



Reprinted
March 6, 2018

ENGROSSED HOUSE BILL No. 1421

DIGEST OF HB 1421 (Updated March 5, 2018 5:23 pm - DI 110)

Citations Affected: IC 20-26; noncode.

Synopsis: School discipline. Provides that the department of education's (department) model evidence based plan for improving student behavior and discipline must: (1) reduce out-of-school suspension and disproportionality in discipline and expulsion; (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 students or school employees; and (3) include policies to address instances of bullying and cyberbullying on school property of a school corporation. Provides that, beginning in the 2019-2020 school year, the department, in collaboration with parent organizations, teacher organizations, educational support professional
(Continued next page)

Effective: Upon passage; July 1, 2018.

Behning, Porter

(SENATE SPONSORS — KRUSE, RAATZ, STOOPS)

January 16, 2018, read first time and referred to Committee on Education.
January 30, 2018, amended, reported — Do Pass.
February 1, 2018, read second time, amended, ordered engrossed.
February 2, 2018, engrossed.
February 5, 2018, read third time, passed. Yeas 92, nays 0.

SENATE ACTION

February 7, 2018, read first time and referred to Committee on Education and Career Development.
March 1, 2018, amended, reported favorably — Do Pass.
March 5, 2018, read second time, amended, ordered engrossed.

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Digest Continued

organizations, and state educational institutions, shall, upon a school corporation's request, provide information and assistance to the school corporation regarding the implementation of the school corporation's evidence based plan to ensure that teachers and administrators receive appropriate professional development and other resources in preparation for carrying out the plan. Urges the legislative council to assign to an appropriate interim study committee the task of studying the use of positive student discipline and restorative justice practices by elementary and secondary schools. Requires the department to conduct a survey of school corporation school discipline policies to determine the extent to which positive discipline and restorative justice practices are being utilized.

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Reprinted
March 6, 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.

ENGROSSED 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 by the
9 department.
10 **(b) The model plan developed by the department under**
11 **subsection (a) must:**
12 **(1) reduce out-of-school suspension and disproportionality in**
13 **discipline and expulsion;**
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 students**
17 **or school employees; and**

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- 1 **(3) include policies to address instances of bullying and**
2 **cyberbullying on school property of a school corporation.**
- 3 **(c) Beginning in the 2019-2020 school year, the department, in**
4 **collaboration with parent organizations, teacher organizations,**
5 **educational support professional organizations, and state**
6 **educational institutions, shall, upon a school corporation's request,**
7 **provide information and assistance to the school corporation**
8 **regarding the implementation of the school corporation's evidence**
9 **based plan developed under subsection (a) to ensure that teachers**
10 **and administrators receive appropriate professional development**
11 **and other resources in preparation for carrying out the plan.**
- 12 **SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The definitions**
13 **used in IC 20 apply throughout this SECTION.**
- 14 **(b) The legislative council is urged to assign to an appropriate**
15 **interim study committee the task of studying the use of positive**
16 **student discipline and restorative justice practices by elementary**
17 **and secondary schools.**
- 18 **(c) This SECTION expires January 1, 2019.**
- 19 **SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The definitions**
20 **used in IC 20 apply throughout this SECTION.**
- 21 **(b) The department shall conduct a survey of school corporation**
22 **school discipline policies to determine the extent to which positive**
23 **discipline and restorative justice practices are being utilized.**
- 24 **(c) In conducting a survey under this SECTION, the department**
25 **may not:**
- 26 **(1) require or pressure a school corporation to adopt any**
27 **aspect of the model plan developed by the department under**
28 **IC 20-26-5-32; or**
- 29 **(2) conduct reviews, other than any reviews the department**
30 **currently conducts, of school discipline policies.**
- 31 **(d) On or before September 1, 2018, the department shall**
32 **submit a report to the general assembly in an electronic format**
33 **under IC 5-14-6 providing a detailed description of the results of**
34 **the survey described in subsection (b).**
- 35 **(e) This SECTION expires January 1, 2019.**
- 36 **SECTION 4. An emergency is declared for this act.**



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.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1421 be amended to read as follows:

Page 1, line 8, delete "and".

Page 1, line 9, delete "periodically updated".

Page 1, line 10, delete "The evidence based plan developed under this section must" and insert "**The model plan developed by the department under subsection (a) must:**".

Page 1, delete line 11.

Page 1, after line 17, begin a new paragraph and insert:

"(c) Beginning in the 2019-2020 school year, the department, in collaboration with parent organizations and state educational institutions, shall, upon a school corporation's request, provide information and assistance to the school corporation 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.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) The legislative council is urged to assign to an appropriate interim study committee the task of studying the use of positive student discipline and restorative justice practices by elementary and secondary schools.

(c) This SECTION expires January 1, 2019.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The definitions used in IC 20 apply throughout this SECTION.

(b) The department shall conduct a survey of school corporation school discipline policies to determine the extent to which positive discipline and restorative justice practices are being utilized.

(c) On or before September 1, 2018, the department shall submit a report to the general assembly in an electronic format under IC 5-14-6 providing a detailed description of the results of the survey described in subsection (b).

(d) This SECTION expires January 1, 2019.

SECTION 4. An emergency is declared for this act."

Delete pages 2 through 13.

(Reference is to HB 1421 as printed January 30, 2018.)

BEHNING



HOUSE MOTION

Mr. Speaker: I move that House Bill 1421 be amended to read as follows:

Page 2, line 15, delete ""exclusion"" and insert ""**disciplinary separation**"".

Page 3, line 26, strike "and".

Page 3, line 27, delete "corporation." and insert "corporation; **and**".

Page 3, between lines 27 and 28, begin a new line block indented and insert:

"(3) the parents."

Page 3, line 38, delete "exclusion" and insert "**disciplinary separation**".

Page 3, line 42, reset in roman "must:".

Page 3, line 42, delete "are expected to:".

Page 4, line 17, delete "Removal" and insert "**Subject to section 25(b)(7) of this chapter, removal**".

Page 5, line 22, delete "exclusion" and insert "**disciplinary separation**".

Page 7, line 11, delete "exclusion" and insert "**disciplinary separation**".

Page 7, line 13, delete "Exclusion" and insert "**Disciplinary separation**".

Page 7, line 27, strike "suspension,".

Page 7, line 27, strike "expulsion,".

Page 7, line 28, delete "and exclusion" and insert "**disciplinary separation**".

Page 8, line 1, after "and" insert "**attempts to notify the student's parent before the disciplinary separation.**".

Page 8, delete line 2.

Page 8, line 3, delete "opportunity to attend the meeting.".

Page 8, line 19, delete "put into place a" and insert "**offer materials or services to prevent the student from regressing.**".

Page 8, delete lines 20 through 22.

Page 10, line 13, delete "6" and insert "7".

Page 10, line 16, delete "5." and insert "6.".

Page 13, line 23, delete "exclusion" and insert "**disciplinary separation**".



Page 13, line 23, after "or" insert "**school.**".

Page 13, delete line 24.

(Reference is to HB 1421 as printed January 30, 2018.)

Representative Smith V

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1421, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 13, after "expulsion;" delete "and".

Page 1, line 16, delete "other".

Page 1, line 17, delete "employees." and insert "**employees; and (3) include policies to address instances of bullying and cyberbullying on school property of a school corporation.**".

Page 2, line 2, delete "organizations" and insert "**organizations, teacher organizations, educational support professional organizations,**".

and when so amended that said bill do pass.

(Reference is to HB 1421 as reprinted February 2, 2018.)

KRUSE, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1421 be amended to read as follows:

Page 2, between lines 23 and 24, begin a new paragraph and insert:

"(c) In conducting a survey under this SECTION, the department may not:

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(1) require or pressure a school corporation to adopt any aspect of the model plan developed by the department under IC 20-26-5-32; or

(2) conduct reviews, other than any reviews the department currently conducts, of school discipline policies."

Page 2, line 24, delete "(c)" and insert "(d)".

Page 2, line 28, delete "(d)" and insert "(e)".

(Reference is to EHB 1421 as printed March 2, 2018.)

KRUSE

