

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7724

BILL NUMBER: HB 2139

DATE PREPARED: Jan 8, 2001

BILL AMENDED:

SUBJECT: Review of School Expulsions.

FISCAL ANALYST: David Hoppmann

PHONE NUMBER: 232-9559

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that a juvenile court may not order a school to readmit a child who was expelled from school unless the juvenile court finds that the expulsion was not justified.

Effective Date: July 1, 2001.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Neither juvenile courts nor school corporations would experience an increase in administrative expenses due to the provisions of this bill.

Under current Indiana law, juvenile courts are able to issue an order requiring a school corporation to readmit a student who has been expelled in accordance with the school corporation's discipline policy. Under this bill, juvenile courts, before doing so, would first be required to find that the student's expulsion was not justified by the student's conduct. (A judge would make such a determination via the examination of all existing evidence brought forth by each party in the case.)

Typically, juvenile courts are involved in expulsions only when the expelled student is a victim of abuse and/or neglect, is in need of services, or has been charged with a crime such as a misdemeanor or felony. The total number of juvenile delinquent cases filed in CY 1999 totaled 24,643.

The specific effects of this bill would vary from county to county, and would depend upon the number of expelled students brought forth to juvenile courts for litigation.

Expulsion Background- The following steps represent the expulsion process of a student who is expelled at the school corporation level under current Indiana law:

1) the student is suspended by the principal for not more than 10 days; 2) the principal affords the student “due process” by providing a written or oral statement outlining the charges against the student, by presenting a summary of evidence against the student, and by allowing the student to explain the student’s conduct; 3) the principal notifies the parent of the suspended student; 4) the superintendent conducts an expulsion meeting via an expulsion examiner; 5) the student is expelled by the expulsion examiner; and 6) the superintendent adopts the decision to expel the student.

After the superintendent adopts the decision to expel the student, the parent of the expelled student is allowed to appeal the decision to the school corporation, and then to the local court system. (Under normal expulsion circumstances such as student misconduct or disobedience, juvenile courts are not typically involved.)

Expulsion and Suspension Data- For the 2000 school year, Indiana’s average daily membership (ADM) consisted of 951,410 students, and public school enrollment totaled 988,065. Approximately 1,900 public schools were in operation within Indiana’s 294 school corporations during that time.

The following table illustrates the number of suspensions and expulsions from school years 1996-1999 (data for 2000 are not yet complete).

Suspensions and Expulsions for School Years 1996-1999

YEAR	SUSPENSIONS	EXPULSIONS
1999	305,767	9,263
1998	302,593	10,229
1997	306,034	9,340
1996	227,326	8,982

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: School Corporations, Juvenile Courts.

Information Sources: Dana Long, Department of Education, (317) 232-6675; DOE ORACLE Data Tables; Division of State Court Administration, *1999 Indiana Judicial Service Report*.