

## **IC 20-33-8**

### **Chapter 8. Student Discipline**

#### **IC 20-33-8-0.2**

##### **"Bullying"**

Sec. 0.2. (a) As used in this chapter, "bullying" means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment that:

- (1) places the targeted student in reasonable fear of harm to the targeted student's person or property;
- (2) has a substantially detrimental effect on the targeted student's physical or mental health;
- (3) has the effect of substantially interfering with the targeted student's academic performance; or
- (4) has the effect of substantially interfering with the targeted student's ability to participate in or benefit from the services, activities, and privileges provided by the school.

(b) The term may not be interpreted to impose any burden or sanction on, or include in the definition of the term, the following:

- (1) Participating in a religious event.
- (2) Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.
- (3) Participating in an activity consisting of the exercise of a student's rights protected under the First Amendment to the United States Constitution or Article I, Section 31 of the Constitution of the State of Indiana, or both.
- (4) Participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults.
- (5) Participating in an activity undertaken at the prior written direction of the student's parent.
- (6) Engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.

*As added by P.L.106-2005, SEC.6. Amended by P.L.285-2013, SEC.5.*

#### **IC 20-33-8-0.5**

##### **"Physician"**

Sec. 0.5. As used in this chapter, "physician" means an individual licensed to practice medicine or osteopathic medicine under:

- (1) IC 25-22.5; or

(2) the law of another state.  
*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-1**

##### **"Principal"**

Sec. 1. As used in this chapter, "principal" includes a principal's designee.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-2**

##### **"Educational function"**

Sec. 2. As used in this chapter, "educational function" means the performance by a school corporation or its officers or employees of an act or a series of acts in carrying out school purposes.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-3**

##### **"Expulsion"**

Sec. 3. (a) As used in this chapter, "expulsion" means a disciplinary or other action whereby a student:

- (1) is separated from school attendance for a period exceeding ten (10) school days;
- (2) is separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or
- (3) is separated from school attendance for the period prescribed under section 16 of this chapter, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

(b) The term does not include situations when a student is:

- (1) disciplined under section 25 of this chapter;
- (2) removed from school in accordance with IC 20-34-3-9; or
- (3) removed from school for failure to comply with the immunization requirements of IC 20-34-4-5.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-4**

##### **"School purposes"**

Sec. 4. As used in this chapter, "school purposes" refers to the purposes for which a school corporation operates, including the following:

- (1) To promote knowledge and learning generally.
- (2) To maintain an orderly and effective educational system.
- (3) To take any action under the authority granted to school corporations and their governing bodies by IC 20-26-5 or by any other statute.

*As added by P.L.1-2005, SEC.17.*

**IC 20-33-8-5**

**"School property"**

Sec. 5. As used in this chapter, "school property" means the following:

- (1) A building or other structure owned or rented by a school corporation.
- (2) The grounds adjacent to and owned or rented in common with a building or other structure owned or rented by a school corporation.

*As added by P.L.1-2005, SEC.17.*

**IC 20-33-8-6**

**"Superintendent" includes superintendent's designee**

Sec. 6. As used in this chapter, "superintendent" includes a superintendent's designee.

*As added by P.L.1-2005, SEC.17.*

**IC 20-33-8-7**

**"Suspension"**

Sec. 7. (a) As used in this chapter, "suspension" means any disciplinary action that does not constitute an expulsion under section 3 of this chapter, whereby a student is separated from school attendance for a period of not more than ten (10) school days.

- (b) The term does not include a situation in which a student is:
- (1) disciplined under section 25 of this chapter;
  - (2) removed from school in accordance with IC 20-34-3-9; or
  - (3) removed from school for failure to comply with the immunization requirements of IC 20-34-4-5.

*As added by P.L.1-2005, SEC.17.*

**IC 20-33-8-8**

**Duty and powers of school corporation to supervise and discipline students**

Sec. 8. (a) Student supervision and the desirable behavior of students in carrying out school purposes is the responsibility of:

- (1) a school corporation; and
- (2) the students of a school corporation.

(b) In all matters relating to the discipline and conduct of students, school corporation personnel:

- (1) stand in the relation of parents to the students of the school corporation;
- (2) have the right to take any disciplinary action necessary to promote student conduct that conforms with an orderly and effective educational system, subject to this chapter; and
- (3) have qualified immunity with respect to a disciplinary action taken to promote student conduct under subdivision (2) if the action is taken in good faith and is reasonable.

(c) Students must:

- (1) follow responsible directions of school personnel in all educational settings; and
- (2) refrain from disruptive behavior that interferes with the educational environment.

*As added by P.L.1-2005, SEC.17. Amended by P.L.121-2009, SEC.12.*

#### **IC 20-33-8-9**

##### **Disciplinary powers of teachers and school staff members**

Sec. 9. (a) This section applies to an individual who:

- (1) is a teacher or other school staff member; and
- (2) has students under the individual's charge.

(b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.

(c) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.

(d) If an individual removes a student from a class under subsection (c), the principal may place the student in another appropriate class or placement or into inschool suspension. The principal may not return the student to the class from which the student was removed until the principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student. If the student's parents do not meet with the principal and the student's teacher within a reasonable amount of time, the student may be moved to another class at the principal's discretion.

*As added by P.L.1-2005, SEC.17. Amended by P.L.121-2009, SEC.13.*

#### **IC 20-33-8-10**

##### **Disciplinary powers of principals**

Sec. 10. (a) A principal may take action concerning the principal's school or a school activity within the principal's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

(b) Subsection (a) allows a principal to write regulations that govern student conduct.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-11**

##### **Disciplinary powers of superintendents and administrative staff members**

Sec. 11. A:

- (1) superintendent; or

(2) member of the superintendent's administrative staff, with the superintendent's approval;  
may take any action with respect to all schools within the superintendent's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-12**

#### **Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body**

Sec. 12. (a) Except as provided under IC 20-33-8-16, the governing body of a school corporation must do the following:

(1) Establish written discipline rules, which must include a graduated system of discipline and may include:

(A) appropriate dress codes; and

(B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases;

for the school corporation.

(2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:

(A) making a copy of the discipline rules available to students and students' parents; or

(B) delivering a copy of the discipline rules to students or the parents of students.

This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The:

(1) superintendent of a school corporation; and

(2) principals of each school in a school corporation;

may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate:

(1) rulemaking;

(2) disciplinary; and

(3) other authority;

as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning the following:

(1) Movement of students.

(2) Movement or parking of vehicles.

(3) Day to day instructions concerning the operation of a classroom or teaching station.

- (4) Time for commencement of school.
- (5) Other standards or regulations relating to the manner in which an educational function must be administered.

However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection.

*As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.22; P.L.66-2009, SEC.3.*

### **IC 20-33-8-13**

#### **Possession and self-administration of medication permitted**

Sec. 13. (a) Discipline rules adopted under section 12 of this chapter must provide that a student with a chronic disease or medical condition may possess and self-administer medication for the chronic disease or medical condition during the times and in the places set forth under section 14(b) of this chapter if the following conditions are met:

- (1) The student's parent has filed an authorization with the student's principal for the student to possess and self-administer the medication. The authorization must include the statement described in subdivision (2).
- (2) A physician states in writing that:
  - (A) the student has an acute or chronic disease or medical condition for which the physician has prescribed medication;
  - (B) the student has been instructed in how to self-administer the medication; and
  - (C) the nature of the disease or medical condition requires emergency administration of the medication.

(b) The authorization and statement described in subsection (a) must be filed annually with the student's principal.

*As added by P.L.1-2005, SEC.17.*

### **IC 20-33-8-13.5**

#### **Discipline rules prohibiting bullying required**

Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

- (1) prohibit bullying; and
- (2) include:
  - (A) provisions concerning education, parental involvement, and intervention;
  - (B) a detailed procedure for the expedited investigation of incidents of bullying that includes:
    - (i) appropriate responses to bullying behaviors, wherever the behaviors occur;
    - (ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
    - (iii) timetables for reporting of bullying incidents to the parents of both the targeted student and the bully, in an expedited manner;

- (iv) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;
- (v) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and
- (vi) discipline provisions for false reporting of bullying; and

(C) a detailed procedure outlining the use of follow-up services that includes:

- (i) support services for the victim; and
- (ii) bullying education for the bully.

(b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:

- (1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
- (2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:

- (1) computer;
- (2) computer system; or
- (3) computer network.

(d) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

(e) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.

(f) The department shall periodically review each policy adopted under this section to ensure the policy's compliance with this section. *As added by P.L.106-2005, SEC.7. Amended by P.L.180-2011, SEC.2; P.L.285-2013, SEC.6.*

#### **IC 20-33-8-14**

##### **Grounds for suspension or expulsion**

Sec. 14. (a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:

- (1) Student misconduct.

- (2) Substantial disobedience.
- (b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:
  - (1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
  - (2) off school grounds at a school activity, function, or event; or
  - (3) traveling to or from school or a school activity, function, or event.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-15**

##### **Unlawful activity by student**

Sec. 15. In addition to the grounds specified in section 14 of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if:

- (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or
- (2) the student's removal is necessary to restore order or protect persons on school property;

including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-16**

##### **Possession of firearms, deadly weapons, or destructive devices**

Sec. 16. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in IC 35-31.5-2-86. The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 20 of this chapter, a student who is:

- (1) identified as bringing a firearm or destructive device to school or on school property; or
- (2) in possession of a firearm or destructive device on school property;

must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 20 of this chapter, a student who is:

- (1) identified as bringing a deadly weapon to school or on



school property; or  
(2) in possession of a deadly weapon on school property;  
may be expelled for not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

(h) A student with a disability (as defined in IC 20-35-1-8) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

*As added by P.L.1-2005, SEC.17. Amended by P.L.114-2012, SEC.42; P.L.233-2015, SEC.261.*

### **IC 20-33-8-17**

#### **Student's legal settlement not in attendance area**

Sec. 17. A student may be expelled from school if the student's legal settlement is not in the attendance area of the school corporation where the student is enrolled.

*As added by P.L.1-2005, SEC.17.*

### **IC 20-33-8-18**

#### **Maximum term of suspension; procedure**

Sec. 18. (a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

(1) A written or an oral statement of the charges against the student.

(2) If the student denies the charges, a summary of the evidence against the student.

(3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

(1) The student's misconduct.

(2) The action taken by the principal.

*As added by P.L.1-2005, SEC.17.*

**IC 20-33-8-19**

**Expulsion procedure; appeals**

Sec. 19. (a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:

- (1) Legal counsel.
- (2) A member of the administrative staff if the member:
  - (A) has not expelled the student during the current school year; and
  - (B) was not involved in the events giving rise to the expulsion.

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

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

- (1) be made by certified mail or by personal delivery;
- (2) contain the reasons for the expulsion; and
- (3) contain the procedure for requesting an expulsion meeting.

(c) The individual conducting an expulsion meeting:

- (1) shall make a written summary of the evidence heard at the expulsion meeting;
- (2) may take action that the individual finds appropriate; and
- (3) must give notice of the action taken under subdivision (2) to the student and the student's parent.

(d) If the student or the student's parent not later than ten (10) days of receipt of a notice of action taken under subsection (c) makes a written appeal to the governing body, the governing body:

- (1) shall hold a meeting to consider:
  - (A) the written summary of evidence prepared under subsection (c)(1); and
  - (B) the arguments of the principal and the student or the student's parent;

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

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

The decision of the governing body may be appealed only under section 21 of this chapter.

(e) A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at an expulsion meeting or notice of the action taken at an expulsion meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to

a student and the student's parent.

(f) The governing body may vote to not hear appeals of actions taken under subsection (c). If the governing body votes to not hear appeals, subsequent to the date on which the vote is taken, a student or parent may appeal only under section 21 of this chapter.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-20**

##### **Maximum term of expulsion; reenrollment in alternative program after expulsion or exclusion; reinstatement review**

Sec. 20. (a) Except as provided in section 16 of this chapter, a student may not be expelled for a longer period than the remainder of the school year in which the expulsion took effect if the misconduct occurs during the first semester. If a student is expelled during the second semester, the expulsion remains in effect for summer school and may remain in effect for the first semester of the following school year, unless otherwise modified or terminated by order of the governing body. The appropriate authorities may require that a student who is at least sixteen (16) years of age and who wishes to reenroll after an expulsion or an exclusion attend an alternative program.

(b) An expulsion that takes effect more than three (3) weeks before the beginning of the second semester of a school year must be reviewed before the beginning of the second semester. The review:

(1) shall be conducted by the superintendent or an individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;

(2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and

(3) may lead to a recommendation by the person conducting the review that the student be reinstated for the second semester.

(c) An expulsion that will remain in effect during the first semester of the following school year must be reviewed before the beginning of the school year. The review:

(1) shall be conducted by the superintendent or an individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;

(2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and

(3) may lead to a recommendation by the individual conducting the review that the student be reinstated for the upcoming school year.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-21**

##### **Scope of judicial review**

Sec. 21. Judicial review of a governing body's action under this chapter by the circuit or superior court of the county in which a student who is the subject of the governing body's action resides is limited to the issue of whether the governing body acted without following the procedure required under this chapter.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-22**

##### **Effectiveness of statute during judicial review**

Sec. 22. An expulsion that has been upheld by a governing body continues in effect during judicial review under section 21 of this chapter unless:

- (1) the court grants a temporary restraining order under the Indiana Rules of Civil Procedure; and
- (2) the school corporation was given the opportunity to appear at the hearing regarding the temporary restraining order.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-23**

##### **Suspension pending expulsion decision**

Sec. 23. The superintendent or the person designated by the superintendent under section 19(a) of this chapter may continue suspension of a student for more than the ten (10) school day period of the principal's suspension and until the time of the expulsion decision under section 19 of this chapter if the superintendent or the designated person determines that the student's continued suspension will prevent or substantially reduce the risk of:

- (1) interference with an educational function or school purposes; or
- (2) a physical injury to the student, other students, school employees, or visitors to the school.

However, a student may not be suspended from school pending a meeting on a student's proposed expulsion if the expulsion is ordered under section 17 of this chapter.

*As added by P.L.1-2005, SEC.17.*

#### **IC 20-33-8-24**

##### **Requirements for reenrollment after expulsion**

Sec. 24. (a) This section applies to a student who:

- (1) is at least sixteen (16) years of age; and
- (2) wishes to reenroll after an expulsion.

(b) A principal may require a student to attend one (1) or more of the following:

- (1) An alternative school or alternative educational program.
- (2) Evening classes.
- (3) Classes established for students who are at least sixteen (16) years of age.

*As added by P.L.1-2005, SEC.17.*

**IC 20-33-8-25**

**Additional disciplinary actions authorized**

Sec. 25. (a) This section applies to an individual who:

- (1) is a member of the administrative staff, a teacher, or other school staff member; and
- (2) has students under the individual's charge.

(b) An individual may take disciplinary action instead of or in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:

- (1) Counseling with a student or group of students.
- (2) Conferences with a parent or group of parents.
- (3) Assigning additional work.
- (4) Rearranging class schedules.
- (5) Requiring a student to remain in school after regular school hours:

- (A) to do additional school work; or
- (B) for counseling.

- (6) Restricting extracurricular activities.
- (7) Removal of a student by a teacher from that teacher's class for a period not to exceed:

- (A) five (5) class periods for middle, junior high, or high school students; or
- (B) one (1) school day for elementary school students;

if the student is assigned regular or additional school work to complete in another school setting.

- (8) Assignment by the principal of:
  - (A) a special course of study;
  - (B) an alternative educational program; or
  - (C) an alternative school.

(9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:

- (A) A principal may not assign a student under this subdivision unless the student's parent approves:
  - (i) the nonprofit organization where the student is assigned; and
  - (ii) the plan described in clause (B)(i).

A student's parent may request or suggest that the principal assign the student under this subdivision.

(B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:

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

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

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

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

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

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

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

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

(c) As used in this subsection, "physical assault" means the knowing or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the student is enrolled shall refer the student to the juvenile court having jurisdiction over the student. However, a student with a disability (as defined in IC 20-35-1-8) who physically assaults a person having authority over the student is subject to procedural safeguards under 20 U.S.C. 1415.

*As added by P.L.1-2005, SEC.17. Amended by P.L.66-2009, SEC.4; P.L.233-2015, SEC.262.*

### **IC 20-33-8-26**

#### **Rules requiring participation in disciplinary action by person caring for dependent student**

Sec. 26. (a) The governing body of a school corporation may adopt rules that require a person having care of a dependent student to participate in an action taken under this chapter in connection with a student's behavior. The rules must include the following:

(1) Procedures for giving actual notice to the person having care of the dependent student.

(2) A description of the steps that the person must take to participate in the school corporation's action.

(3) A description of the additional actions in connection with the student's behavior that are justified in part or in full if the

person does not participate in the school corporation's action.

(b) A dependent student is a child in need of services under IC 31-34-1-7 if, before the student child becomes eighteen (18) years of age:

(1) the student's parent fails to participate in a disciplinary proceeding in connection with the student's improper behavior, as provided for by this section, if the behavior of the student has been repeatedly disruptive in the school; and

(2) the student needs care, treatment, or rehabilitation that the child:

(A) is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

*As added by P.L.1-2005, SEC.17.*

### **IC 20-33-8-27**

#### **Supplemental procedures authorized**

Sec. 27. The governing body of a school corporation may by rule:

- (1) amplify;
- (2) supplement; or
- (3) extend;

the procedures provided in this chapter in any manner that is consistent with this chapter.

*As added by P.L.1-2005, SEC.17.*

### **IC 20-33-8-28**

#### **Waiver of rights**

Sec. 28. Any rights granted to a student or a student's parent by this chapter may be waived only by a written instrument signed by both the student and the student's parent. The waiver is valid if made:

- (1) voluntarily; and
- (2) with the knowledge of the:
  - (A) procedures available under this chapter; and
  - (B) consequences of the waiver.

*As added by P.L.1-2005, SEC.17.*

### **IC 20-33-8-29**

#### **Special schools**

Sec. 29. (a) As used in this section, "special school" includes the following:

- (1) A career and technical education school.
- (2) A special education school or program.
- (3) An alternative school or program.

(b) To the extent possible, this chapter applies to a special school.

(c) The governing body of a special school may make necessary modifications to the responsibilities of school personnel under this chapter to accommodate the administrative structure of a special school.

(d) In addition to a disciplinary action imposed by a special school, the principal of the school where a student is enrolled may without additional procedures adopt a disciplinary action or decision of a special school as a disciplinary action of the school corporation. *As added by P.L.1-2005, SEC.17. Amended by P.L.234-2007, SEC.119.*

### **IC 20-33-8-30**

#### **Enrollment in another school corporation or charter school during period of expulsion or proposed expulsion**

Sec. 30. (a) This section applies to the following:

(1) A student who:

(A) is expelled from a school corporation or charter school under this chapter; or

(B) withdraws from a school corporation or charter school to avoid expulsion.

(2) A student who:

(A) is required to separate for disciplinary reasons from a nonpublic school or a school in a state other than Indiana by the administrative authority of the school; or

(B) withdraws from a nonpublic school or a school in a state other than Indiana in order to avoid being required to separate from the school for disciplinary reasons by the administrative authority of the school.

(b) The student referred to in subsection (a) may enroll in another school corporation or charter school during the period of the actual or proposed expulsion or separation if:

(1) the student's parent informs the school corporation in which the student seeks to enroll and also:

(A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or

(B) in the case of a student withdrawing from a conversion charter school to avoid expulsion:

(i) the conversion charter school; and

(ii) the school corporation that sponsored the conversion charter school;

of the student's expulsion, separation, or withdrawal to avoid expulsion or separation;

(2) the school corporation (and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school) consents to the student's enrollment; and

(3) the student agrees to the terms and conditions of enrollment established by the school corporation (or, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school).

(c) If:

(1) a student's parent fails to inform the school corporation of



the expulsion or separation or withdrawal to avoid expulsion or separation; or

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

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

(d) This section does not apply to a student who is expelled under section 17 of this chapter.

*As added by P.L.1-2005, SEC.17. Amended by P.L.233-2015, SEC.263.*

### **IC 20-33-8-31**

#### **Effect of suspension or expulsion on compulsory attendance laws**

Sec. 31. If a student is suspended or expelled from school or from any educational function under this chapter, the student's absence from school because of the suspension or expulsion is not a violation of:

(1) IC 20-33-2; or

(2) any other statute relating to compulsory school attendance.

*As added by P.L.1-2005, SEC.17.*

### **IC 20-33-8-32**

#### **Locker searches**

Sec. 32. (a) A school corporation must provide each:

(1) student; and

(2) student's parent;

a copy of the rules of the governing body on searches of students' lockers and locker contents.

(b) A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in:

(1) that locker; or

(2) the locker's contents.

(c) In accordance with the rules of the governing body, a principal may search:

(1) a student's locker; and

(2) the locker's contents;

at any time.

(d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may:

(1) at the request of the school principal; and

(2) in accordance with rules of the governing body of the school corporation;

assist a school administrator in searching a student's locker and the locker's contents.

*As added by P.L.1-2005, SEC.17.*

**IC 20-33-8-33****Submission of information to bureau of motor vehicles**

Sec. 33. Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal may submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the suspension of driving privileges under IC 9-24-2-4.

*As added by P.L.1-2005, SEC.17. Amended by P.L.231-2005, SEC.44; P.L.125-2012, SEC.402; P.L.233-2015, SEC.264.*

**IC 20-33-8-34****Disciplinary action for students with disabilities**

Sec. 34. (a) Notwithstanding any other law, a suspension, an expulsion, or another disciplinary action against a student who is a student with a disability (as defined in IC 20-35-1-8) is subject to the:

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

(b) The division of special education shall propose rules under IC 20-35-2-1(b)(5) to the state board for adoption under IC 4-22-2 governing suspensions, expulsions, and other disciplinary action for a student who is a student with a disability (as defined in IC 20-35-1-8).

*As added by P.L.1-2005, SEC.17. Amended by P.L.233-2015, SEC.265.*