
HOUSE BILL No. 1421

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19-3-12; 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 include 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, 2013.

Porter

January 22, 2013, read first time and referred to Committee on Education.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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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 20-19-3-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 12. (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 or inappropriately high rates of out-of-school suspension
13 or expulsion, the department shall work with the school
14 corporation to develop a corrective action plan to reduce the
15 disproportionality until the criteria are no longer exceeded.**
16 **(c) The department shall develop guidelines for the use of the
17 information reported under subsection (a) in developing a**



1 **searchable data base concerning the history and current status of**
 2 **disproportionality in out-of-school suspensions and expulsions in**
 3 **school corporations.**

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

9 SECTION 2. IC 20-26-5-32, AS ADDED BY P.L.66-2009,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2013]: Sec. 32. (a) The governing body of each school
 12 corporation shall work with parents to:

13 (1) develop; and

14 (2) review periodically;

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

18 **(b) The plan must provide for collection, review, and reporting**
 19 **to the department on an annual basis of school behavioral and**
 20 **disciplinary problems, arrests, and referrals to the juvenile justice**
 21 **system, disaggregated on the basis of race, ethnicity, and gender**
 22 **under guidelines for determining the existence of**
 23 **disproportionality in discipline or inappropriately high rates of**
 24 **out-of-school suspension or expulsion developed by the department**
 25 **under IC 20-19-3-12.**

26 SECTION 3. IC 20-33-8-30, AS ADDED BY P.L.1-2005,
 27 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2013]: Sec. 30. (a) This section applies to the following:

29 (1) A student who:

30 (A) is expelled from a school corporation or charter school
 31 under this chapter; or

32 (B) withdraws from a school corporation or charter school to
 33 avoid expulsion.

34 (2) A student who:

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

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

42 (b) The student referred to in subsection (a) may enroll in another

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1 school corporation or charter school during the period of the actual or
2 proposed expulsion or separation if:

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

5 (A) in the case of a student withdrawing from a charter school
6 that is not a conversion charter school to avoid expulsion, the
7 ~~conversion~~ charter school; or

8 (B) in the case of a student withdrawing from a conversion
9 charter school to avoid expulsion:

10 (i) the conversion charter school; and

11 (ii) the school corporation that sponsored the conversion
12 charter school;

13 of the student's expulsion, separation, or withdrawal to avoid
14 expulsion or separation;

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

18 (3) the student agrees to the terms and conditions of enrollment
19 established by the school corporation (or, in the case of a student
20 withdrawal described in subdivision (1)(A) or (1)(B), the charter
21 school or conversion charter school). **The terms and conditions
22 of enrollment established for the student by the school
23 corporation, charter school, or conversion charter school
24 must be the same terms and conditions of enrollment to which
25 students currently enrolled in the school corporation, charter
26 school, or conversion charter school are subject.**

27 (c) If:

28 (1) a student's parent fails to inform the school corporation of the
29 expulsion or separation or withdrawal to avoid expulsion or
30 separation; or

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

33 the school corporation or charter school may withdraw consent and
34 prohibit the student's enrollment during the period of the actual or
35 proposed expulsion or separation.

36 (d) Before a consent is withdrawn under subsection (c) the student
37 must have an opportunity for an informal meeting before the principal
38 of the student's proposed school. At the informal meeting, the student
39 is entitled to:

40 (1) a written or an oral statement of the reasons for the withdrawal
41 of the consent;

42 (2) a summary of the evidence against the student; and

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- 1 (3) an opportunity to explain the student's conduct.
- 2 (e) This section does not apply to a student who is expelled under
- 3 section 17 of this chapter.

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