

SENATE BILL No. 117

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-8.

Synopsis: Limits on expulsions and long-term suspensions. Requires a determination that a student's school suspension or expulsion will prevent or reduce the risk of interference with an educational function or school purposes, disruption of the learning environment, or physical injury to the student, other students, school employees, or school visitors and, in the case of an expulsion, a determination that all other available and appropriate disciplinary and behavioral interventions have been exhausted. Requires inclusion of the rationale for the use of school suspension or expulsion in the statement to a student's parent.

Effective: July 1, 2018.

Randolph Lonnie M

January 3, 2018, read first time and referred to Committee on Education and Career Development.



Second Regular Session 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.

SENATE BILL No. 117

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 20-33-8-14, AS ADDED BY P.L.1-2005,
2 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 14. (a) **Subject to section 17.5 of this chapter**,
4 the following are the grounds for student suspension or expulsion,
5 subject to the procedural requirements of this chapter and as stated by
6 school corporation rules:
7 (1) Student misconduct.
8 (2) Substantial disobedience.
9 (b) The grounds for suspension or expulsion listed in subsection (a)
10 apply when a student is:
11 (1) on school grounds immediately before or during school hours,
12 or immediately after school hours, or at any other time when the
13 school is being used by a school group;
14 (2) off school grounds at a school activity, function, or event; or
15 (3) traveling to or from school or a school activity, function, or
16 event.
17 SECTION 2. IC 20-33-8-15, AS ADDED BY P.L.1-2005,



1 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2018]: Sec. 15. In addition to the grounds specified in section
3 14 of this chapter **and subject to section 17.5 of this chapter**, a
4 student may be suspended or expelled for engaging in unlawful activity
5 on or off school grounds if:

6 (1) the unlawful activity may reasonably be considered to be an
7 interference with school purposes or an educational function; or

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

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

13 SECTION 3. IC 20-33-8-16, AS AMENDED BY P.L.233-2015,
14 SECTION 261, IS AMENDED TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2018]: Sec. 16. (a) As used in this section,
16 "firearm" has the meaning set forth in IC 35-47-1-5.

17 (b) As used in this section, "deadly weapon" has the meaning set
18 forth in IC 35-31.5-2-86. The term does not include a firearm or
19 destructive device.

20 (c) As used in this section, "destructive device" has the meaning set
21 forth in IC 35-47.5-2-4.

22 (d) Notwithstanding section 20 of this chapter **and subject to**
23 **section 17.5 of this chapter**, a student who is:

24 (1) identified as bringing a firearm or destructive device to school
25 or on school property; or

26 (2) in possession of a firearm or destructive device on school
27 property;

28 must be expelled for at least one (1) calendar year, with the return of
29 the student to be at the beginning of the first school semester after the
30 end of the one (1) year period.

31 (e) The superintendent may, on a case by case basis, modify the
32 period of expulsion under subsection (d) for a student who is expelled
33 under this section.

34 (f) Notwithstanding section 20 of this chapter **and subject to**
35 **section 17.5 of this chapter**, a student who is:

36 (1) identified as bringing a deadly weapon to school or on school
37 property; or

38 (2) in possession of a deadly weapon on school property;

39 may be expelled for not more than one (1) calendar year.

40 (g) A superintendent or the superintendent's designee shall
41 immediately notify the appropriate law enforcement agency having
42 jurisdiction over the property where the school is located if a student



1 engages in a behavior described in subsection (d). The superintendent
 2 may give similar notice if the student engages in a behavior described
 3 in subsection (f). Upon receiving notification under this subsection, the
 4 law enforcement agency shall begin an investigation and take
 5 appropriate action.

6 (h) A student with a disability (as defined in IC 20-35-1-8) who
 7 possesses a firearm on school property is subject to procedural
 8 safeguards under 20 U.S.C. 1415.

9 SECTION 4. IC 20-33-8-17.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2018]: **Sec. 17.5. (a) A student may not be**
 12 **suspended under section 14, 15, or 16 of this chapter unless the**
 13 **principal determines that the student's suspension will prevent or**
 14 **substantially reduce the risk of:**

- 15 (1) interference with an educational function or school
- 16 purposes;
- 17 (2) disruption of the school learning environment; or
- 18 (3) physical injury to the student, other students, school
- 19 employees, or visitors to the school.

20 (b) A student may not be expelled under section 14, 15, or 16 of
 21 this chapter unless the superintendent or the superintendent's
 22 designee determines:

- 23 (1) all other available and appropriate:
- 24 (A) disciplinary interventions; and
- 25 (B) behavioral interventions;
- 26 have been exhausted; and
- 27 (2) the student's expulsion will prevent or substantially reduce
- 28 the risk of:
- 29 (A) interference with an educational function or school
- 30 purposes;
- 31 (B) disruption of the school learning environment; or
- 32 (C) physical injury to the student, other students, school
- 33 employees, or visitors to the school.

34 SECTION 5. IC 20-33-8-18, AS ADDED BY P.L.1-2005,
 35 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2018]: Sec. 18. (a) A principal may suspend a student for not
 37 more than ten (10) school days under section 14, 15, or 16 of this
 38 chapter. However, the student may be suspended for more than ten (10)
 39 school days under section 23 of this chapter.

40 (b) A principal may not suspend a student before the principal
 41 affords the student an opportunity for a meeting during which the
 42 student is entitled to the following:



- 1 (1) A written or an oral statement of the charges against the
 2 student.
- 3 (2) If the student denies the charges, a summary of the evidence
 4 against the student.
- 5 (3) An opportunity for the student to explain the student's
 6 conduct.
- 7 (c) When misconduct requires immediate removal of a student, the
 8 meeting under subsection (b) must begin as soon as reasonably possible
 9 after the student's suspension.
- 10 (d) Following a suspension, the principal shall send a written
 11 statement to the parent of the suspended student describing the
 12 following:
- 13 (1) The student's misconduct.
- 14 (2) The action taken by the principal.
- 15 (3) **The rationale for the length of the suspension.**
- 16 (e) **If a student is suspended under subsection (a), the student**
 17 **shall be provided:**
- 18 (1) **appropriate and available support services, as determined**
 19 **by the school, during the suspension period; and**
- 20 (2) **an opportunity to receive credit for completion of make up**
 21 **work.**
- 22 SECTION 6. IC 20-33-8-19, AS ADDED BY P.L.1-2005,
 23 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2018]: Sec. 19. (a) A superintendent of a school corporation
 25 may conduct an expulsion meeting or appoint one (1) of the following
 26 to conduct an expulsion meeting:
- 27 (1) Legal counsel.
- 28 (2) A member of the administrative staff if the member:
- 29 (A) has not expelled the student during the current school
 30 year; and
- 31 (B) was not involved in the events giving rise to the expulsion.
- 32 The superintendent or a person designated under this subsection may
 33 issue subpoenas, compel the attendance of witnesses, and administer
 34 oaths to persons giving testimony at an expulsion meeting.
- 35 (b) An expulsion may take place only after the student and the
 36 student's parent are given notice of their right to appear at an expulsion
 37 meeting with the superintendent or a person designated under
 38 subsection (a). Notice of the right to appear at an expulsion meeting
 39 must:
- 40 (1) be made by certified mail or by personal delivery;
- 41 (2) contain:
- 42 (A) the reasons for the expulsion; ~~and~~



- 1 **(B) the behavioral and disciplinary interventions**
 2 **attempted, if any; and**
 3 **(C) the rationale for the length of the expulsion; and**
 4 (3) contain the procedure for requesting an expulsion meeting.
 5 (c) The individual conducting an expulsion meeting:
 6 (1) shall make a written summary of the evidence heard at the
 7 expulsion meeting;
 8 (2) may take action that the individual finds appropriate; and
 9 (3) must give notice of the action taken under subdivision (2) to
 10 the student and the student's parent.
 11 (d) If the student or the student's parent not later than ten (10) days
 12 of receipt of a notice of action taken under subsection (c) makes a
 13 written appeal to the governing body, the governing body:
 14 (1) shall hold a meeting to consider:
 15 (A) the written summary of evidence prepared under
 16 subsection (c)(1); and
 17 (B) the arguments of the principal and the student or the
 18 student's parent;
 19 unless the governing body has voted under subsection (f) not to
 20 hear appeals of actions taken under subsection (c); and
 21 (2) may take action that the governing body finds appropriate.
 22 The decision of the governing body may be appealed only under
 23 section 21 of this chapter.
 24 (e) A student or a student's parent who fails to request and appear
 25 at an expulsion meeting after receipt of notice of the right to appear at
 26 an expulsion meeting forfeits all rights administratively to contest and
 27 appeal the expulsion. For purposes of this section, notice of the right to
 28 appear at an expulsion meeting or notice of the action taken at an
 29 expulsion meeting is effectively given at the time when the request or
 30 notice is delivered personally or sent by certified mail to a student and
 31 the student's parent.
 32 (f) The governing body may vote to not hear appeals of actions
 33 taken under subsection (c). If the governing body votes to not hear
 34 appeals, subsequent to the date on which the vote is taken, a student or
 35 parent may appeal only under section 21 of this chapter.

