

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1221 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 20-8.1-5.1-12 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 12. (a) A principal may
- 5 suspend a student for not more than ten (10) school days under section
- 6 8, 9, or 10 of this chapter. However, the student may be suspended for
- 7 more than ten (10) school days under section 16 of this chapter.
- 8 (b) A principal may not suspend a student before the principal
- 9 affords the student an opportunity for a meeting during which the
- 10 student is entitled to the following:
- 11 (1) A written or an oral statement of the charges against the
- 12 student.
- 13 (2) If the student denies the charges, a summary of the evidence
- 14 against the student.
- 15 (3) An opportunity for the student to explain the student's
- 16 conduct.
- 17 (c) When misconduct requires immediate removal of a student, the
- 18 meeting under subsection (b) shall commence as soon as reasonably
- 19 possible after the student's suspension.
- 20 (d) Following a suspension, the principal shall **immediately** send a
- 21 written statement to the parent of the suspended student **and to the**
- 22 **juvenile court** describing the following:
- 23 (1) The student's misconduct.
- 24 (2) The action taken by the principal.

1 **(3) The increased liability cap under IC 31-37-3.5.**

2 SECTION 2. IC 20-8.1-5.1-13 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 13. (a) A
4 superintendent of a school corporation may conduct an expulsion
5 meeting or appoint one (1) of the following to conduct an expulsion
6 meeting:

7 (1) Legal counsel.

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

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

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

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

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

20 (1) be made by certified mail or by personal delivery;

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

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

23 (c) The person conducting an expulsion meeting:

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

26 (2) may take action that the person finds appropriate; and

27 (3) must give notice of the action taken under subdivision (2) to
28 the student, ~~and~~ the student's parent, **and the juvenile court**
29 **having jurisdiction over the student.**

30 (d) If the student or the student's parent within ten (10) days of
31 receipt of a notice of action taken under subsection (c) makes a written
32 appeal to the governing body, the governing body:

33 (1) shall hold a meeting to consider:

34 (A) the written summary of evidence prepared under
35 subsection (c)(1); and

36 (B) the arguments of the principal and the student or the
37 student's parent;

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

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

41 The decision of the governing body may be appealed only under
42 section 15 of this chapter.

43 (e) A student or a student's parent who fails to request and appear
44 at an expulsion meeting after receipt of notice of the right to appear at
45 an expulsion meeting forfeits all rights administratively to contest and
46 appeal the expulsion. For purposes of this section, notice of the right to

1 appear at an expulsion meeting or notice of the action taken at an
2 expulsion meeting is effectively given at the time when the request or
3 notice is delivered personally or sent by certified mail to a student and
4 the student's parent.

5 (f) The governing body may vote not to hear appeals of actions
6 taken under subsection (c). If the governing body votes not to hear
7 appeals, after the date on which the vote is taken a student or parent
8 may appeal only under section 15 of this chapter."

9 Page 1, delete lines 10 through 17 and insert:

10 **"Sec. 1. (a) Except as provided in subsection (b), a student who:**

11 **(1) has been suspended or expelled from school; and**

12 **(2) leaves the student's residence or property:**

13 **(A) while the student is suspended or expelled; or**

14 **(B) while the school from which the student has been
15 suspended or expelled is in session;**

16 **commits suspension truancy.**

17 **(b) A student who has been suspended or expelled from school does
18 not commit suspension truancy under subsection (a) if the student
19 leaves the student's residence or property while:**

20 **(1) accompanied by the student's parent, guardian, or
21 custodian;**

22 **(2) accompanied by an adult specified by the child's parent,
23 guardian, or custodian;**

24 **(3) participating in, going to, or returning from:**

25 **(A) lawful employment;**

26 **(B) a school sanctioned activity;**

27 **(C) a religious event;**

28 **(D) an emergency involving the protection of a person or
29 property from an imminent threat of serious bodily injury
30 or substantial damage;**

31 **(E) an activity involving the exercise of the child's rights
32 protected under the First Amendment to the United States
33 Constitution or Article 1, Section 31 of the Constitution of
34 the State of Indiana, or both, such as freedom of speech
35 and the right of assembly; or**

36 **(F) an activity conducted by a nonprofit or governmental
37 entity that provides recreation, education, training, or
38 other care under the supervision of one (1) or more adults;**

39 **(4) engaged in interstate or international travel from a
40 location outside Indiana to another location outside Indiana;
41 or**

42 **(5) responding to an emergency that requires the student to
43 leave the student's residence."**

44 Page 2, delete lines 1 through 6.

45 Page 2, line 7, delete "Sec. 3." and insert "**Sec. 2.**".

46 Page 2, line 13, delete "A" and insert "**After taking the actions
47 required by subsection (a), a**".

- 1 Page 2, line 13, delete "has observed" and insert "**observes**".
- 2 Page 2, line 17, delete "probation department" and insert "**court**".
- 3 Page 2, delete lines 18 through 27.
- 4 Page 2, line 28, delete "(b)" and insert "**Sec. 3.**".
- 5 Page 2, line 29, delete "shall" and insert "**may**".
- 6 Page 2, line 29, after "report" insert "**of abuse or neglect**".
- 7 Page 2, between lines 31 and 32, begin a new paragraph and insert:
- 8 "**Sec. 4. The parent or guardian of a student who commits**
- 9 **suspension truancy may be held civilly liable for not more than ten**
- 10 **thousand dollars (\$10,000) in actual damages arising from harm to**
- 11 **a person or property caused by the student's commission of**
- 12 **suspension truancy.**".
- 13 Renumber all SECTIONS consecutively.
(Reference is to HB 1221 as printed February 23, 2001.)

Representative Mellinger