



February 18, 2003

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## HOUSE BILL No. 1786

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DIGEST OF HB 1786 (Updated February 17, 2003 12:08 PM - DI 109)

**Citations Affected:** IC 20-8.1.

**Synopsis:** School discipline. Provides that a student may not withdraw from a school corporation while legal action for truancy is pending: (1) until the legal action is resolved; and (2) the student demonstrates compliance with the terms and conditions of enrollment established by the school corporation unless: (1) the school corporation, the legal authority, and the parent agree that withdrawal is in the best interest of the student; and (2) a verifiable educational experience is provided that is acceptable to all parties.

**Effective:** July 1, 2003.

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### Moses, Kruse, Welch, Scholer

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January 21, 2003, read first time and referred to Committee on Education.  
February 17, 2003, amended, reported — Do Pass.

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HB 1786—LS 7676/DI 109+



February 18, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1786

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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 20-8.1-5.1-23 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) This section  
3 applies to the following:  
4 (1) A student who:  
5 (A) is expelled from a school corporation under this chapter;  
6 or  
7 (B) withdraws from a school corporation to avoid expulsion;  
8 or  
9 (C) **withdraws from a school corporation to avoid legal**  
10 **action under IC 20-8.1-3 for truancy.**  
11 (2) A student who:  
12 (A) is required to separate for disciplinary reasons from a  
13 nonpublic school or a school in a state other than Indiana by  
14 the administrative authority of the school; or  
15 (B) withdraws from a nonpublic school or a school in a state  
16 other than Indiana in order to avoid being required to separate  
17 from the school for disciplinary reasons by the administrative

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- 1 authority of the school.
- 2 (b) The student may enroll in another school corporation during the
- 3 period of the actual or proposed expulsion or separation if:
- 4 (1) the student's parent informs the school corporation in which
- 5 the student seeks to enroll of the student's expulsion or separation
- 6 or withdrawal to avoid expulsion or separation;
- 7 (2) the school corporation consents to the student's enrollment;
- 8 and
- 9 (3) the student agrees to the terms and conditions of enrollment
- 10 established by the school corporation.
- 11 (c) **Except as provided in subsection (d), the student may not**
- 12 **withdraw from a school corporation while legal action for truancy**
- 13 **is pending:**
- 14 (1) **until the legal action is resolved; and**
- 15 (2) **the student demonstrates compliance with the terms and**
- 16 **conditions of enrollment established by the school**
- 17 **corporation.**
- 18 (d) **The student may withdraw from a school corporation while**
- 19 **legal action for truancy is pending if:**
- 20 (1) **the school corporation, the court having juvenile**
- 21 **jurisdiction or the designee of the court having juvenile**
- 22 **jurisdiction, and the parent agree that withdrawal is in the**
- 23 **best interest of the student; and**
- 24 (2) **a verifiable educational experience is provided that is**
- 25 **acceptable to all parties.**
- 26 **The parent shall provide verification of an acceptable educational**
- 27 **experience under subdivision (2) to the school, and when involved,**
- 28 **to the court having juvenile jurisdiction or to the designee of the**
- 29 **court having juvenile jurisdiction.**
- 30 (e) If:
- 31 (1) a student's parent fails to inform the school corporation of the
- 32 expulsion or separation or withdrawal to avoid expulsion or
- 33 separation; or
- 34 (2) the student fails to follow the terms and conditions of
- 35 enrollment under subsection (b)(3);
- 36 the school corporation may withdraw consent and prohibit the student's
- 37 enrollment during the period of the actual or proposed expulsion or
- 38 separation.
- 39 ~~(e)~~ (f) Before a consent is withdrawn under subsection ~~(e)~~ (e) the
- 40 student must have an opportunity for ~~an informal~~ a **formal** meeting
- 41 before the principal of the student's proposed school. At the ~~informal~~
- 42 **formal** meeting, the student is entitled to:

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- 1 (1) a written ~~or an oral~~ statement of the reasons for the withdrawal
- 2 of the consent;
- 3 (2) a summary of the evidence against the student; and
- 4 (3) an opportunity to explain the student's conduct.
- 5 ~~(e)~~ (g) This section does not apply to a student who is expelled
- 6 under section 11 of this chapter.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1786, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "and wishes to enroll in a home" and insert **"for truancy."**

Page 1, delete line 11.

Page 2, line 12, delete "The student may enroll in a home school program during the".

Page 2, delete lines 13 through 21 and insert **"Except as provided in subsection (d), the student may not withdraw from a school corporation while legal action for truancy is pending:**

**(1) until the legal action is resolved; and**

**(2) the student demonstrates compliance with the terms and conditions of enrollment established by the school corporation.**

**(d) The student may withdraw from a school corporation while legal action for truancy is pending if:**

**(1) the school corporation, the court having juvenile jurisdiction or the designee of the court having juvenile jurisdiction, and the parent agree that withdrawal is in the best interest of the student; and**

**(2) a verifiable educational experience is provided that is acceptable to all parties.**

**The parent shall provide verification of an acceptable educational experience under subdivision (2) to the school, and when involved, to the court having juvenile jurisdiction or to the designee of the court having juvenile jurisdiction."**

Page 2, line 22, delete "(d)" and insert **"(e)"**.

Page 2, line 25, reset in roman "or".

Page 2, line 26, delete "a student's parent fails to follow the terms and conditions".

Page 2, delete line 27.

Page 2, line 28, delete "(3)".

Page 2, run in lines 26 and 28.

Page 2, line 33, delete "(e)" and insert **"(f)"**.

Page 2, line 33, after "(c)" delete "(d)" and insert **"(e)"**.

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Page 2, line 41, delete "(f)" and insert "(g)".  
and when so amended that said bill do pass.

(Reference is to HB 1786 as introduced.)

PORTER, Chair

Committee Vote: yeas 12, nays 0.

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