



Reprinted
February 6, 2024

SENATE BILL No. 141

DIGEST OF SB 141 (Updated February 5, 2024 2:41 pm - DI 110)

Citations Affected: IC 20-28; IC 20-33.

Synopsis: Education matters. Provides that, for the 2024-2025 and 2025-2026 school years, a school shall ensure that at least 60% of a school counselor's aggregate time performing the counselor's job duties is devoted to providing direct services to students. Provides that, beginning with the 2026-2027 school year, a school shall ensure that at least 80% of a school counselor's aggregate time performing the counselor's job duties is devoted to providing direct services to students. Exempts schools that have a school counselor/student ratio that is not more than one school counselor to 350 students from the school counselor time requirement provisions. Allows school corporations to provide certain notices regarding expulsion meetings by electronic mail.

Effective: July 1, 2024.

Leising, Donato

January 8, 2024, read first time and referred to Committee on Education and Career Development.
February 1, 2024, amended, reported favorably — Do Pass.
February 5, 2024, read second time, amended, ordered engrossed.

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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) **If a school has a school counselor/student ratio that is not**
9 **more than one (1) school counselor to three hundred fifty (350)**
10 **students, the school is not required to comply with this section.**
11 (c) **For the 2024-2025 and 2025-2026 school years, a school shall**
12 **ensure that at least sixty percent (60%) of a school counselor's**
13 **aggregate time performing the counselor's job duties is devoted to**
14 **providing direct services to students as described in subsection (d).**
15 **This subsection expires July 1, 2026.**
16 (d) **Beginning with the 2026-2027 school year, a school shall**
17 **ensure that at least eighty percent (80%) of a school counselor's**

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1 **aggregate time performing the counselor's job duties is devoted to**
 2 **providing direct services to students, including:**

- 3 **(1) classroom instruction;**
 4 **(2) assisting in creating a plan for college and career**
 5 **readiness;**
 6 **(3) dropout prevention;**
 7 **(4) social and emotional supports; and**
 8 **(5) individual student planning.**

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

- 14 (1) Legal counsel.
 15 (2) A member of the administrative staff if the member:
 16 (A) has not expelled the student during the current school
 17 year; and
 18 (B) was not involved in the events giving rise to the expulsion.

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

22 (b) An expulsion may take place only after the student and the
 23 student's parent are given notice of their right to appear at an expulsion
 24 meeting with the superintendent or a person designated under
 25 subsection (a). Notice of the right to appear at an expulsion meeting
 26 must:

- 27 (1) be made by:
 28 (A) certified mail or by personal delivery; **or**
 29 (B) **electronic mail if the:**
 30 (i) **parent has provided the electronic mail address to the**
 31 **school as a means of communication and, in the case of**
 32 **a student, the electronic mail is sent to the student's**
 33 **school created electronic mail address; and**
 34 (ii) **school is able to confirm the electronic mail was**
 35 **opened and responded to by a user of the electronic mail**
 36 **account under item (i);**
 37 (2) contain the reasons for the expulsion; and
 38 (3) contain the procedure for requesting an expulsion meeting.

39 **If the school is unable to confirm within forty-eight (48) hours**
 40 **from the time the electronic mail was sent under subdivision (1)(B)**
 41 **that the electronic mail was opened and responded to by a user of**
 42 **the electronic mail account as described in subdivision (1)(B)(ii),**



1 **notice to the student and the parent of the student under this**
 2 **subsection must be made by certified mail or by personal delivery.**

3 (c) The individual conducting an expulsion meeting:

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

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

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

9 (4) 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:

31 (1) delivered personally or sent by certified mail to a student and
 32 the student's parent; or

33 (2) made by:

34 (A) **electronic mail to the student and the student's parent**
 35 **if the:**

36 (i) **parent has provided the electronic mail address to the**
 37 **school as a means of communication and, in the case of**
 38 **a student, the electronic mail is sent to the student's**
 39 **school created electronic mail address; and**

40 (ii) **school confirms the electronic mail was opened and**
 41 **responded to by a user of the electronic mail account**
 42 **under item (i); or**



- 1 **(B) if the school is unable to confirm within forty-eight (48)**
2 **hours from the time that the electronic mail was sent under**
3 **clause (A) that the electronic mail was opened and**
4 **responded to by a user of the electronic mail account as**
5 **described in clause (A)(ii), personal delivery or is sent by**
6 **certified mail to the student and the student's parent.**
- 7 (f) The governing body may vote to not hear appeals of actions
8 taken under subsection (c). If the governing body votes to not hear
9 appeals, subsequent to the date on which the vote is taken, a student or
10 parent may appeal only under section 21 of this chapter.
- 11 (g) Each school corporation shall annually prepare a list of:
- 12 (1) alternative education programs in the same county in which
13 the school corporation is located or a county immediately adjacent
14 to the county in which the school corporation is located; and
15 (2) virtual charter schools;
- 16 in which a student may enroll if the student is expelled. The list must
17 contain contact information for the entities described in subdivisions
18 (1) and (2) and must provide the student and the student's parent notice
19 that the student may be required to comply with IC 20-33-2 or any
20 statute relating to compulsory school attendance in accordance with
21 section 31 of this chapter. A copy of the list shall be provided to the
22 student or the student's parent at the expulsion meeting. If the student
23 or student's parent fails to attend an expulsion meeting, a copy of the
24 list shall be mailed to the student's residence.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 141, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between lines 7 and 8, begin a new paragraph and insert:

"(b) If a school has a school counselor/student ratio that is not more than one (1) school counselor to three hundred fifty (350) students, the school is not required to comply with this section.

(c) For the 2024-2025 school year, a school shall ensure that at least sixty percent (60%) of a school counselor's aggregate time performing the counselor's job duties is devoted to providing direct services to students as described in subsection (d). This subsection expires July 1, 2025."

Page 1, line 8, delete "(b) A" and insert **"(d) Beginning with the 2025-2026 school year, a"**.

Page 4, delete lines 3 through 21.

and when so amended that said bill do pass.

(Reference is to SB 141 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 13, Nays 0.

 SENATE MOTION

Madam President: I move that Senate Bill 141 be amended to read as follows:

Page 1, line 11, delete "school year," and insert **"and 2025-2026 school years,"**.

Page 1, line 15, delete "2025." and insert **"2026."**

Page 1, line 16, delete "2025-2026" and insert **"2026-2027"**.

Page 1, line 17, delete "eighty-five percent (85%)" and insert **"eighty percent (80%)"**.

Page 2, line 35, after "opened" insert **"and responded to"**.

Page 2, between lines 38 and 39, begin a new line blocked left and insert:

"If the school is unable to confirm within forty-eight (48) hours

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from the time the electronic mail was sent under subdivision (1)(B) that the electronic mail was opened and responded to by a user of the electronic mail account as described in subdivision (1)(B)(ii), notice to the student and the parent of the student under this subsection must be made by certified mail or by personal delivery."

Page 3, delete lines 27 through 34, begin a new line block indented and insert:

"(2) made by:

(A) electronic mail to the student and the student's parent if the:

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

(ii) school confirms the electronic mail was opened and responded to by a user of the electronic mail account under item (i); or

(B) if the school is unable to confirm within forty-eight (48) hours from the time that the electronic mail was sent under clause (A) that the electronic mail was opened and responded to by a user of the electronic mail account as described in clause (A)(ii), personal delivery or is sent by certified mail to the student and the student's parent."

(Reference is to SB 141 as printed February 2, 2024.)

LEISING

