

# HOUSE BILL No. 1558

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-2-10.1-12; IC 20-19-3; IC 20-20; IC 20-24-8-5; IC 20-26-5; IC 20-33-8; IC 20-34-6.

**Synopsis:** School discipline. Provides that, not later than July 1, 2016, the department of education (department) shall develop, maintain, and make available to schools and school corporations a model evidence based plan for improving behavior and discipline within schools. Provides that a charter school and a school corporation shall establish an evidence based plan for improving student behavior and discipline. Provides that the department, in collaboration with certain entities, shall provide assistance to a charter school or school corporation in the implementation of the charter school or school corporation's plan. Requires a school corporation and charter school to compile and report certain information relating to disciplinary and law enforcement action. Requires the department to develop criteria and guidelines for determining the existence of disproportionality in discipline or inappropriately high rates of suspensions, expulsions, referrals to law  
(Continued next page)

**Effective:** July 1, 2015.

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## Porter

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January 20, 2015, read first time and referred to Committee on Education.

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## Digest Continued

enforcement, and arrests. Requires the department to work with schools to take corrective action on disproportionality in discipline and high rates of suspensions and expulsions. Requires the department to develop a searchable data base concerning a school corporation's use of school discipline and referral to law enforcement. Establishes the positive discipline practice program fund (fund). Provides that a school corporation may apply to the department to receive a grant from the fund to be used to assist in the reduction of disproportionality in discipline and to establish positive disciplinary practices. Repeals a provision that establishes a reporting requirement for school corporations relating to school safety. Provides that provisions relating to school discipline apply to charter schools. 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 more than 16 years of age who wishes to reenroll in school after an expulsion to attend certain alternative educational programs. Makes an appropriation.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1558

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A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1           SECTION 1. IC 5-2-10.1-12, AS AMENDED BY P.L.40-2014,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2015]: Sec. 12. (a) Each school within a school corporation  
4 and each school corporation career and technical education school  
5 described in IC 20-37-1-1 shall establish a safe school committee. The  
6 committee may be a subcommittee of the committee that develops the  
7 strategic and continuous school improvement and achievement plan  
8 under IC 20-31-5.  
9           (b) The department of education, the school corporation's school  
10 safety specialist, and, upon request, a school resource officer (as  
11 described in IC 20-26-18.2-1) shall provide materials and guidelines to  
12 assist a safe school committee in developing a plan and policy for the  
13 school that addresses the following issues:  
14           (1) Unsafe conditions, crime prevention, school violence,  
15           bullying, criminal gang activity, and other issues that prevent the



1 maintenance of a safe school.

2 (2) Professional development needs for faculty and staff to  
3 implement methods that decrease problems identified under  
4 subdivision (1).

5 (3) Methods to encourage:

6 (A) involvement by the community and students;

7 (B) development of relationships between students and school  
8 faculty and staff; and

9 (C) use of problem solving teams.

10 (c) As a part of the plan developed under subsection (b), each safe  
11 school committee shall provide a copy of the floor plans for each  
12 building located on the school's property that clearly indicates each  
13 exit, the interior rooms and hallways, and the location of any hazardous  
14 materials located in the building to the law enforcement agency and the  
15 fire department that have jurisdiction over the school.

16 (d) The guidelines developed under subsection (b) must include age  
17 appropriate, research based information that assists school corporations  
18 and safe school committees in:

19 (1) developing and implementing bullying prevention programs;

20 (2) establishing investigation and reporting procedures related to  
21 bullying; and

22 (3) adopting discipline rules that comply with IC 20-33-8-13.5.

23 (e) In addition to developing guidelines under subsection (b), the  
24 department of education shall establish categories of types of bullying  
25 incidents to allow school corporations to use the categories in making  
26 reports under IC 20-20-8-8 and ~~IC 20-34-6-1~~. **IC 20-26-5-32.5.**

27 SECTION 2. IC 20-19-3-15 IS ADDED TO THE INDIANA CODE  
28 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**  
29 **1, 2015]: Sec. 15. (a) Not later than July 1, 2016, the department**  
30 **shall review, update, and disseminate to schools and school**  
31 **corporations a model evidence based plan for improving student**  
32 **behavior and discipline within schools. The department shall**  
33 **consult with the department of child services, the division of mental**  
34 **health and addiction, parent organizations, and state educational**  
35 **institutions in developing the model plan. The model plan must be**  
36 **reviewed and disseminated every two (2) years.**

37 (b) A model plan developed and maintained under subsection (a)  
38 must include the following elements:

39 (1) **Improving safe school planning and classroom**  
40 **management using positive behavioral supports and**  
41 **interventions, parental involvement, and other effective**  
42 **disciplinary tools.**



- 1           **(2) Providing improved mental health services in or through**  
 2           **schools.**
- 3           **(3) Reviewing zero (0) tolerance policies to ensure:**  
 4               **(A) compliance with applicable laws; and**  
 5               **(B) that students are not inappropriately referred to**  
 6               **juvenile justice agencies.**
- 7           **(4) Decreasing the need for in-school suspension, out-of-school**  
 8           **suspension, expulsion, or referral to law enforcement.**
- 9           **(5) Reducing inappropriately high rates of in-school**  
 10           **suspension, out-of-school suspension, expulsion, referrals to**  
 11           **law enforcement, and arrests on school property.**
- 12           **(6) Eliminating disproportionality in the use of exclusion in**  
 13           **disciplinary actions.**
- 14           **(7) Ensuring the reintegration in school of a student who has**  
 15           **been previously excluded.**
- 16           **(8) Providing assistance to parents concerning access to**  
 17           **family strengthening programs.**
- 18           **(9) Improving communication, coordination, and**  
 19           **collaboration among schools, including special education**  
 20           **programs, parents, and juvenile justice agencies.**
- 21           **(10) Improving methods and procedures for school**  
 22           **suspensions and referrals to alternative schools.**
- 23           **(c) The department, in collaboration with the department of**  
 24           **child services, the division of mental health and addiction, parent**  
 25           **organizations, and state educational institutions, shall provide**  
 26           **assistance and resources to a school corporation in the**  
 27           **implementation of the school corporation's model plan to ensure**  
 28           **that teachers and administrators receive appropriate professional**  
 29           **development to prepare them to carry out the model plan for**  
 30           **improving student behavior and discipline.**
- 31           SECTION 3. IC 20-19-3-16 IS ADDED TO THE INDIANA CODE  
 32           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 33           1, 2015]: **Sec. 16. (a) The department shall compile and report to**  
 34           **the public as required under IC 20-26-5-32.5(d) the school**  
 35           **discipline information received from school corporations and**  
 36           **charter schools under IC 20-26-5-32.5. The information compiled**  
 37           **under this section shall be disaggregated for each school within a**  
 38           **school corporation by:**  
 39               **(1) race;**  
 40               **(2) ethnicity;**  
 41               **(3) gender;**  
 42               **(4) disability subject to special education services under**



- 1           **IC 20-35;**  
 2           **(5) age;**  
 3           **(6) grade; and**  
 4           **(7) discipline categories.**
- 5           **(b) The department shall develop criteria and guidelines for**  
 6 **determining the existence of disproportionality in discipline or**  
 7 **inappropriately high rates of in-school suspension, out-of-school**  
 8 **suspension, expulsion, referrals to law enforcement, and arrests on**  
 9 **school property.**
- 10           **(c) If the information reported by a school corporation or**  
 11 **charter school under IC 20-26-5-32.5 indicates rates of in-school**  
 12 **suspension, out-of-school suspension, expulsion, referrals to law**  
 13 **enforcement, or arrests on school property that exceed criteria**  
 14 **under guidelines developed by the department under subsection**  
 15 **(b), the department shall work with the school corporation or**  
 16 **charter school to develop a corrective action plan to reduce**  
 17 **excessive use of exclusionary practices or the disproportionality**  
 18 **until the criteria are no longer exceeded.**
- 19           **(d) The department shall develop guidelines for the use of the**  
 20 **information reported under subsection (a) in developing a**  
 21 **searchable data base concerning the history and current status of**  
 22 **disproportionality in in-school suspension, out-of-school**  
 23 **suspension, expulsions, and arrests on school property in school**  
 24 **corporations and charter schools.**
- 25           **(e) The department, in consultation with the civil rights**  
 26 **commission, shall develop criteria and guidelines for determining**  
 27 **the existence of disproportionality. The department, with the**  
 28 **assistance of the civil rights commission, shall identify schools and**  
 29 **school corporations with disproportionate use of in-school**  
 30 **suspension, out-of-school suspension, expulsions, referrals to law**  
 31 **enforcement, or arrests on school property and make appropriate**  
 32 **recommendations.**
- 33           **SECTION 4. IC 20-20-8-8, AS AMENDED BY P.L.246-2013,**  
 34 **SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**  
 35 **JULY 1, 2015]: Sec. 8. The report must include the following**  
 36 **information:**
- 37           **(1) Student enrollment.**  
 38           **(2) Graduation rate (as defined in IC 20-26-13-6).**  
 39           **(3) Attendance rate.**  
 40           **(4) The following test scores, including the number and**  
 41 **percentage of students meeting academic standards:**  
 42           **(A) ISTEP program test scores.**



- 1 (B) Scores for assessments under IC 20-32-5-21, if  
 2 appropriate.  
 3 (C) For a freeway school, scores on a locally adopted  
 4 assessment program, if appropriate.  
 5 (5) Average class size.  
 6 (6) The number and percentage of students in the following  
 7 groups or programs:  
 8 (A) Alternative education, if offered.  
 9 (B) Career and technical education.  
 10 (C) Special education.  
 11 (D) High ability.  
 12 (E) Remediation.  
 13 (F) Limited English language proficiency.  
 14 (G) Students receiving free or reduced price lunch under the  
 15 national school lunch program.  
 16 (H) School flex program, if offered.  
 17 (7) Advanced placement, including the following:  
 18 (A) For advanced placement tests, the percentage of students:  
 19 (i) scoring three (3), four (4), and five (5); and  
 20 (ii) taking the test.  
 21 (B) For the Scholastic Aptitude Test:  
 22 (i) test scores for all students taking the test;  
 23 (ii) test scores for students completing the academic honors  
 24 diploma program; and  
 25 (iii) the percentage of students taking the test.  
 26 (8) Course completion, including the number and percentage of  
 27 students completing the following programs:  
 28 (A) Academic honors diploma.  
 29 (B) Core 40 curriculum.  
 30 (C) Career and technical programs.  
 31 (9) The percentage of grade 8 students enrolled in algebra I.  
 32 (10) The percentage of graduates who pursue higher education.  
 33 (11) School safety, including:  
 34 (A) the number of students receiving suspension or expulsion  
 35 for the possession of alcohol, drugs, or weapons;  
 36 (B) the number of incidents reported under IC 20-33-9; and  
 37 (C) the number of bullying incidents reported under  
 38 ~~IC 20-34-6~~ **IC 20-26-5** by category.  
 39 (12) Financial information and various school cost factors,  
 40 including the following:  
 41 (A) Expenditures per pupil.  
 42 (B) Average teacher salary.



- 1 (C) Remediation funding.  
 2 (13) Technology accessibility and use of technology in  
 3 instruction.  
 4 (14) Interdistrict and intradistrict student mobility rates, if that  
 5 information is available.  
 6 (15) The number and percentage of each of the following within  
 7 the school corporation:  
 8 (A) Teachers who are certificated employees (as defined in  
 9 IC 20-29-2-4).  
 10 (B) Teachers who teach the subject area for which the teacher  
 11 is certified and holds a license.  
 12 (C) Teachers with national board certification.  
 13 (16) The percentage of grade 3 students reading at grade 3 level.  
 14 (17) The number of students expelled, including the number  
 15 participating in other recognized education programs during their  
 16 expulsion.  
 17 (18) Chronic absenteeism, which includes the number of students  
 18 who have been absent from school for ten percent (10%) or more  
 19 of a school year for any reason.  
 20 (19) Habitual truancy, which includes the number of students who  
 21 have been absent ten (10) days or more from school within a  
 22 school year without being excused or without being absent under  
 23 a parental request that has been filed with the school.  
 24 (20) The number of students who have dropped out of school,  
 25 including the reasons for dropping out.  
 26 (21) The number of student work permits revoked.  
 27 (22) The number of student driver's licenses revoked.  
 28 (23) The number of students who have not advanced to grade 10  
 29 due to a lack of completed credits.  
 30 (24) The number of students ~~suspended~~ **who receive in-school**  
 31 **suspension or out-of-school suspension** for any reason.  
 32 (25) The number of students receiving an international  
 33 baccalaureate diploma.  
 34 (26) Other indicators of performance as recommended by the  
 35 education roundtable under IC 20-19-4.

36 SECTION 5. IC 20-20-19.5 IS ADDED TO THE INDIANA CODE  
 37 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2015]:

39 **Chapter 19.5. Positive Discipline Practice Program Fund**

40 **Sec. 1. As used in this chapter, "fund" refers to the positive**  
 41 **discipline practice program fund established by section 3 of this**  
 42 **chapter.**





1           **Sec. 2.** As used in this chapter, "grant" refers to a grant from  
2 the fund under this chapter.

3           **Sec. 3. (a)** The positive discipline practice program fund is  
4 established to encourage school corporations and charter schools  
5 to establish positive discipline practices and to reduce  
6 disproportionality in the administration of discipline. The money  
7 in the fund shall be used to provide grants by the department to  
8 assist a school corporation or charter school:

9               (1) in placing school counselors, social workers, and school  
10 psychologists in schools;

11              (2) in providing training and technical assistance in  
12 implementing a school's evidence based plan for improving  
13 student behavior and discipline under IC 20-26-5-32; and

14              (3) in reducing disproportionality in the administration of  
15 discipline identified by the department under IC 20-19-3-16.

16           **(b)** If a school corporation or charter school is awarded a grant  
17 under this chapter, the school corporation or charter school must:

18               (1) agree to develop a plan that will evaluate the impact and  
19 results of the school corporation's or charter school's  
20 program to establish positive discipline practices and to  
21 reduce disproportionality in the administration of discipline;  
22 and

23               (2) submit the school corporation's or charter school's  
24 findings to the department.

25           **(c)** The department shall administer the fund.

26           **(d)** The fund consists of:

27               (1) gifts to the fund;

28               (2) appropriations from the general assembly; and

29               (3) grants, including grants from private entities.

30           **(e)** Money in the fund at the end of a state fiscal year does not  
31 revert to the state general fund but remains available to provide  
32 grants under this chapter.

33           **(f)** The treasurer of state shall invest the money in the fund not  
34 currently needed to meet the obligations of the fund in the same  
35 manner as other public funds may be invested. Interest that  
36 accrues from those investments must be deposited in the fund.

37           **(g)** Money in the fund is continuously appropriated for the  
38 purposes of this chapter.

39           **Sec. 4. (a)** In order for a school corporation or charter school to  
40 receive a grant under this chapter, the superintendent of the school  
41 corporation or the chief administrative officer of a charter school  
42 must apply to the department for a grant on a form provided by



1 the department.

2 (b) The application for a grant must include the following  
3 information:

4 (1) A detailed description of how a grant will be used by a  
5 school corporation or charter school.

6 (2) Any other pertinent information required by the  
7 department, including evidence guaranteeing that if the school  
8 corporation or charter school receives a grant under this  
9 chapter, the school corporation or charter school will develop  
10 a plan to evaluate the impact and results of the school  
11 corporation's or charter school's program to establish positive  
12 discipline practices and to reduce disproportionality in the  
13 administration of discipline.

14 **Sec. 5. Upon review of the applications received under section  
15 4 of this chapter, the department may award grants to school  
16 corporations or charter schools subject to available money.**

17 **Sec. 6. The department shall determine the amount of each  
18 grant that is awarded under this chapter.**

19 **Sec. 7. The department shall develop guidelines necessary to  
20 implement this chapter.**

21 SECTION 6. IC 20-24-8-5, AS AMENDED BY P.L.160-2012,  
22 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2015]: Sec. 5. The following statutes and rules and guidelines  
24 adopted under the following statutes apply to a charter school:

- 25 (1) IC 5-11-1-9 (required audits by the state board of accounts).  
26 (2) IC 20-39-1-1 (unified accounting system).  
27 (3) IC 20-35 (special education).  
28 (4) IC 20-26-5-10 (criminal history).  
29 (5) IC 20-26-5-6 (subject to laws requiring regulation by state  
30 agencies).  
31 (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).  
32 (7) IC 20-28-10-14 (teacher freedom of association).  
33 (8) IC 20-28-10-17 (school counselor immunity).  
34 (9) For conversion charter schools only, IC 20-28-6, IC 20-28-7.5,  
35 IC 20-28-8, IC 20-28-9, and IC 20-28-10.  
36 (10) IC 20-33-2 (compulsory school attendance).  
37 (11) IC 20-33-3 (limitations on employment of children).  
38 (12) ~~IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student~~  
39 ~~due process and judicial review):~~ **IC 20-33-8 (student**  
40 **discipline).**  
41 ~~(13) IC 20-33-8-16 (firearms and deadly weapons):~~  
42 ~~(14)~~ **(13) IC 20-34-3 (health and safety measures).**



- 1           ~~(15)~~ **(14)** IC 20-33-9 (reporting of student violations of law).  
 2           ~~(16)~~ **(15)** IC 20-30-3-2 and IC 20-30-3-4 (patriotic  
 3           commemorative observances).  
 4           ~~(17)~~ **(16)** IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-8, and  
 5           IC 20-32-8.5, as provided in IC 20-32-8.5-2(b) (academic  
 6           standards, accreditation, assessment, and remediation).  
 7           ~~(18)~~ **(17)** IC 20-33-7 (parental access to education records).  
 8           ~~(19)~~ **(18)** IC 20-31 (accountability for school performance and  
 9           improvement).  
 10          ~~(20)~~ **(19)** IC 20-30-5-19 (personal financial responsibility  
 11          instruction).  
 12          **(20) IC 20-26-5-32 (model plan for improving student  
 13          behavior and discipline).**  
 14          **(21) IC 20-26-5-32.5 (discipline and security reporting).**

15          SECTION 7. IC 20-26-5-32, AS ADDED BY P.L.66-2009,  
 16          SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17          JULY 1, 2015]: Sec. 32. **(a)** The governing body of each school  
 18          corporation shall work with parents to:

- 19               (1) develop; and  
 20               (2) review periodically;

21          an evidence based plan for improving student behavior and discipline  
 22          in the school corporation after receiving a model plan developed **and**  
 23          **maintained** by the department **under IC 20-19-3-15. The evidence**  
 24          **based plan developed under this section must include guidelines for**  
 25          **achieving the results described in IC 20-19-3-15(b).**

26          **(b) Beginning in 2016, the evidence based plan must be**  
 27          **submitted to the department once every two (2) years.**

28          **(c) The department, in collaboration with the department of**  
 29          **child services, the division of mental health and addiction, parent**  
 30          **organizations, and state educational institutions, shall provide**  
 31          **assistance to a school corporation in the implementation of the**  
 32          **school corporation's evidence based plan developed under**  
 33          **subsection (a) to ensure that teachers and administrators receive**  
 34          **appropriate professional development to prepare them to carry out**  
 35          **the plan for improving student behavior and discipline.**

36          SECTION 8. IC 20-26-5-32.5 IS ADDED TO THE INDIANA  
 37          CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38          [EFFECTIVE JULY 1, 2015]: **Sec. 32.5. (a) Not later than January**  
 39          **31, 2016, and January 31 each year thereafter, each school**  
 40          **corporation shall submit a report to the department, on a form**  
 41          **prescribed by the department, detailing the following information**  
 42          **for the current school year for each school in the school**



- 1 corporation and for the entire school corporation:  
 2 (1) The number of students expelled at each school, including  
 3 the number of expelled students participating in other  
 4 recognized education programs during their expulsion.  
 5 (2) The number of students who:  
 6 (A) received out-of-school suspension;  
 7 (B) received in-school suspension; and  
 8 (C) received any other discipline that separates the student  
 9 from class under IC 20-33-8-25.  
 10 (3) The number of arrests of students on school corporation  
 11 property, including statistics indicating whether the arrests  
 12 were made by law enforcement officers, security guards,  
 13 school safety specialists, other school corporation employees,  
 14 or by citizen arrest.  
 15 (4) The offenses for which students were arrested on school  
 16 corporation property.  
 17 (5) The number of contacts with law enforcement personnel  
 18 by a school corporation employee that have resulted in arrests  
 19 of students not on school corporation property.  
 20 (6) Statistics concerning the age, race, and gender of students  
 21 arrested on school corporation property and categorizing the  
 22 statistics by offenses.  
 23 (7) Statistics concerning whether a student described in  
 24 subdivision (4) was receiving special education or related  
 25 services under IC 20-35.  
 26 (8) Whether the school corporation has established and  
 27 employs a school corporation police department under  
 28 IC 20-26-16, and if so:  
 29 (A) the number of officers in the school corporation police  
 30 department; and  
 31 (B) the training the officers must complete.  
 32 (9) If the school corporation employs private security guards  
 33 to enforce rules or laws on school property, a detailed  
 34 explanation of the use of private security guards by the school  
 35 corporation.  
 36 (10) If the school corporation has an agreement with a local  
 37 law enforcement agency regarding procedures to arrest  
 38 students on school property, a detailed explanation of the use  
 39 of the local law enforcement agency by the school corporation.  
 40 (11) The number of reported bullying incidents involving a  
 41 student of the school corporation by category. However,  
 42 nothing in this subdivision may be construed to require all



- 1           bullying incidents to be reported to a law enforcement agency.  
 2           **(12) Any other information necessary for the department to**  
 3           **carry out IC 20-19-3-15.**
- 4           **(b) The information compiled under this section by a school**  
 5           **corporation shall be disaggregated for each school within a school**  
 6           **corporation by:**
- 7               **(1) race;**  
 8               **(2) ethnicity;**  
 9               **(3) gender;**  
 10              **(4) disability subject to special education services under**  
 11              **IC 20-35;**  
 12              **(5) age;**  
 13              **(6) grade; and**  
 14              **(7) discipline categories.**
- 15           **(c) Subject to subsection (e), not later than August 1 each year,**  
 16           **the department shall submit a report to:**
- 17               **(1) the legislative council;**  
 18               **(2) the education roundtable established by IC 20-19-4-2; and**  
 19               **(3) the commission on improving the status of children in**  
 20               **Indiana established by IC 2-5-36-3;**
- 21           **providing a summary of the reports submitted to the department**  
 22           **under subsection (a). The report to the legislative council must be**  
 23           **in an electronic format under IC 5-14-6.**
- 24           **(d) Subject to subsection (e), not later than March 1, 2016, and**  
 25           **March 1 each year thereafter, the department must post the**  
 26           **information received from a school corporation under this section**  
 27           **on the department's Internet web site.**
- 28           **(e) The department has the discretion to provide aggregate data**  
 29           **in a report described in subsection (c) or (d) when the department**  
 30           **determines it is necessary to protect personally identifiable**  
 31           **information under the federal Family Educational Rights and**  
 32           **Privacy Act (20 U.S.C. 1232g).**
- 33           SECTION 9. IC 20-33-8-2.5 IS ADDED TO THE INDIANA CODE  
 34           AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 35           1, 2015]: **Sec. 2.5. As used in this chapter, "exclusion" means any**  
 36           **suspension, expulsion, or involuntary transfer that removes a**  
 37           **student from the student's regular classroom.**
- 38           SECTION 10. IC 20-33-8-3, AS ADDED BY P.L.1-2005,  
 39           SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40           JULY 1, 2015]: **Sec. 3. (a) As used in this chapter, "expulsion" means**  
 41           **a disciplinary or other action whereby a student:**
- 42               **(1) is separated from school attendance for a period exceeding ten**



- 1 (10) school days;  
 2 (2) is separated from school attendance for the balance of the  
 3 current semester or current year unless a student is permitted to  
 4 complete required examinations in order to receive credit for  
 5 courses taken in the current semester or current year; or  
 6 (3) is separated from school attendance for the period prescribed  
 7 under section 16 of this chapter. ~~which may include an~~  
 8 ~~assignment to attend an alternative school; an alternative~~  
 9 ~~educational program; or a homebound educational program.~~  
 10 (b) The term does not include situations when a student is:  
 11 (1) disciplined under section 25 of this chapter;  
 12 (2) removed from school in accordance with IC 20-34-3-9; or  
 13 (3) removed from school for failure to comply with the  
 14 immunization requirements of IC 20-34-4-5.

15 SECTION 11. IC 20-33-8-3.5 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2015]: **Sec. 3.5. As used in this chapter,**  
 18 **"positive discipline" refers to discipline that creates safe,**  
 19 **supportive, and positive school climates and responds to**  
 20 **misbehavior with interventions and consequences aimed at**  
 21 **understanding and addressing the causes of misbehavior, resolving**  
 22 **conflicts, meeting student needs, and keeping students in school**  
 23 **and learning.**

24 SECTION 12. IC 20-33-8-3.7 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2015]: **Sec. 3.7. As used in this chapter,**  
 27 **"restorative justice" means a theory of justice that emphasizes**  
 28 **repairing the harm caused or revealed by misconduct rather than**  
 29 **punishment. The theory emphasizes the following process:**

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

38 SECTION 13. IC 20-33-8-8, AS AMENDED BY P.L.121-2009,  
 39 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2015]: Sec. 8. (a) Student supervision and the desirable  
 41 behavior of students in carrying out school purposes is the  
 42 responsibility of:



- 1 (1) a school corporation; and
- 2 (2) the students of a school corporation.
- 3 (b) In all matters relating to the discipline and conduct of students,
- 4 school corporation personnel:
- 5 (1) stand in the relation of parents to the students of the school
- 6 corporation;
- 7 (2) have the right to take ~~any disciplinary action~~ **actions** necessary
- 8 to promote student conduct that conforms with an orderly and
- 9 effective educational system **and is consistent with creating a**
- 10 **positive learning environment for students**, subject to this
- 11 chapter; ~~and~~
- 12 **(3) shall exercise positive discipline practices and minimize**
- 13 **the use of exclusionary punishments; and**
- 14 ~~(3)~~ **(4)** have qualified immunity with respect to a disciplinary
- 15 action taken to promote student conduct under subdivision (2) if
- 16 the action is taken in good faith and is reasonable.
- 17 (c) Students must:
- 18 (1) follow responsible directions of school personnel in all
- 19 educational settings; and
- 20 (2) refrain from disruptive behavior that interferes with the
- 21 educational environment.
- 22 SECTION 14. IC 20-33-8-9, AS AMENDED BY P.L.121-2009,
- 23 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2015]: Sec. 9. (a) This section applies to an individual who:
- 25 (1) is a teacher or other school staff member; and
- 26 (2) has students under the individual's charge.
- 27 (b) An individual may take any ~~action~~ **actions** that ~~is~~ **are** reasonably
- 28 necessary to carry out or to prevent an interference with an educational
- 29 function that the individual supervises.
- 30 (c) ~~Subject to rules of the governing body and the administrative~~
- 31 ~~staff, an individual may remove a student for a period that does not~~
- 32 ~~exceed five (5) school days from an educational function supervised by~~
- 33 ~~the individual or another individual who is a teacher or other school~~
- 34 ~~staff member. **Removal from class should be a last resort and should**~~
- 35 ~~**last only as long as necessary to control the student and secure**~~
- 36 ~~**appropriate interventions and supports, consistent with positive**~~
- 37 ~~**discipline practices.**~~
- 38 (d) If an individual removes a student from a class under subsection
- 39 (c), the principal may place the student in another appropriate class or
- 40 placement or into ~~in-school~~ **in-school** suspension. The principal may not
- 41 return the student to the class from which the student was removed
- 42 until the principal has met with the student, the student's teacher, and



1 the student's parents to determine an appropriate behavior plan for the  
 2 student. If the student's parents do not meet with the principal and the  
 3 student's teacher within a reasonable amount of time, the student may  
 4 be moved to another class at the principal's discretion.

5 SECTION 15. IC 20-33-8-10, AS ADDED BY P.L.1-2005,  
 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2015]: Sec. 10. (a) A principal may take action concerning the  
 8 principal's school or a school activity within the principal's jurisdiction  
 9 that is reasonably necessary to carry out or prevent interference with an  
 10 educational function or school purposes.

11 (b) Subsection (a) allows a principal to write regulations that govern  
 12 student conduct.

13 **(c) Rules that govern student conduct shall reflect positive**  
 14 **discipline practices that are supported in research.**

15 SECTION 16. IC 20-33-8-11, AS ADDED BY P.L.1-2005,  
 16 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2015]: Sec. 11. A:

18 (1) superintendent; or

19 (2) member of the superintendent's administrative staff, with the  
 20 superintendent's approval;

21 may take any action with respect to all schools within the  
 22 superintendent's jurisdiction that is reasonably necessary to carry out  
 23 or prevent interference with an educational function or school  
 24 purposes. **Disciplinary policies shall be consistent with positive**  
 25 **discipline practices.**

26 SECTION 17. IC 20-33-8-12, AS AMENDED BY P.L.66-2009,  
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2015]: Sec. 12. (a) Except as provided under IC 20-33-8-16,  
 29 the governing body of a school corporation must do the following:

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

31 **(A) must:**

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

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

36 **(iii) contribute to a continuous learning environment for**  
 37 **all students;**

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

40 **(v) establish clear limits for referring students to law**  
 41 **enforcement officials; and**

42 **(vi) define public safety offenses that may subject**





- 1                   **students to arrest; and**  
 2                   **(B)** may:  
 3                    **(i)** include ~~(A)~~ appropriate dress codes; and  
 4                    ~~(B)~~ **(ii)** if applicable, **include** an agreement for court assisted  
 5                    resolution of school suspension and expulsion cases;  
 6                    for the school corporation.  
 7                    (2) Give general publicity to the discipline rules within a school  
 8                    where the discipline rules apply by actions such as:  
 9                    (A) making a copy of the discipline rules available to students  
 10                    and students' parents; or  
 11                    (B) delivering a copy of the discipline rules to students or the  
 12                    parents of students.  
 13                    This publicity requirement may not be construed technically and  
 14                    is satisfied if the school corporation makes a good faith effort to  
 15                    disseminate to students or parents generally the text or substance  
 16                    of a discipline rule.  
 17                    (b) The:  
 18                    (1) superintendent of a school corporation; and  
 19                    (2) principals of each school in a school corporation;  
 20                    **may shall** adopt regulations establishing lines of responsibility and  
 21                    related guidelines in compliance with the discipline policies of the  
 22                    governing body.  
 23                    (c) The governing body of a school corporation may delegate:  
 24                    (1) rulemaking;  
 25                    (2) disciplinary; and  
 26                    (3) other authority;  
 27                    as reasonably necessary to carry out the school purposes of the school  
 28                    corporation.  
 29                    (d) Subsection (a) does not apply to rules or directions concerning  
 30                    the following:  
 31                    (1) Movement of students.  
 32                    (2) Movement or parking of vehicles.  
 33                    (3) Day to day instructions concerning the operation of a  
 34                    classroom or teaching station.  
 35                    (4) Time for commencement of school.  
 36                    (5) Other standards or regulations relating to the manner in which  
 37                    an educational function must be administered.  
 38                    However, this subsection does not prohibit the governing body from  
 39                    regulating the areas listed in this subsection.  
 40                    SECTION 18. IC 20-33-8-13, AS ADDED BY P.L.1-2005,  
 41                    SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42                    JULY 1, 2015]: Sec. 13. (a) Discipline rules adopted under section 12



1 of this chapter must provide that a student with a chronic disease or  
 2 medical condition may possess and self-administer medication for the  
 3 chronic disease or medical condition during the times and in the places  
 4 set forth under section ~~14(b)~~ **14(f)** of this chapter if the following  
 5 conditions are met:

6 (1) The student's parent has filed an authorization with the  
 7 student's principal for the student to possess and self-administer  
 8 the medication. The authorization must include the statement  
 9 described in subdivision (2).

10 (2) A physician states in writing that:

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

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

15 (C) the nature of the disease or medical condition requires  
 16 emergency administration of the medication.

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

19 SECTION 19. IC 20-33-8-13.5, AS AMENDED BY P.L.285-2013,  
 20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2015]: Sec. 13.5. (a) Discipline rules adopted by the  
 22 governing body of a school corporation under section 12 of this chapter  
 23 must:

24 (1) prohibit bullying; and

25 (2) include:

26 (A) provisions concerning education, parental involvement,  
 27 and intervention;

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

30 (i) appropriate responses to bullying behaviors, wherever the  
 31 behaviors occur;

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

34 (iii) timetables for reporting of bullying incidents to the  
 35 parents of both the targeted student and the bully, in an  
 36 expedited manner;

37 (iv) timetables for reporting of bullying incidents to school  
 38 counselors, school administrators, the superintendent, or law  
 39 enforcement, if it is determined that reporting the bullying  
 40 incident to law enforcement is ~~necessary~~; **raises a serious**  
 41 **public safety issue**;

42 (v) discipline provisions for teachers, school staff, or school



- 1 administrators who fail to initiate or conduct an  
 2 investigation of a bullying incident; and  
 3 (vi) discipline provisions for false reporting of bullying; and  
 4 (C) a detailed procedure outlining the use of follow-up  
 5 services that includes:  
 6 (i) support services for the victim; and  
 7 (ii) bullying education for the bully.
- 8 (b) The discipline rules described in subsection (a) may be applied  
 9 regardless of the physical location in which the bullying behavior  
 10 occurred, whenever:  
 11 (1) the individual committing the bullying behavior and any of the  
 12 intended targets of the bullying behavior are students attending a  
 13 school within a school corporation; and  
 14 (2) disciplinary action is reasonably necessary to avoid substantial  
 15 interference with school discipline or prevent an unreasonable  
 16 threat to the rights of others to a safe and peaceful learning  
 17 environment.
- 18 (c) The discipline rules described in subsection (a) must prohibit  
 19 bullying through the use of data or computer software that is accessed  
 20 through a:  
 21 (1) computer;  
 22 (2) computer system; or  
 23 (3) computer network.
- 24 (d) This section may not be construed to give rise to a cause of  
 25 action against a person or school corporation based on an allegation of  
 26 noncompliance with this section. Noncompliance with this section may  
 27 not be used as evidence against a school corporation in a cause of  
 28 action.
- 29 (e) A record made of an investigation, a disciplinary action, or a  
 30 follow-up action performed under rules adopted under this section is  
 31 not a public record under IC 5-14-3.
- 32 (f) The department shall periodically review each policy adopted  
 33 under this section to ensure the policy's compliance with this section.
- 34 SECTION 20. IC 20-33-8-14, AS ADDED BY P.L.1-2005,  
 35 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2015]: Sec. 14. (a) ~~The following are the grounds for student~~  
 37 ~~suspension or expulsion subject to the procedural requirements of this~~  
 38 ~~chapter and as stated by school corporation rules:~~  
 39 ~~(1) Student misconduct.~~  
 40 ~~(2) Substantial disobedience. In general, positive discipline~~  
 41 ~~practices and alternatives to exclusion shall be used to address~~  
 42 ~~disciplinary matters or misconduct.~~



1           **(b) Suspension or expulsion shall be limited to situations where**  
 2 **a student's conduct poses a threat to the health or safety of**  
 3 **students or school employees. A suspension or expulsion is subject**  
 4 **to the procedural requirements of this chapter and to school**  
 5 **corporation rules.**

6           **(c) Exclusions from class shall be used only in situations where**  
 7 **it is necessary to address the disruptive behavior through**  
 8 **interventions and securing supportive services for the student.**

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

11           **(e) This subsection applies to an expulsion that occurs after June**  
 12 **30, 2015. A student who is expelled shall be enrolled in:**

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

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

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

16 **during the period of the suspension or expulsion.**

17           ~~(b)~~ **(f)** The grounds for suspension or expulsion listed in ~~subsection~~  
 18 **(a) subsections (b) and (c)** apply when a student is:

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

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

23           (3) traveling to or from school or a school activity, function, or  
 24           event.

25           SECTION 21. IC 20-33-8-15, AS ADDED BY P.L.1-2005,  
 26 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2015]: Sec. 15. **(a)** In addition to the grounds specified in  
 28 section 14 of this chapter, a student may be suspended or expelled for  
 29 engaging in unlawful activity on or off school grounds if:

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

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

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

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

41           SECTION 22. IC 20-33-8-17, AS ADDED BY P.L.1-2005,  
 42 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2015]: Sec. 17. A student may be ~~expelled from~~ **denied**  
 2 **admittance to** school if the student's legal settlement is not in the  
 3 attendance area of the school corporation where the student is enrolled  
 4 **and the school corporation has adopted a policy to not accept**  
 5 **transfer students. If a school corporation learns that a student**  
 6 **attending a school within the school corporation does not have**  
 7 **legal settlement in the attendance area of the school corporation**  
 8 **and the school corporation has adopted a policy to not accept**  
 9 **transfer students, the school that the student attends shall refer**  
 10 **and assist to transfer the student to the school corporation whose**  
 11 **attendance area includes the student's legal settlement.**

12 SECTION 23. IC 20-33-8-18, AS ADDED BY P.L.1-2005,  
 13 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2015]: Sec. 18. (a) A principal may suspend a student for not  
 15 more than ten (10) school days under section 14, 15, or 16 of this  
 16 chapter. However, the student may be suspended for more than ten (10)  
 17 school days under section 23 of this chapter.

18 (b) A principal may not suspend a student before the principal  
 19 **considers alternatives to a suspension under section 25 of this**  
 20 **chapter**, affords the student an opportunity for a meeting, **and**  
 21 **provides the student's parent notification of the meeting and the**  
 22 **opportunity to attend the meeting.** During ~~which the meeting~~, the  
 23 student is entitled to the following:

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

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

28 (3) An opportunity for the student to explain the student's  
 29 conduct.

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

33 (d) Following a suspension, the principal shall send a written  
 34 statement to the parent of the suspended student describing the  
 35 following:

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

37 (2) The action taken by the principal.

38 (e) **If a student is suspended, the principal shall put into place a**  
 39 **continuing education plan during the period of the student's**  
 40 **suspension as well as during the time frame immediately following**  
 41 **the student's reentry to school following the suspension. The**  
 42 **student's plan shall include the following:**



- 1           **(1) The opportunity to take curricular material home for the**  
 2           **duration of the suspension.**  
 3           **(2) The right to receive all missed assignments and the**  
 4           **materials distributed to students in connection with the**  
 5           **assignments.**  
 6           **(3) The opportunity to take any examinations missed during**  
 7           **the suspension period.**
- 8           SECTION 24. IC 20-33-8-19, AS ADDED BY P.L.1-2005,  
 9           SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10           JULY 1, 2015]: Sec. 19. (a) A superintendent of a school corporation  
 11           may conduct an expulsion meeting or appoint one (1) of the following  
 12           to conduct an expulsion meeting:  
 13               (1) Legal counsel.  
 14               (2) A member of the administrative staff if the member:  
 15                   (A) has not expelled the student during the current school  
 16                   year; and  
 17                   (B) was not involved in the events giving rise to the expulsion.  
 18           The superintendent or a person designated under this subsection may  
 19           issue subpoenas, compel the attendance of witnesses, and administer  
 20           oaths to persons giving testimony at an expulsion meeting.  
 21           (b) An expulsion may take place only after the student and the  
 22           student's parent are given notice of their right to appear at an expulsion  
 23           meeting with the superintendent or a person designated under  
 24           subsection (a). Notice of the right to appear at an expulsion meeting  
 25           must:  
 26               (1) be made by certified mail or by personal delivery;  
 27               (2) contain the reasons for the expulsion; and  
 28               (3) contain the procedure for requesting an expulsion meeting.  
 29           (c) The individual conducting an expulsion meeting:  
 30               (1) shall make a written summary of the evidence heard at the  
 31               expulsion meeting;  
 32               (2) may take action that the individual finds appropriate; and  
 33               (3) must give notice of the action taken under subdivision (2) to  
 34               the student and the student's parent.  
 35           (d) If the student or the student's parent not later than ten (10) days  
 36           of receipt of a notice of action taken under subsection (c) makes a  
 37           written appeal to the governing body, the governing body:  
 38               (1) shall hold a meeting to consider:  
 39                   (A) the written summary of evidence prepared under  
 40                   subsection (c)(1); and  
 41                   (B) the arguments of the principal and the student or the  
 42                   student's parent;



1 unless the governing body has voted under subsection (f) not to  
 2 hear appeals of actions taken under subsection (c); and  
 3 (2) may take action that the governing body finds appropriate.  
 4 The decision of the governing body may be appealed only under  
 5 section 21 of this chapter.

6 (e) A student or a student's parent who fails to request and appear  
 7 at an expulsion meeting after receipt of notice of the right to appear at  
 8 an expulsion meeting forfeits all rights administratively to contest and  
 9 appeal the expulsion. For purposes of this section, notice of the right to  
 10 appear at an expulsion meeting or notice of the action taken at an  
 11 expulsion meeting is effectively given at the time when the request or  
 12 notice is delivered personally or sent by certified mail to a student and  
 13 the student's parent.

14 (f) The governing body may vote to not hear appeals of actions  
 15 taken under subsection (c). If the governing body votes to not hear  
 16 appeals, subsequent to the date on which the vote is taken, a student or  
 17 parent may appeal only under section 21 of this chapter.

18 **(g) A plan for continuing education shall be put into place**  
 19 **during the period of the expulsion.**

20 **(h) An expulsion shall only be used as a last resort in serious**  
 21 **matters of school safety.**

22 SECTION 25. IC 20-33-8-20, AS ADDED BY P.L.1-2005,  
 23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2015]: Sec. 20. (a) Except as provided in section 16 of this  
 25 chapter **and subject to section 14(c) of this chapter**, a student may not  
 26 be expelled for a longer period than the remainder of the school year in  
 27 which the expulsion took effect if the misconduct occurs during the  
 28 first semester. If a student is expelled during the second semester, the  
 29 expulsion remains in effect for summer school and may remain in  
 30 effect for the first semester of the following school year, unless  
 31 otherwise modified or terminated by order of the governing body. ~~The~~  
 32 ~~appropriate authorities may require that a student who is at least sixteen~~  
 33 ~~(16) years of age and who wishes to reenroll after an expulsion or an~~  
 34 ~~exclusion attend an alternative program.~~

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

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

41 (2) is limited to newly discovered evidence or evidence of  
 42 changes in the student's circumstances occurring since the



1 original meeting; and

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

4 (c) An expulsion that will remain in effect during the first semester  
5 of the following school year must be reviewed before the beginning of  
6 the school year. 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 individual conducting  
14 the review that the student be reinstated for the upcoming school  
15 year.

16 SECTION 26. IC 20-33-8-23, AS ADDED BY P.L.1-2005,  
17 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2015]: Sec. 23. The superintendent or the person designated  
19 by the superintendent under section 19(a) of this chapter may continue  
20 **the** suspension of a student for more than the ten (10) school day  
21 period of the principal's suspension and until the time of the expulsion  
22 decision under section 19 of this chapter if the superintendent or the  
23 designated person determines that the student's continued suspension  
24 will prevent or substantially reduce the risk of:

25 (1) **substantial** interference with an educational function or  
26 school purposes; or

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

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

32 SECTION 27. IC 20-33-8-24 IS REPEALED [EFFECTIVE JULY  
33 1, 2015]. Sec. 24: (a) ~~This section applies to a student who:~~

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

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

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

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

39 ~~(2) Evening classes;~~

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

42 SECTION 28. IC 20-33-8-24.5 IS ADDED TO THE INDIANA





1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2015]: **Sec. 24.5. A school corporation must**  
 3 **have a plan for reentry of an expelled student. The plan shall**  
 4 **include academic assessment and supportive services for the**  
 5 **expelled student.**

6 SECTION 29. IC 20-33-8-25, AS AMENDED BY P.L.66-2009,  
 7 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2015]: Sec. 25. (a) This section applies to an individual who:

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

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

12 (b) ~~An individual may take disciplinary action instead of or in~~  
 13 ~~addition to suspension and expulsion that is necessary to ensure a safe,~~  
 14 ~~orderly; and effective educational environment. Disciplinary action~~  
 15 ~~under this section may include the following: **Prior to consideration**~~  
 16 ~~**of suspension or expulsion, the following disciplinary practices and**~~  
 17 ~~**alternatives shall be considered:**~~

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

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

20 (3) Assigning additional work.

21 (4) Rearranging class schedules.

22 (5) Requiring a student to remain in school after regular school  
 23 hours:

24 (A) to do additional school work; or

25 (B) for counseling.

26 (6) Restricting extracurricular activities.

27 (7) Removal of a student by a teacher from ~~that~~ **the** teacher's class  
 28 ~~for a period~~ not to exceed **the time necessary to address the**  
 29 **misconduct and implement a behavior plan**

30 ~~(A) five (5) class periods for middle, junior high, or high~~  
 31 ~~school students; or~~

32 ~~(B) one (1) school day for elementary school students;~~

33 if the student is assigned regular or additional school work to  
 34 complete in another school setting.

35 (8) Assignment by the principal of:

36 (A) a special course of study;

37 (B) an alternative educational program; or

38 (C) an alternative school.

39 ~~(9)~~ **(8)** Assignment by the principal of the school where the  
 40 recipient of the disciplinary action is enrolled of not more than  
 41 one hundred twenty (120) hours of service with a nonprofit  
 42 organization operating in or near the community where the school



1 is located or where the student resides. The following apply to  
2 service assigned under this subdivision:

3 (A) A principal may not assign a student under this  
4 subdivision unless the student's parent approves:

5 (i) the nonprofit organization where the student is assigned;  
6 and

7 (ii) the plan described in clause (B)(i).

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

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

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

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

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

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

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

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

33 ~~(+)~~ **(9)** Removal of a student from school sponsored  
34 transportation.

35 ~~(+)~~ **(10)** Referral to the juvenile court having jurisdiction over  
36 the student **for serious public safety issues.**

37 **(11) Use of positive discipline practices supported in research,**  
38 **including restorative justice practices.**

39 (e) As used in this subsection, "physical assault" means the knowing  
40 or intentional touching of another person in a rude, insolent, or angry  
41 manner. When a student physically assaults a person having authority  
42 over the student, the principal of the school where the student is



1 enrolled shall refer the student to the juvenile court having jurisdiction  
 2 over the student. However, a student with disabilities (as defined in  
 3 IC 20-35-7-7) who physically assaults a person having authority over  
 4 the student is subject to procedural safeguards under 20 U.S.C. 1415.

5 SECTION 30. IC 20-33-8-29, AS AMENDED BY P.L.234-2007,  
 6 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2015]: Sec. 29. (a) As used in this section,  
 8 "special school" includes the following:

- 9 (1) A career and technical education school.
- 10 (2) A special education school or program.
- 11 (3) An alternative school or program.

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

13 (c) The governing body of a special school may make necessary  
 14 modifications to the responsibilities of school personnel under this  
 15 chapter to accommodate the administrative structure of a special school  
 16 **that is consistent with creating a positive learning environment.**

17 (d) In addition to a disciplinary action imposed by a special school,  
 18 the principal of the school where a student is enrolled may without  
 19 additional procedures adopt a disciplinary action or decision of a  
 20 special school as a disciplinary action of the school corporation.

21 SECTION 31. IC 20-33-8-30, AS ADDED BY P.L.1-2005,  
 22 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2015]: Sec. 30. (a) This section applies to the following:

24 (1) A student who:

- 25 (A) is expelled from a school corporation or charter school  
 26 under this chapter; or
- 27 (B) withdraws from a school corporation or charter school to  
 28 avoid expulsion.

29 (2) A student who:

- 30 (A) is required to separate for disciplinary reasons from a  
 31 nonpublic school or a school in a state other than Indiana by  
 32 the administrative authority of the school; or
- 33 (B) withdraws from a nonpublic school or a school in a state  
 34 other than Indiana in order to avoid being required to separate  
 35 from the school for disciplinary reasons by the administrative  
 36 authority of the school.

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

- 41 (1) the student's parent informs the school corporation in which  
 42 the student seeks to enroll and also:



- 1 (A) in the case of a student withdrawing from a charter school  
 2 that is not a conversion charter school to avoid expulsion, the  
 3 conversion charter school; or  
 4 (B) in the case of a student withdrawing from a conversion  
 5 charter school to avoid expulsion **or separation:**  
 6 (i) the conversion charter school; and  
 7 (ii) the school corporation that sponsored the conversion  
 8 charter school;  
 9 of the student's expulsion, separation, or withdrawal to avoid  
 10 expulsion or separation;  
 11 (2) the school corporation (and, in the case of a student  
 12 withdrawal described in subdivision (1)(A) or (1)(B), the charter  
 13 school) consents to the student's enrollment; and  
 14 (3) the student agrees to the terms and conditions of enrollment  
 15 established by the school corporation (or, in the case of a student  
 16 withdrawal described in subdivision (1)(A) or (1)(B), the charter  
 17 school or conversion charter school).
- 18 (c) If:  
 19 (1) a student's parent fails to inform the school corporation of the  
 20 expulsion or separation or withdrawal to avoid expulsion or  
 21 separation; or  
 22 (2) a student fails to follow the terms and conditions of enrollment  
 23 under subsection (b)(3);  
 24 the school corporation or charter school may withdraw consent and  
 25 prohibit the student's enrollment during the period of the actual or  
 26 proposed expulsion or separation.
- 27 (d) Before a consent is withdrawn under subsection (c) the student  
 28 must have an opportunity for an informal meeting before the principal  
 29 of the student's proposed school. At the informal meeting, the student  
 30 is entitled to:  
 31 (1) a written or an oral statement of the reasons for the withdrawal  
 32 of the consent;  
 33 (2) a summary of the evidence against the student; and  
 34 (3) an opportunity to explain the student's conduct.
- 35 (e) This section does not apply to a student who is expelled under  
 36 section 17 of this chapter.
- 37 SECTION 32. IC 20-33-8-31, AS ADDED BY P.L.1-2005,  
 38 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2015]: Sec. 31. (a) If a student is suspended or expelled from  
 40 school or from any educational function under this chapter, the  
 41 student's absence from school because of the suspension or expulsion  
 42 is not a violation of:



- 1 (1) IC 20-33-2; or  
2 (2) any other statute relating to compulsory school attendance.  
3 **(b) Compulsory attendance requires that academic learning**  
4 **continues through all periods of the student's exclusion from class**  
5 **or school, including during suspensions and expulsions.**  
6 SECTION 33. IC 20-34-6 IS REPEALED [EFFECTIVE JULY 1,  
7 2015]. (Student Safety Reporting).  
8 SECTION 34. [EFFECTIVE JULY 1, 2015] **(a) There is**  
9 **appropriated to the department of education one million dollars**  
10 **(\$1,000,000) from the state general fund for its use in providing**  
11 **grants under IC 20-20-19.5, as added by this act, for a state fiscal**  
12 **year beginning July 1, 2015, and ending June 30, 2016.**  
13 **(b) This SECTION expires July 1, 2016.**

