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# HOUSE BILL No. 1362

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-19-3-11; IC 20-26-5-32; IC 20-33-8-30.

**Synopsis:** Student discipline. Requires the department of education to compile and report to the public information received from school corporations concerning student disciplinary actions, disaggregated by race, ethnicity, gender, and discipline categories. Provides that if the information reported by a school corporation indicates rates of discipline that exceed disproportionality criteria developed by the department, the department shall work with the school corporation to take corrective action. Requires the department to develop a searchable data base concerning out-of-school suspensions and expulsions. Requires the civil rights commission to annually use the information in the data base to identify school corporations with disproportionate out-of-school suspension and expulsion rates and to take appropriate action. Requires that a school corporation's discipline plan must include the collection, review, and reporting to the department on an annual basis of school behavioral and disciplinary problems, arrests, and referrals to the juvenile justice system, disaggregated on the basis of race, ethnicity, and gender under guidelines for determining the existence of disproportionality in discipline or inappropriately high rates of suspension or expulsion. Provides that a student who seeks to enroll in another school while expelled or to avoid being expelled may be subject only to the same terms and conditions of enrollment as a student who is currently enrolled in the school.

**Effective:** July 1, 2012.

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January 11, 2012, read first time and referred to Committee on Education.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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# HOUSE BILL No. 1362



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 20-19-3-11 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2012]: **Sec. 11. (a) The department shall compile and report to  
4 the public by publishing on the department's Internet web site the  
5 information received from school corporations under  
6 IC 20-26-5-32, disaggregated by race, ethnicity, gender, and  
7 discipline categories for each school within the school corporation.**  
8 **(b) If the information reported by a school corporation under  
9 subsection (a) indicates rates of out-of-school suspension and  
10 expulsion that exceed criteria under guidelines developed by the  
11 department for determining the existence of disproportionality in  
12 discipline, the department shall work with the school corporation  
13 to develop a corrective action plan to reduce the disproportionality  
14 until the criteria are no longer exceeded.**  
15 **(c) The department shall develop guidelines for the use of the  
16 information reported under subsection (a) in developing a  
17 searchable data base concerning the history and current status of**



1 **disproportionality in out-of-school suspensions and expulsions in**  
 2 **school corporations.**

3 **(d) The civil rights commission shall use the information in the**  
 4 **data base annually to identify school corporations with**  
 5 **disproportionate use of out-of-school suspensions and expulsions**  
 6 **and make appropriate recommendations to the school**  
 7 **corporations.**

8 SECTION 2. IC 20-26-5-32, AS ADDED BY P.L.66-2009,  
 9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2012]: Sec. 32. (a) The governing body of each school  
 11 corporation shall work with parents to:

12 (1) develop; and

13 (2) review periodically;

14 an evidence based plan for improving student behavior and discipline  
 15 in the school corporation after receiving a model plan developed by the  
 16 department.

17 **(b) The plan must provide for the collection, review, and**  
 18 **reporting to the department on an annual basis of school**  
 19 **behavioral and disciplinary problems, arrests, and referrals to the**  
 20 **juvenile justice system, disaggregated on the basis of race,**  
 21 **ethnicity, and gender under guidelines for determining the**  
 22 **existence of disproportionality in discipline or inappropriately high**  
 23 **rates of out-of-school suspension or expulsion.**

24 SECTION 3. IC 20-33-8-30, AS ADDED BY P.L.1-2005,  
 25 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2012]: Sec. 30. (a) This section applies to the following:

27 (1) A student who:

28 (A) is expelled from a school corporation or charter school  
 29 under this chapter; or

30 (B) withdraws from a school corporation or charter school to  
 31 avoid expulsion.

32 (2) A student who:

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

36 (B) withdraws from a nonpublic school or a school in a state  
 37 other than Indiana in order to avoid being required to separate  
 38 from the school for disciplinary reasons by the administrative  
 39 authority of the school.

40 (b) The student referred to in subsection (a) may enroll in another  
 41 school corporation or charter school during the period of the actual or  
 42 proposed expulsion or separation if:

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- 1 (1) the student's parent informs the school corporation in which  
 2 the student seeks to enroll and also:  
 3 (A) in the case of a student withdrawing from a charter school  
 4 that is not a conversion charter school to avoid expulsion, the  
 5 ~~conversion~~ charter school; or  
 6 (B) in the case of a student withdrawing from a conversion  
 7 charter school to avoid expulsion:  
 8 (i) the conversion charter school; and  
 9 (ii) the school corporation that sponsored the conversion  
 10 charter school;  
 11 of the student's expulsion, separation, or withdrawal to avoid  
 12 expulsion or separation;  
 13 (2) the school corporation (and, in the case of a student  
 14 withdrawal described in subdivision (1)(A) or (1)(B), the charter  
 15 school) consents to the student's enrollment; and  
 16 (3) the student agrees to the terms and conditions of enrollment  
 17 established by the school corporation (or, in the case of a student  
 18 withdrawal described in subdivision (1)(A) or (1)(B), the charter  
 19 school or conversion charter school). **The terms and conditions**  
 20 **of enrollment established for the student by the school**  
 21 **corporation, charter school, or conversion charter school**  
 22 **must be the same terms and conditions of enrollment to which**  
 23 **students currently enrolled in the school corporation, charter**  
 24 **school, or conversion charter school are subject.**  
 25 (c) If:  
 26 (1) a student's parent fails to inform the school corporation of the  
 27 expulsion or separation or withdrawal to avoid expulsion or  
 28 separation; or  
 29 (2) a student fails to follow the terms and conditions of enrollment  
 30 under subsection (b)(3);  
 31 the school corporation or charter school may withdraw consent and  
 32 prohibit the student's enrollment during the period of the actual or  
 33 proposed expulsion or separation.  
 34 (d) Before a consent is withdrawn under subsection (c) the student  
 35 must have an opportunity for an informal meeting before the principal  
 36 of the student's proposed school. At the informal meeting, the student  
 37 is entitled to:  
 38 (1) a written or an oral statement of the reasons for the withdrawal  
 39 of the consent;  
 40 (2) a summary of the evidence against the student; and  
 41 (3) an opportunity to explain the student's conduct.  
 42 (e) This section does not apply to a student who is expelled under

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1 section 17 of this chapter.

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