

HOUSE BILL No. 1786

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-5.1-23.

Synopsis: School discipline. Provides that a student who withdraws from a school corporation to avoid expulsion or legal action for truancy and who wishes to enroll in a home school program may not enroll unless the parent or legal guardian of the student shows in written form to the school corporation that proposed the expulsion of the student that: (1) the student will receive a comparable educational experience; and (2) that the comparable educational experience can be documented satisfactorily if the terms and conditions are requested by school or legal action.

Effective: July 1, 2003.

Moses, Kruse

January 21, 2003, read first time and referred to Committee on Education.

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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.

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HOUSE BILL No. 1786



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 and wishes to enroll in a home**
 - 11 **school program.**
- 12 (2) A student who:
 - 13 (A) is required to separate for disciplinary reasons from a
 - 14 nonpublic school or a school in a state other than Indiana by
 - 15 the administrative authority of the school; or
 - 16 (B) withdraws from a nonpublic school or a school in a state
 - 17 other than Indiana in order to avoid being required to separate



1 from the school for disciplinary reasons by the administrative
2 authority of the school.

3 (b) The student may enroll in another school corporation during the
4 period of the actual or proposed expulsion or separation if:

5 (1) the student's parent informs the school corporation in which
6 the student seeks to enroll of the student's expulsion or separation
7 or withdrawal to avoid expulsion or separation;

8 (2) the school corporation consents to the student's enrollment;
9 and

10 (3) the student agrees to the terms and conditions of enrollment
11 established by the school corporation.

12 (c) **The student may enroll in a home school program during the**
13 **period of the actual or proposed expulsion or separation if the**
14 **student's parent shows in written form to the school corporation:**

15 **(1) that proposed the expulsion that the student will receive a**
16 **comparable educational experience in a home school**
17 **program; and**

18 **(2) that the parent can document that the educational**
19 **experience in a home school program is comparable if the**
20 **terms and conditions of the home school program are**
21 **requested by the school or under legal action.**

22 (d) If:

23 (1) a student's parent fails to inform the school corporation of the
24 expulsion or separation or withdrawal to avoid expulsion or
25 separation; ~~or~~

26 (2) **a student's parent fails to follow the terms and conditions**
27 **of enrollment under subsection (c)(1) and (c)(2); or**

28 (3) the student fails to follow the terms and conditions of
29 enrollment under subsection (b)(3);

30 the school corporation may withdraw consent and prohibit the student's
31 enrollment during the period of the actual or proposed expulsion or
32 separation.

33 ~~(d)~~ (e) Before a consent is withdrawn under subsection ~~(e)~~ (d) the
34 student must have an opportunity for ~~an informal~~ **a formal** meeting
35 before the principal of the student's proposed school. At the ~~informal~~
36 **formal** meeting, the student is entitled to:

37 (1) a written ~~or an oral~~ statement of the reasons for the withdrawal
38 of the consent;

39 (2) a summary of the evidence against the student; and

40 (3) an opportunity to explain the student's conduct.

41 ~~(e)~~ (f) This section does not apply to a student who is expelled under
42 section 11 of this chapter.

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