

# SENATE BILL No. 141

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-28-10-20; IC 20-33-8-19; IC 20-33-13.5.

**Synopsis:** Education matters. Requires a public school and state accredited nonpublic school to ensure that at least 85% of a school counselor's aggregate time performing the counselor's job duties is used to provide direct services to students. Allows school corporations to provide certain notices regarding expulsion meetings by electronic mail. Requires each school corporation, charter school, and state accredited nonpublic school to adopt a policy that prohibits the use of a cellular telephone by a student in a classroom. Urges the legislative council to assign to the interim study committee on education the task of studying student discipline and truancy issues.

**Effective:** Upon passage; July 1, 2024.

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January 8, 2024, read first time and referred to Committee on Education and Career Development.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# SENATE BILL No. 141

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 20-28-10-20 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2024]: **Sec. 20. (a) As used in this section,**  
4 **"school" means the following:**  
5 (1) **A school maintained by a school corporation.**  
6 (2) **A charter school.**  
7 (3) **A state accredited nonpublic school.**  
8 (b) **A school shall ensure that at least eighty-five percent (85%)**  
9 **of a school counselor's aggregate time performing the counselor's**  
10 **job duties is devoted to providing direct services to students,**  
11 **including:**  
12 (1) **classroom instruction;**  
13 (2) **assisting in creating a plan for college and career**  
14 **readiness;**  
15 (3) **dropout prevention;**  
16 (4) **social and emotional supports; and**  
17 (5) **individual student planning.**



1 SECTION 2. IC 20-33-8-19, AS AMENDED BY P.L.94-2019,  
 2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2024]: Sec. 19. (a) A superintendent of a school corporation  
 4 may conduct an expulsion meeting or appoint one (1) of the following  
 5 to conduct an expulsion meeting:

6 (1) Legal counsel.

7 (2) A member of the administrative staff if the member:

8 (A) has not expelled the student during the current school  
 9 year; and

10 (B) was not involved in the events giving rise to the expulsion.

11 The superintendent or a person designated under this subsection may  
 12 issue subpoenas, compel the attendance of witnesses, and administer  
 13 oaths to persons giving testimony at an expulsion meeting.

14 (b) An expulsion may take place only after the student and the  
 15 student's parent are given notice of their right to appear at an expulsion  
 16 meeting with the superintendent or a person designated under  
 17 subsection (a). Notice of the right to appear at an expulsion meeting  
 18 must:

19 (1) be made by:

20 (A) certified mail or by personal delivery; **or**

21 (B) **electronic mail if the:**

22 (i) **parent has provided the electronic mail address to the**  
 23 **school as a means of communication and, in the case of**  
 24 **a student, the electronic mail is sent to the student's**  
 25 **school created electronic mail address; and**

26 (ii) **school is able to confirm the electronic mail was**  
 27 **opened by a user of the electronic mail account under**  
 28 **item (i);**

29 (2) contain the reasons for the expulsion; and

30 (3) contain the procedure for requesting an expulsion meeting.

31 (c) The individual conducting an expulsion meeting:

32 (1) shall make a written summary of the evidence heard at the  
 33 expulsion meeting;

34 (2) may take action that the individual finds appropriate;

35 (3) shall provide the information described in subsection (g) to  
 36 the student and the student's parent; and

37 (4) must give notice of the action taken under subdivision (2) to  
 38 the student and the student's parent.

39 (d) If the student or the student's parent not later than ten (10) days  
 40 of receipt of a notice of action taken under subsection (c) makes a  
 41 written appeal to the governing body, the governing body:

42 (1) shall hold a meeting to consider:



- 1 (A) the written summary of evidence prepared under  
 2 subsection (c)(1); and  
 3 (B) the arguments of the principal and the student or the  
 4 student's parent;  
 5 unless the governing body has voted under subsection (f) not to  
 6 hear appeals of actions taken under subsection (c); and  
 7 (2) may take action that the governing body finds appropriate.  
 8 The decision of the governing body may be appealed only under  
 9 section 21 of this chapter.
- 10 (e) A student or a student's parent who fails to request and appear  
 11 at an expulsion meeting after receipt of notice of the right to appear at  
 12 an expulsion meeting forfeits all rights administratively to contest and  
 13 appeal the expulsion. For purposes of this section, notice of the right to  
 14 appear at an expulsion meeting or notice of the action taken at an  
 15 expulsion meeting is effectively given at the time when the request or  
 16 notice is:
- 17 (1) delivered personally or sent by certified mail to a student and  
 18 the student's parent; or  
 19 (2) **made by electronic mail to the student and the student's**  
 20 **parent if the:**
- 21 (A) **parent has provided the electronic mail address to the**  
 22 **school as a means of communication and, in the case of a**  
 23 **student, the electronic mail is sent to the student's school**  
 24 **created electronic mail address; and**  
 25 (B) **school confirms the electronic mail was opened by a**  
 26 **user of the electronic mail account under clause (A).**
- 27 (f) The governing body may vote to not hear appeals of actions  
 28 taken under subsection (c). If the governing body votes to not hear  
 29 appeals, subsequent to the date on which the vote is taken, a student or  
 30 parent may appeal only under section 21 of this chapter.
- 31 (g) Each school corporation shall annually prepare a list of:  
 32 (1) alternative education programs in the same county in which  
 33 the school corporation is located or a county immediately adjacent  
 34 to the county in which the school corporation is located; and  
 35 (2) virtual charter schools;  
 36 in which a student may enroll if the student is expelled. The list must  
 37 contain contact information for the entities described in subdivisions  
 38 (1) and (2) and must provide the student and the student's parent notice  
 39 that the student may be required to comply with IC 20-33-2 or any  
 40 statute relating to compulsory school attendance in accordance with  
 41 section 31 of this chapter. A copy of the list shall be provided to the  
 42 student or the student's parent at the expulsion meeting. If the student



1 or student's parent fails to attend an expulsion meeting, a copy of the  
2 list shall be mailed to the student's residence.

3 SECTION 3. IC 20-33-13.5 IS ADDED TO THE INDIANA CODE  
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2024]:

6 **Chapter 13.5. Cellular Telephone and Social Media Usage**

7 **Sec. 1. As used in this chapter, "school" means the following:**

8 (1) A charter school.

9 (2) A state accredited nonpublic school.

10 **Sec. 2. Each school corporation and school shall adopt a policy**  
11 **that prohibits the use of a cellular telephone by a student in a**  
12 **classroom.**

13 **Sec. 3. Nothing in this section may be construed to prohibit a**  
14 **student from using a cellular telephone to manage the student's**  
15 **health care.**

16 SECTION 4. [EFFECTIVE UPON PASSAGE] (a) **The legislative**  
17 **council is urged to assign to the interim study committee on**  
18 **education established by IC 2-5-1.3-4, during the 2024 legislative**  
19 **interim, the task of studying student discipline and truancy issues.**

20 (b) **This SECTION expires January 1, 2025.**

21 SECTION 5. **An emergency is declared for this act.**

