

SENATE BILL No. 443

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-10.1-2; IC 20-26-11; IC 20-28; IC 20-32; IC 20-33.

Synopsis: Various education matters. Allows grants from the safe schools fund to provide schoolwide programs to improve school climate and professional development and training in alternatives to suspension and expulsion and evidence based practices that contribute to a positive school environment. Provides that an election for a student to have legal settlement in the school corporation whose attendance area contains the residence of the student's mother or father shall be made on a yearly basis and applies throughout the school year unless the student's mother or father no longer resides within the attendance area of the school corporation. Provides that a school corporation that has adopted a policy not to accept student transfers after June 30, 2013, is not prohibited from enrolling a transfer student from an accredited nonpublic school or charter school located within the school corporation's boundaries if the school corporation has entered into an agreement to allow students of the accredited nonpublic school or charter school to transfer to the school within the school corporation. Requires the department of education (department) to develop guidelines for use by accredited teacher education institutions in preparing teachers to successfully apply classroom behavioral management strategies, including culturally responsive methods, to provide alternatives to suspension and expulsion. Removes a requirement that the department report instances of noncompliance of local salary scale requirements to the state board of education. Requires the department to allow the use of computer or digital response technology to complete a statewide, national, or international student assessment. Provides that a school corporation or school may allow a
(Continued next page)

Effective: Upon passage; July 1, 2015.

Kruse

January 12, 2015, read first time and referred to Committee on Education & Career Development.



Digest Continued

student to use computer or digital response technology to complete an assessment. Provides that before a child may be referred to the juvenile justice system for truancy, a plan to improve attendance must be developed and implemented for the child. Provides that a student may not be suspended or expelled solely for infractions related to school attendance. Provides that a school staff member may take disciplinary action instead of suspending or expelling a student for misconduct that is not related to school safety. Creates a school discipline data workgroup to study various issues related to the collection and analysis of school discipline data.



Introduced

First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 443

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 5-2-10.1-2, AS AMENDED BY P.L.172-2013,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2. (a) The Indiana safe schools fund is established
4 to do the following:
5 (1) Promote school safety through the:
6 (A) use of dogs trained to detect drugs and illegal substances;
7 and
8 (B) purchase of other equipment and materials used to
9 enhance the safety of schools.
10 (2) Combat truancy.
11 (3) Provide matching grants to schools for school safe haven
12 programs.
13 (4) Provide grants for school safety and safety plans.
14 (5) Provide educational outreach and training to school personnel



- 1 concerning:
 2 (A) the identification of;
 3 (B) the prevention of; and
 4 (C) intervention in;
 5 bullying.
 6 (6) Provide educational outreach to school personnel and training
 7 to school safety specialists and school resource officers
 8 concerning:
 9 (A) the identification of;
 10 (B) the prevention of; and
 11 (C) intervention in;
 12 criminal gang activities.
 13 **(7) Provide grants for schoolwide programs to improve school**
 14 **climate and professional development and training for school**
 15 **personnel concerning:**
 16 **(A) alternatives to suspension and expulsion; and**
 17 **(B) evidence based practices that contribute to a positive**
 18 **school environment, including classroom management**
 19 **skills, positive behavioral intervention and support,**
 20 **restorative practices, and social emotional learning.**
 21 (b) The fund consists of amounts deposited:
 22 (1) under IC 33-37-9-4; and
 23 (2) from any other public or private source.
 24 (c) The institute shall determine grant recipients from the fund with
 25 a priority on awarding grants in the following order:
 26 (1) A grant for a safety plan.
 27 (2) A safe haven grant requested under section 10 of this chapter.
 28 (3) A safe haven grant requested under section 7 of this chapter.
 29 (d) Upon recommendation of the council, the institute shall establish
 30 a method for determining the maximum amount a grant recipient may
 31 receive under this section.
 32 SECTION 2. IC 20-26-11-2.5, AS ADDED BY P.L.141-2006,
 33 SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2015]: Sec. 2.5. (a) In the case of a student described in
 35 section 2(3) of this chapter, the:
 36 (1) parent granted physical custody by a court; or
 37 (2) student, if the student is at least eighteen (18) years of age;
 38 may ~~not later than fourteen (14) days before the first student day of the~~
 39 ~~school year~~, elect for the student to have legal settlement in the school
 40 corporation whose attendance area contains the residence of the
 41 student's mother or the school corporation whose attendance area
 42 contains the residence of the student's father.



1 (b) An election under subsection (a) ~~may~~ **shall** be made ~~only~~ on a
 2 yearly basis **and applies throughout the school year unless the**
 3 **student's mother or father no longer resides within the attendance**
 4 **area of the school corporation.**

5 (c) The parent or student who makes an election under subsection
 6 (a) is not required to pay transfer tuition.

7 SECTION 3. IC 20-26-11-32, AS AMENDED BY P.L.39-2014,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2015]: Sec. 32. (a) This section does not apply to a school
 10 corporation if the governing body has adopted a policy of not accepting
 11 the transfer of any student who does not have legal settlement within
 12 the school corporation.

13 (b) The governing body of a school corporation shall annually
 14 establish:

15 (1) except as provided in subsection (m), the number of transfer
 16 students the school corporation has the capacity to accept in each
 17 grade level; and

18 (2) the date by which requests to transfer into the school
 19 corporation must be received by the governing body.

20 (c) After establishing the date under subsection (b)(2), the
 21 governing body shall:

22 (1) publish the date on the school corporation's Internet web site;
 23 and

24 (2) report the date to the department.

25 (d) The department shall publish the dates received from school
 26 corporations under subsection (c)(2) on the department's Internet web
 27 site.

28 (e) A student to whom this section applies may not request to
 29 transfer under this section primarily for athletic reasons to a school
 30 corporation in which the student does not have legal settlement.

31 (f) If the number of requests to transfer into a school corporation
 32 received by the date established for the school corporation under
 33 subsection (b)(2) exceeds the capacity established for the school
 34 corporation under subsection (b)(1), each timely request must be given
 35 an equal chance to be accepted, with the exception that a student
 36 described in subsection (h) shall be given priority. The governing body
 37 must determine which students will be admitted as transfer students to
 38 each school building and each grade level within the school corporation
 39 by a random drawing in a public meeting.

40 (g) Except as provided in subsections (i), (j), (k), and (m), the
 41 governing body of a school corporation may not deny a request for a
 42 student to transfer into the school corporation based upon the student's



1 academic record, scores on ISTEP tests, disciplinary record, or
 2 disability, or upon any other factor not related to the school
 3 corporation's capacity.

4 (h) Except as provided in subsections (i), (j), and (k), the governing
 5 body of a school corporation may not deny a request for a student to
 6 transfer into the school corporation if the student requesting to transfer:

7 (1) is a member of a household in which any other member of the
 8 household is a student in the transferee school; or

9 (2) has a parent who is an employee of the school corporation.

10 (i) A governing body of a school corporation may limit the number
 11 of new transfers to a school building or grade level in the school
 12 corporation:

13 (1) to ensure that a student who attends a school within the school
 14 corporation as a transfer student during a school year may
 15 continue to attend the school in subsequent school years; and

16 (2) to allow a student described in subsection (h) to attend a
 17 school within the school corporation.

18 (j) Notwithstanding subsections (g) and (h), a governing body of a
 19 school corporation may deny a request for a student to transfer to the
 20 school corporation, or establish terms or conditions for enrollment that
 21 prevent a student from enrolling in a school, if the student has been
 22 suspended (as defined in IC 20-33-8-7) or expelled (as defined in
 23 IC 20-33-8-3) during the twelve (12) months preceding the student's
 24 request to transfer under this section:

25 (1) for ten (10) or more school days;

26 (2) for a violation under IC 20-33-8-16;

27 (3) for causing physical injury to a student, a school employee, or
 28 a visitor to the school; or

29 (4) for a violation of a school corporation's drug or alcohol rules.

30 For purposes of subdivision (1), student discipline received under
 31 ~~IC 20-33-8-25(b)(7)~~ **IC 20-33-8-25(c)(7)** for a violation described in
 32 subdivisions (2) through (4) shall be included in the calculation of the
 33 number of school days that a student has been suspended.

34 (k) The governing body of a school corporation with a school
 35 building that offers a special curriculum may require a student who
 36 transfers to the school building to meet the same eligibility criteria
 37 required of all students who attend the school building that offers the
 38 special curriculum.

39 (l) The parent of a student for whom a request to transfer is made is
 40 responsible for providing the school corporation to which the request
 41 is made with records or information necessary for the school
 42 corporation to determine whether the request to transfer may be denied



1 under subsection (j).

2 (m) ~~Notwithstanding this section, the governing body of a school~~
 3 ~~corporation may authorize the school corporation to enter into an~~
 4 ~~agreement with an accredited nonpublic school or charter school to~~
 5 ~~allow students of the accredited nonpublic school or charter school to~~
 6 ~~transfer to a school within the school corporation. A school~~
 7 ~~corporation that has adopted a policy not to accept student~~
 8 ~~transfers after June 30, 2013, is not prohibited from enrolling a~~
 9 ~~transfer student from an accredited nonpublic school or charter~~
 10 ~~school located within the school corporation's boundaries if the~~
 11 ~~school corporation has entered into an agreement to allow students~~
 12 ~~of the accredited nonpublic school or charter school to transfer to~~
 13 ~~the school within the school corporation.~~

14 (n) A school corporation that has adopted a policy to not accept
 15 student transfers after June 30, ~~2013~~, **2015**, is not prohibited from
 16 enrolling a:

17 (1) transfer student who attended a school within the school
 18 corporation during the ~~2012-2013~~ **preceding** school year; or

19 (2) member of a household in which any other member of the
 20 household was a transfer student who attended a school within the
 21 school corporation during the ~~2012-2013~~ **preceding** school year.

22 However, if a school corporation enrolls a student described in
 23 subdivision (1) or (2), the school corporation shall also allow a student
 24 or member of the same household of a student who attended an
 25 accredited nonpublic school within the attendance area of the school
 26 corporation during the ~~2012-2013~~ **preceding** school year to enroll in
 27 a school within the school corporation.

28 SECTION 4. IC 20-28-3-0.3 IS ADDED TO THE INDIANA CODE
 29 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
 30 1, 2015]: **Sec. 0.3. As used in this chapter:**

31 (1) **"culturally responsive methods" refer to methods that use**
 32 **the cultural knowledge, experiences, social and emotional**
 33 **learning needs, and performance styles of diverse students to**
 34 **ensure that classroom management strategies and research**
 35 **based alternatives to exclusionary discipline are appropriate**
 36 **and effective for the students; and**

37 (2) **"exclusionary discipline" includes inschool suspension,**
 38 **out-of-school suspension, expulsion, school based arrests,**
 39 **school based referrals to the juvenile justice system, and**
 40 **voluntary or involuntary placement in an alternative**
 41 **education program.**

42 SECTION 5. IC 20-28-3-3, AS ADDED BY P.L.246-2005,



1 SECTION 149, IS AMENDED TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2015]: Sec. 3. (a) The department shall develop
 3 guidelines for use by accredited teacher education institutions and
 4 departments in preparing individuals to:

- 5 (1) teach in various environments; and
 6 (2) **successfully apply positive classroom behavioral**
 7 **management strategies and research based alternatives to**
 8 **exclusionary discipline in a manner that serves the diverse**
 9 **learning needs of all students, including those students who**
 10 **are:**

11 (A) **from diverse racial and ethnic backgrounds;**

12 (B) **of low social economic status;**

13 (C) **English language learners; and**

14 (D) **exceptional learners (as defined in IC 20-31-2-6).**

15 (b) The guidelines developed under subsection (a) must include
 16 courses and methods that assist individuals in developing cultural
 17 competency (as defined in IC 20-31-2-5).

18 SECTION 6. IC 20-28-3-3.5 IS ADDED TO THE INDIANA CODE
 19 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 20 **1, 2015]: Sec. 3.5. The guidelines developed under section 3 of this**
 21 **chapter must incorporate methods that assist individuals in**
 22 **developing competency in employing approaches to create positive**
 23 **classroom and school climates that are culturally responsive,**
 24 **including:**

25 (1) **classroom management strategies;**

26 (2) **restorative justice;**

27 (3) **positive behavioral interventions and supports;**

28 (4) **social and emotional training as described in IC 12-21-5-2,**
 29 **IC 20-19-2-10, IC 20-19-3-12, and IC 20-26-5-34.2; and**

30 (5) **conflict resolution.**

31 SECTION 7. IC 20-28-3-5 IS ADDED TO THE INDIANA CODE
 32 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
 33 **1, 2015]: Sec. 5. (a) The department shall develop and make**
 34 **available to school corporations materials that assist teachers,**
 35 **administrators, and school staff in developing culturally**
 36 **responsive, positive classroom behavioral management strategies**
 37 **and research based alternatives to exclusionary discipline for use**
 38 **in providing professional and staff development programs.**

39 (b) **A teacher shall participate in annual training to develop**
 40 **positive classroom behavioral management strategies and research**
 41 **based alternatives to exclusionary discipline. The training must be**
 42 **directly correlated to the school's improvement plan and**



1 **accreditation process under IC 20-31.**

2 SECTION 8. IC 20-28-9-1.5, AS ADDED BY P.L.286-2013,
 3 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2015]: Sec. 1.5. (a) This subsection applies to a contract in
 5 effect July 1, 2012, or upon the expiration of a contract in existence on
 6 July 1, 2011, whichever is earlier, and governs salary increases for a
 7 teacher employed by a school corporation on or after the date this
 8 subsection takes effect. Compensation attributable to additional
 9 degrees or graduate credits earned before the effective date of the local
 10 salary schedule created under this chapter shall continue.
 11 Compensation attributable to additional degrees for which a teacher has
 12 started course work before July 1, 2011, and completed course work
 13 before September 2, 2014, shall also continue.

14 (b) Increases or increments in a local salary scale must be based
 15 upon a combination of the following factors:

16 (1) A combination of the following factors taken together may
 17 account for not more than thirty-three percent (33%) of the
 18 calculation used to determine a teacher's increase or increment:

19 (A) The number of years of a teacher's experience.

20 (B) The attainment of either:

21 (i) additional content area degrees beyond the requirements
 22 for employment; or

23 (ii) additional content area degrees and credit hours beyond
 24 the requirements for employment, if required under an
 25 agreement bargained under IC 20-29.

26 (2) The results of an evaluation conducted under IC 20-28-11.5.

27 (3) The assignment of instructional leadership roles, including the
 28 responsibility for conducting evaluations under IC 20-28-11.5.

29 (4) The academic needs of students in the school corporation.

30 (c) A teacher rated ineffective or improvement necessary under
 31 IC 20-28-11.5 may not receive any raise or increment for the following
 32 year if the teacher's employment contract is continued. The amount that
 33 would otherwise have been allocated for the salary increase of teachers
 34 rated ineffective or improvement necessary shall be allocated for
 35 compensation of all teachers rated effective and highly effective based
 36 on the criteria in subsection (b).

37 (d) A teacher who does not receive a raise or increment under
 38 subsection (c) may file a request with the superintendent or
 39 superintendent's designee not later than five (5) days after receiving
 40 notice that the teacher received a rating of ineffective. The teacher is
 41 entitled to a private conference with the superintendent or
 42 superintendent's designee.



1 (e) Not later than January 31, 2012, the department shall publish a
2 model salary schedule that a school corporation may adopt.

3 (f) Each school corporation shall submit its local salary schedule to
4 the department. The department shall publish the local salary schedules
5 on the department's Internet web site.

6 ~~(g) The department shall report any noncompliance with this section
7 to the state board.~~

8 ~~(h) (g)~~ The state board shall take appropriate action to ensure
9 compliance with this section.

10 ~~(i) (h)~~ This chapter may not be construed to require or allow a
11 school corporation to decrease the salary of any teacher below the
12 salary the teacher was earning on or before July 1, 2012, if that
13 decrease would be made solely to conform to the new salary scale.

14 ~~(j) (i)~~ After June 30, 2011, all rights, duties, or obligations
15 established under IC 20-28-9-1 before its repeal are considered rights,
16 duties, or obligations under this section.

17 SECTION 9. IC 20-32-2-2.3 IS ADDED TO THE INDIANA CODE
18 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
19 **1, 2015]: Sec. 2.3. "ISTEP program test" includes any statewide,**
20 **national, or international assessment that a student is required to**
21 **complete.**

22 SECTION 10. IC 20-32-5-9, AS AMENDED BY P.L.286-2013,
23 SECTION 108, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2015]: Sec. 9. ~~(a) As used in this section;~~
25 ~~"ISTEP program test" includes any statewide assessment that a student~~
26 ~~is required to complete.~~

27 ~~(b) (a)~~ After reports of student scores are returned to a school
28 corporation, the school corporation shall promptly do the following:

29 (1) Give each student and the student's parent the student's ISTEP
30 program test scores.

31 (2) Make available for inspection to each student and the student's
32 parent the following:

33 (A) A copy of all questions that are not multiple choice or true
34 and false and prompts used in assessing the student.

35 (B) A copy of the student's scored responses.

36 (C) A copy of the anchor papers and scoring rubrics used to
37 score the student's responses.

38 A student's parent may request a rescoring of a student's responses to
39 an ISTEP program test, including a student's essay.

40 ~~(c) (b)~~ A student's ISTEP program test scores may not be disclosed
41 to the public.

42 SECTION 11. IC 20-32-5-15.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2015]: **Sec. 15.5. (a) The department shall**
 3 **allow the use of computer or digital response technology to**
 4 **complete an ISTEP program test.**

5 **(b) A school corporation or school may allow a student to use**
 6 **computer or digital response technology to complete an ISTEP**
 7 **program test.**

8 SECTION 12. IC 20-33-2-25, AS AMENDED BY P.L.90-2011,
 9 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2015]: Sec. 25. **(a) The superintendent or principal of the**
 11 **school a child attends shall create and implement a plan to improve**
 12 **the child's attendance before referring the child under subsection**
 13 **(b). If the child and the child's parent fail to comply with the**
 14 **attendance plan, the child may be referred under subsection (b).**

15 **(b)** The superintendent or an attendance officer having jurisdiction
 16 shall report a child who is habitually absent from school in violation of
 17 this chapter to an intake officer of the juvenile court or the department
 18 of child services. The intake officer or the department of child services
 19 shall proceed in accord with IC 31-30 through IC 31-40.

20 SECTION 13. IC 20-33-8-14, AS ADDED BY P.L.1-2005,
 21 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2015]: Sec. 14. (a) The following are the grounds for student
 23 suspension or expulsion, subject to the procedural requirements of this
 24 chapter and as stated by school corporation rules:

- 25 (1) Student misconduct.
- 26 (2) Substantial disobedience.

27 **(b)** The grounds for suspension or expulsion listed in subsection (a)
 28 apply when a student is:

- 29 (1) on school grounds immediately before or during school hours,
 30 or immediately after school hours, or at any other time when the
 31 school is being used by a school group;
- 32 (2) off school grounds at a school activity, function, or event; or
- 33 (3) traveling to or from school or a school activity, function, or
 34 event.

35 **(c) A student may not be suspended or expelled solely for**
 36 **infractions related to school attendance, including unexcused**
 37 **tardiness, absence, or truancy.**

38 SECTION 14. IC 20-33-8-25, AS AMENDED BY P.L.66-2009,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2015]: Sec. 25. (a) This section applies to an individual who:

- 41 (1) is a member of the administrative staff, a teacher, or other
 42 school staff member; and



- 1 (2) has students under the individual's charge.
 2 (b) An individual may take disciplinary action:
 3 (1) instead of, **for misconduct that is not related to school**
 4 **safety;** or
 5 (2) in addition to;
 6 suspension and expulsion that is necessary to ensure a safe, orderly,
 7 and effective educational environment.
 8 (c) Disciplinary action under this section may include the following:
 9 (1) Counseling with a student or group of students.
 10 (2) Conferences with a parent or group of parents.
 11 (3) Assigning additional work.
 12 (4) Rearranging class schedules.
 13 (5) Requiring a student to remain in school after regular school
 14 hours:
 15 (A) to do additional school work; or
 16 (B) for counseling.
 17 (6) Restricting extracurricular activities.
 18 (7) Removal of a student by a teacher from that teacher's class for
 19 a period not to exceed:
 20 (A) five (5) class periods for middle, junior high, or high
 21 school students; or
 22 (B) one (1) school day for elementary school students;
 23 if the student is assigned regular or additional school work to
 24 complete in another school setting.
 25 (8) Assignment by the principal of:
 26 (A) a special course of study;
 27 (B) an alternative educational program; or
 28 (C) an alternative school.
 29 (9) Assignment by the principal of the school where the recipient
 30 of the disciplinary action is enrolled of not more than one hundred
 31 twenty (120) hours of service with a nonprofit organization
 32 operating in or near the community where the school is located or
 33 where the student resides. The following apply to service assigned
 34 under this subdivision:
 35 (A) A principal may not assign a student under this
 36 subdivision unless the student's parent approves:
 37 (i) the nonprofit organization where the student is assigned;
 38 and
 39 (ii) the plan described in clause (B)(i).
 40 A student's parent may request or suggest that the principal
 41 assign the student under this subdivision.
 42 (B) The principal shall make arrangements for the student's



1 service with the nonprofit organization. Arrangements must
 2 include the following:

3 (i) A plan for the service that the student is expected to
 4 perform.

5 (ii) A description of the obligations of the nonprofit
 6 organization to the student, the student's parents, and the
 7 school corporation where the student is enrolled.

8 (iii) Monitoring of the student's performance of service by
 9 the principal or the principal's designee.

10 (iv) Periodic reports from the nonprofit organization to the
 11 principal and the student's parent or guardian of the student's
 12 performance of the service.

13 (C) The nonprofit organization must obtain liability insurance
 14 in the amount and of the type specified by the school
 15 corporation where the student is enrolled that is sufficient to
 16 cover liabilities that may be incurred by a student who
 17 performs service under this subdivision.

18 (D) Assignment of service under this subdivision suspends the
 19 implementation of a student's suspension or expulsion. A
 20 student's completion of service assigned under this subdivision
 21 to the satisfaction of the principal and the nonprofit
 22 organization terminates the student's suspension or expulsion.

23 (10) Removal of a student from school sponsored transportation.

24 (11) Referral to the juvenile court having jurisdiction over the
 25 student.

26 (e) (d) As used in this subsection, "physical assault" means the
 27 knowing or intentional touching of another person in a rude, insolent,
 28 or angry manner. When a student physically assaults a person having
 29 authority over the student, the principal of the school where the student
 30 is enrolled shall refer the student to the juvenile court having
 31 jurisdiction over the student. However, a student with disabilities (as
 32 defined in IC 20-35-7-7) who physically assaults a person having
 33 authority over the student is subject to procedural safeguards under 20
 34 U.S.C. 1415.

35 SECTION 15. [EFFECTIVE UPON PASSAGE] (a) As used in this
 36 SECTION:

37 (1) "department" refers to the department of education
 38 established by IC 20-19-3-1;

39 (2) "exclusionary discipline" includes inschool suspension,
 40 out-of-school suspension, expulsion, school based arrests,
 41 school based referrals to the juvenile justice system, and
 42 voluntary or involuntary placement in an alternative



- 1 education program; and
- 2 (3) "workgroup" refers to the school discipline data
- 3 workgroup established by subsection (b).
- 4 (b) The school discipline data workgroup is established with the
- 5 following eleven (11) members:
- 6 (1) One (1) member of a children's policy advocacy
- 7 organization.
- 8 (2) One (1) member of an organization that focuses on the
- 9 education of minority children.
- 10 (3) One (1) expert in school discipline data.
- 11 (4) One (1) educator.
- 12 (5) One (1) member of an education related professional
- 13 association.
- 14 (6) One (1) member who provides school based social services.
- 15 (7) One (1) school safety specialist or school resource officer.
- 16 (8) One (1) juvenile court judge with a diversionary school
- 17 justice program.
- 18 (9) One (1) representative of the department.
- 19 (10) One (1) principal, school discipline dean, or dean of
- 20 student services.
- 21 (11) One (1) superintendent of a school corporation that is
- 22 implementing research based positive school discipline
- 23 practices, including positive behavioral interventions and
- 24 supports and restorative justice practices.
- 25 (c) Before July 1, 2015, the state board of education and the
- 26 chairperson of the commission on improving the status of children
- 27 in Indiana established under IC 2-5-36 shall jointly appoint the
- 28 members of the workgroup.
- 29 (d) The department shall provide staff support to the
- 30 workgroup.
- 31 (e) The workgroup shall do the following:
- 32 (1) Analyze current data collection by school corporations to
- 33 identify:
- 34 (A) gaps and omissions of data;
- 35 (B) common definitions;
- 36 (C) systemic barriers to data collection, including the lack
- 37 of appropriate or consistent technology systems;
- 38 (D) key outcomes for data collection, including:
- 39 (i) disaggregation of data;
- 40 (ii) measuring disproportionality;
- 41 (iii) the identification of excessive use of exclusionary
- 42 discipline;



- 1 (iv) transparency;
- 2 (v) frequency of reporting;
- 3 (vi) means of reporting; and
- 4 (vii) tying data to professional development, technical
- 5 assistance, corrective action, and accountability;
- 6 (E) how schools can use the data and the types of technical
- 7 assistance needed for:
- 8 (i) assisting students whose behavior indicates particular
- 9 needs; and
- 10 (ii) improving the school's discipline and climate;
- 11 (F) how schools can improve the accuracy of the data
- 12 collected and the efficiency of transferring the data to the
- 13 department; and
- 14 (G) how a school can provide data relevant to different
- 15 components of the school, such as individual students,
- 16 different locations and classrooms, or schoolwide trends.
- 17 (2) Coordinate with key stakeholders involved in data
- 18 decisions or affected by the collection of data, including
- 19 superintendents, principals, teachers, mental health
- 20 advocates, special education advocates, advocates for children
- 21 in residential and foster care, and any other appropriate
- 22 persons.
- 23 (3) Analyze other models for data collection.
- 24 (4) Consider the impact that any new data collection system
- 25 or recommended categories will have on previous data
- 26 collected by the department.
- 27 (5) Make recommendations to the state board of education
- 28 and the commission on improving the status of children in
- 29 Indiana concerning legislation and rules needed to address the
- 30 findings of the workgroup.
- 31 (f) This SECTION expires June 30, 2016.
- 32 SECTION 16. An emergency is declared for this act.

