) to do additional school work; or
- 4 (B) for counseling.
- 5 (6) Restricting extracurricular activities.
- 6 (7) Removal of a student by a teacher from ~~that~~ **the** teacher's class
- 7 for a period not to exceed:
- 8 (A) ~~five (5) class periods for middle, junior high, or high~~
- 9 ~~school students; or~~
- 10 (B) ~~one (1) school day for elementary school students;~~
- 11 ~~if the student is assigned regular or additional school work to~~
- 12 ~~complete in another school setting:~~
- 13 (A) **five (5) class periods for students enrolled in grades 6**
- 14 **through 12; or**
- 15 (B) **one (1) school day for students enrolled in kindergarten**
- 16 **through grade 5.**
- 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.



- 1 (iii) Monitoring of the student's performance of service by  
 2 the principal or the principal's designee.  
 3 (iv) Periodic reports from the nonprofit organization to the  
 4 principal and the student's parent or guardian of the student's  
 5 performance of the service.  
 6 (C) The nonprofit organization must obtain liability insurance  
 7 in the amount and of the type specified by the school  
 8 corporation where the student is enrolled that is sufficient to  
 9 cover liabilities that may be incurred by a student who  
 10 performs service under this subdivision.  
 11 (D) Assignment of service under this subdivision suspends the  
 12 implementation of a student's suspension or expulsion. A  
 13 student's completion of service assigned under this subdivision  
 14 to the satisfaction of the principal and the nonprofit  
 15 organization terminates the student's suspension or expulsion.  
 16 ~~(H)~~ **(9)** Removal of a student from school sponsored  
 17 transportation.  
 18 ~~(H)~~ **(10)** Referral to the juvenile court having jurisdiction over  
 19 the student.  
 20 **(11) Use of positive discipline practices supported by research.**  
 21 (c) 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 18. 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.**



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

5 SECTION 19. IC 20-33-8-30, AS AMENDED BY P.L.233-2015,  
 6 SECTION 263, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2018]: Sec. 30. (a) This section applies to the  
 8 following:

9 (1) A student who:

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

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

14 (2) A student who:

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

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

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

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

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

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

33 (i) the conversion charter school; and

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

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

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

41 (3) the student agrees to the terms and conditions of enrollment  
 42 established by the school corporation (or, in the case of a student



1 withdrawal described in subdivision (1)(A) or (1)(B), the charter  
 2 school or conversion charter school).

3 (e) If:

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

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

9 the school corporation or charter school may withdraw consent and  
 10 prohibit the student's enrollment during the period of the actual or  
 11 proposed expulsion or separation:

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

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

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

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

22 (b) **Compulsory attendance requires academic learning to**  
 23 **continue through all periods of a student's exclusion from class or**  
 24 **school, including during suspensions and expulsions.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1421, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "2018," and insert "**the 2019-2020 school year,**".

Page 2, delete lines 5 through 10, begin a new paragraph and insert:

**"(d) Beginning in the 2019-2020 school year, the department, in collaboration with parent organizations and state educational institutions, shall provide information and assistance to school corporations regarding the implementation of the school corporation's evidence based plan developed under subsection (a) to ensure that teachers and administrators receive appropriate professional development and other resources in preparation for carrying out the plan."**

Page 2, line 14, delete "suspension, expulsion, or involuntary transfer" and insert "**suspension or expulsion**".

Page 2, line 24, after "learning." insert "**Included in these prevention strategies is building positive adult-child relationships through trauma-informed, culturally-responsive, and restorative practices.**".

Page 2, between lines 36 and 37, begin a new paragraph and insert:

**"SECTION 5. IC 20-33-8-3.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: As used in this chapter, "culturally-responsive" means a system of congruent behaviors, attitudes, and policies that enables teachers to work effectively in cross-cultural situations. The term includes the use of knowledge concerning individuals and groups to develop specific standards, policies, practices, and attitudes to be used in appropriate cultural settings to increase students' education performance.**

**SECTION 6. IC 20-33-8-3.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3.9. As used in this chapter, "trauma-informed" means a school in which all parties involved recognize and respond to the impact of traumatic stress on those who have contact with the school, including school staff, children, caregivers, and service providers. Programs and agencies within such a system infuse and sustain trauma awareness, knowledge, and skills into their organizational cultures, practices, and policies. They act in collaboration with all those who are involved with the child, using**





**the best available science, to maximize physical and psychological safety, facilitate the recovery of the child and family, and support their ability to thrive."**

Page 4, line 41, delete "serious public safety;" and insert "**public safety risk;**".

Page 6, line 19, delete "Subject to subsection (c), the" and insert "The".

Page 6, delete lines 28 through 31.

Page 6, line 32, delete "(d)" and insert "(c)".

Page 6, delete lines 35 through 37, begin a new paragraph and insert:

**"(d) In accordance with positive discipline practices, a student may not be suspended or expelled solely for tardiness or absence. The student may be expelled for truancy only after the student has moved through all steps of the school's evidence based and positive discipline plans with no solution."**

Page 6, line 38, delete "(f)" and insert "(e)".

Page 7, line 2, delete "(g)" and insert "(f)".

Page 7, line 3, delete "subsections (c) and (d)" and insert "**subsection (c)**".

Page 7, delete lines 11 through 25.

Page 8, delete lines 14 through 42.

Page 9, delete lines 1 through 26.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1421 as introduced.)

BEHNING

Committee Vote: yeas 8, nays 5.

