

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

SENATE ENROLLED ACT No. 29

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-26-5-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 38. (a) As used in this section, "juvenile detention facility" refers to the following:**

- (1) A juvenile detention facility under IC 31-31-8.**
- (2) A juvenile detention center under IC 31-31-9.**
- (3) A shelter care facility that is licensed to care for more than ten (10) children.**

(b) As used in this section, "school materials" includes curricular materials and syllabi for a particular grade level or course. The term does not include hardware that will be consumed, accessed, or used by a single student during a semester or school year.

(c) If a child is or will be detained in a juvenile detention facility for more than seven (7) calendar days, the school corporation shall, upon request by the juvenile detention facility or the child's parent, provide to the juvenile detention facility the school materials for the grade level or courses in which the child is enrolled or would be enrolled if the child were not detained. The school corporation may provide the school materials in an electronic format.

(d) The school corporation shall, upon request by the juvenile detention facility or the child's parent, deliver to the juvenile detention facility the school materials described in subsection (c)

SEA 29 — Concur



at least once every seven (7) calendar days, excluding any days that are not student instructional days.

(e) Except for the assessment of rental fees for curricular materials under IC 20-26-12, the school corporation is responsible for any costs associated with preparing and delivering school materials under this section.

(f) The school corporation is not required to provide school materials that have been requested by a juvenile detention facility or the child's parent under this section if the:

- (1) child is released from the juvenile detention facility; or
- (2) juvenile detention facility or the child's parent requests that the school corporation no longer provide the school materials.

SECTION 2. IC 20-33-8-18, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 18. (a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 of this chapter.

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

- (1) A written or an oral statement of the charges against the student.
- (2) If the student denies the charges, a summary of the evidence against the student.
- (3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

- (1) The student's misconduct.
- (2) The action taken by the principal.

(e) If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives notice of any assignments or school work due and teacher contact information in the event the student has questions regarding the assignments or school work. A student



may be allowed to make up missed tests or quizzes when the student returns to school.

SECTION 3. IC 20-33-8-19, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 19. (a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:

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

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

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

- (1) be made by certified mail or by personal delivery;
 - (2) contain the reasons for the expulsion; and
 - (3) contain the procedure for requesting an expulsion meeting.
- (c) The individual conducting an expulsion meeting:
- (1) shall make a written summary of the evidence heard at the expulsion meeting;
 - (2) may take action that the individual finds appropriate; ~~and~~
 - (3) shall provide the information described in subsection (g) to the student and the student's parent; and**
 - ~~(3)~~ **(4)** must give notice of the action taken under subdivision (2) to the student and the student's parent.

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

- (1) shall hold a meeting to consider:
 - (A) the written summary of evidence prepared under subsection (c)(1); and
 - (B) the arguments of the principal and the student or the student's parent;

unless the governing body has voted under subsection (f) not to hear appeals of actions taken under subsection (c); and

- (2) may take action that the governing body finds appropriate.

SEA 29 — Concur



The decision of the governing body may be appealed only under section 21 of this chapter.

(e) A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at an expulsion meeting or notice of the action taken at an expulsion meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to a student and the student's parent.

(f) The governing body may vote to not hear appeals of actions taken under subsection (c). If the governing body votes to not hear appeals, subsequent to the date on which the vote is taken, a student or parent may appeal only under section 21 of this chapter.

(g) Each school corporation shall annually prepare a list of:

- (1) alternative education programs in the same county in which the school corporation is located or a county immediately adjacent to the county in which the school corporation is located; and**
- (2) virtual charter schools;**

in which a student may enroll if the student is expelled. The list must contain contact information for the entities described in subdivisions (1) and (2) and must provide the student and the student's parent notice that the student may be required to comply with IC 20-33-2 or any statute relating to compulsory school attendance in accordance with section 31 of this chapter. A copy of the list shall be provided to the student or the student's parent at the expulsion meeting. If the student or student's parent fails to attend an expulsion meeting, a copy of the list shall be mailed to the student's residence.

SECTION 4. IC 20-33-8-31, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 31. **(a)** If a student is suspended ~~or expelled~~ from school or from any educational function under this chapter, the student's absence from school because of the suspension ~~or expulsion~~ is not a violation of:

- (1) IC 20-33-2; or
- (2) any other statute relating to compulsory school attendance.

(b) If a student is expelled from school or from any educational function under this chapter, the student's absence from school because of the expulsion is a violation of IC 20-33-2 or any other statute relating to compulsory school attendance if the student may



enroll in:

(1) an alternative education program in the county or in a county immediately adjacent to the county containing the school corporation from which the student was expelled; or

(2) a virtual charter school if the student does not enroll in a program or school described in subdivision (1) or (2);

during the student's expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend under this subsection, the student's expulsion is not a violation of IC 20-33-2 or any other statute relating to compulsory school attendance.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 29 — Concur

