
HOUSE BILL No. 1198

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-1-1.1-5; IC 20-8.1-5.2; IC 20-10.1-22.4-3.

Synopsis: Student suspensions and expulsions. Requires schools to report the reasons for student suspensions and expulsions to the department of education. Authorizes an agreement for court assisted resolution of suspension and expulsion cases between a court having juvenile jurisdiction and a school corporation. Provides that the court shall either supervise the student or order the supervision of the student. Provides that the court and the school corporation may jointly determine which violations leading to suspension or expulsion are eligible for referral to the court. Provides that the school corporation and the court shall determine how the costs of supervising a student under the agreement shall be paid. Allows the school corporation to disclose the education records of a student who has been suspended or expelled to a court.

Effective: July 1, 2005.

Thompson

January 6, 2005, read first time and referred to Committee on Education.

C
O
P
Y



First Regular Session 114th General Assembly (2005)

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 2004 Regular Session of the General Assembly.

C
O
P
Y

HOUSE BILL No. 1198



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 20-1-1.1-5 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. **(a)** The department
 3 shall:
 4 (1) perform the duties required by statute;
 5 (2) implement the policies and procedures established by the
 6 board;
 7 (3) conduct analytical research to assist the state board of
 8 education in determining the state's educational policy;
 9 (4) compile statistics concerning the ethnicity and gender of
 10 students in Indiana schools, including statistics for all information
 11 that the department receives from school corporations on
 12 enrollment, number of suspensions, and number of expulsions;
 13 and
 14 (5) provide technical assistance to school corporations.
 15 **(b) The department, in compiling statistics under subsection**
 16 **(a)(4), must categorize suspensions and expulsions by cause as**
 17 **follows:**



- 1 **(1) Physical aggression.**
- 2 **(2) Verbal aggression or profanity.**
- 3 **(3) Disruptive behavior.**
- 4 **(4) Defiance.**
- 5 **(5) Attendance.**
- 6 **(6) Destruction of property.**
- 7 **(7) Alcohol, drugs, and tobacco.**
- 8 **(8) Weapons.**
- 9 **(9) Other.**

10 **(c) The department shall develop guidelines necessary to**
 11 **implement this section.**

12 SECTION 2. IC 20-8.1-5.2 IS ADDED TO THE INDIANA CODE
 13 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2005]:

15 **Chapter 5.2. Court Assisted Resolution of Suspension and**
 16 **Expulsion Cases**

17 **Sec. 1. A superintendent and a court having juvenile jurisdiction**
 18 **in the county may enter into a voluntary agreement (referred to as**
 19 **the "agreement" in this chapter) for court assisted resolution of**
 20 **school suspension and expulsion cases. The agreement may require**
 21 **the court to supervise or order the supervision of an expelled or**
 22 **suspended student who has been referred to the court by the school**
 23 **corporation in accordance with the terms of the agreement.**

24 **Sec. 2. The agreement may require that a court do one (1) or**
 25 **more of the following:**

- 26 **(1) Establish a flexible program for the supervision of a**
 27 **student who has been suspended or expelled.**
- 28 **(2) Supervise a student who has been suspended or expelled.**
- 29 **(3) Order a student who has been suspended or expelled to**
 30 **participate in a school program (including an alternative**
 31 **educational program) for the supervision of a student who has**
 32 **been suspended or expelled.**

33 **Sec. 3. (a) The agreement may require that a school corporation**
 34 **do one (1) or more of the following:**

- 35 **(1) Define the violation for which a student who has been**
 36 **suspended or expelled shall be referred to the court.**
- 37 **(2) Refer a student who has been suspended or expelled for a**
 38 **violation described in subdivision (1) to the court.**
- 39 **(3) Establish a school program (including an alternative**
 40 **educational program) for the supervision of a student who has**
 41 **been suspended or expelled.**

42 **(b) If a school corporation enters into an agreement, the**

C
O
P
Y



1 discipline rules adopted by the school corporation under
2 IC 20-8.1-5.1-7 must specify the violations for which a student may
3 be referred to the court under the agreement.

4 Sec. 4. The agreement must provide how the expenses of
5 supervising a student who has been suspended or expelled are
6 funded. A school corporation may not be required to expend more
7 than the amount determined under IC 21-3-1.7-6.7(e) for each
8 student referred under the agreement.

9 Sec. 5. A student shall be given a hearing before the court as
10 soon as practicable following the student's referral to the court,
11 after notice of the hearing has been provided to the student's
12 parent.

13 Sec. 6. A hearing under this chapter is not a hearing to
14 determine whether a student who has been suspended or expelled
15 is a child in need of services. However, if a court determines that
16 a student who has been suspended or expelled may:

- 17 (1) be a child in need of services (as described in IC 31-34-1);
- 18 or
- 19 (2) have committed a delinquent act (as described in
- 20 IC 31-37);

21 the court may notify the office of family and children or the
22 prosecuting attorney.

23 Sec. 7. Notwithstanding the terms of the agreement, a
24 suspension, an expulsion, or a referral of a student who is a child
25 with a disability (as defined in IC 20-1-6-1) is subject to the:

- 26 (1) procedural requirements of 20 U.S.C. 1415; and
- 27 (2) rules adopted by the Indiana state board of education.

28 SECTION 3. IC 20-10.1-22.4-3 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) As used in this
30 section, "juvenile justice agency" has the meaning set forth in
31 IC 10-13-4-5.

32 (b) A school corporation or other entity to which the education
33 records privacy provisions of the federal Family Educational Rights
34 and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the
35 education records of a child, including personally identifiable
36 information contained in the education records, without the consent of
37 the child's parent, guardian, or custodian, under the following
38 conditions:

- 39 (1) The disclosure or reporting of education records is to a state
40 or local juvenile justice agency.
- 41 (2) The disclosure or reporting relates to the ability of the juvenile
42 justice system to serve, before adjudication, the student whose

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

records are being released.

(3) The juvenile justice agency receiving the information certifies, in writing, to the entity providing the information that the agency or individual receiving the information has agreed not to disclose it to a third party, other than another juvenile justice agency, without the consent of the child's parent, guardian, or custodian.

(c) For purposes of subsection (b)(2), a disclosure or reporting of education records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the juvenile justice agency seeking the information provides sufficient information to enable the keeper of the education records to determine that the juvenile justice agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to supervision of the child as an adjudicated delinquent child.

(d) A school corporation to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent, guardian, or custodian, if the child has been suspended or expelled and referred to a court in accordance with an agreement for court assisted resolution of suspension and expulsion cases under IC 20-8.1-5.2. The request for the education records of a child by a court must be for the purpose of assisting the child before adjudication.

~~(d)~~ (e) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply that:

- (1) discloses or reports on the education records of a child, including personally identifiable information contained in the education records, in violation of this section; and
 - (2) makes a good faith effort to comply with this section;
- is immune from civil liability.

C
o
p
y

