



Indiana Compilation of School Discipline Laws and Regulations

Prepared: January 12, 2016

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of January 2016. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

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Article 1. Seclusion and Restraint in Schools

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- 513 IAC 1-1-2. "Behavioral intervention plan" defined
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- 513 IAC 1-1-5. "Crisis intervention training" defined
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- 513 IAC 1-1-12. "Physical restraint" defined
- 513 IAC 1-1-13. "Positive behavior intervention and support" defined
- 513 IAC 1-1-14. "Prevention and conflict deescalation training" defined
- 513 IAC 1-1-15. "Prone physical restraint" defined
- 513 IAC 1-1-16. "Restraint" defined
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- 513 IAC 1-1-21. "Substantial risk" defined
- 513 IAC 1-1-22. "Supine physical restraint" defined
- 513 IAC 1-1-23. "Time-out" defined

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- 513 IAC 1-2-1. Scope
- 513 IAC 1-2-2. Commission's principles
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- 513 IAC 1-2-9. Incident documentation
- 513 IAC 1-2-10. Debriefing session
- 513 IAC 1-2-11. Seclusion and restraint plan

General Provisions

Authority to develop and establish rules of conduct

LAWS

IC 20-33-8-10. Disciplinary powers of principals.

(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.

IC 20-33-8-11. Disciplinary powers of superintendents and administrative staff members.

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.

IC 20-33-8-12. Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body.

(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.

IC 20-33-8-27. Supplemental procedures authorized.

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.

IC 20-33-8-29. Special schools.

(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.

IC 20-33-9-9. Programs to implement chapter.

The law enforcement agencies and the school corporations in each county shall develop and administer a program to efficiently implement this chapter.

REGULATIONS

No relevant regulations found.

Scope

LAWS

IC 20-33-8-4. "School purposes".

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.

IC 20-33-8-5. "School property".

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.

IC 20-33-8-13.5. Discipline rules prohibiting bullying required.

(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;

IC 20-33-8-15. Unlawful activity by student.

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.

IC 20-33-9-5. Controlled substance violations; reports by school employees.

If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed:

- (1) a violation described in section 1 of this chapter; or
- (2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult;

in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

IC 20-33-9-6. Controlled substance violations; reports by members of administrative staffs.

A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report in writing to a law enforcement officer.

IC 20-33-8-14. Grounds for suspension or expulsion.

(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.

IC 20-33-8-8. Duty and powers of school corporation to supervise and discipline students.

(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.

REGULATIONS

513 IAC 1-2-1. Scope.

(a) This article applies to the following:

- (1) All public school corporations, charter schools, or accredited nonpublic schools.
- (2) All public school corporations, charter schools, or accredited nonpublic schools students regardless of whether student has been identified as eligible for special education services.
- (3) All programs and services subject to the supervision of the state educational agency, including before and after school extracurricular activities programs conducted by or through the following:
 - (A) Public school corporations.
 - (B) Charter schools.
 - (C) Special education planning districts.
 - (D) State agencies.
 - (E) Other public agencies.

(b) This article does not apply to any law enforcement officer, employed by a school, who is lawfully engaged in the execution of the officer's duties.

Communication of policy

LAWS

IC 20-26-18-3. Publication of policy.

A school corporation shall put a copy of the school corporation's criminal gang policy established under section 2 of this chapter:

- (1) on its Internet web site;
- (2) in school student handbooks; and
- (3) in any location the school corporation determines to be appropriate.

IC 20-33-8-12. Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body.

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

- (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.

IC 20-33-8-32. Locker searches.

(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.

REGULATIONS

513 IAC 1-2-8. Distribution of school seclusion and restraint policy or plan to parents and the public.

(a) Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians, or to the student if the student is at least eighteen (18) years of age and the provisions of 511 IAC 7-43-5(b) do not apply.

(b) Including the location of the plan in the student handbook satisfies subsection (a).

In-School Discipline

Use of multi-tiered discipline approaches

LAWS

IC 20-33-8-12. Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body.

(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

REGULATIONS

No relevant regulations found.

Teacher authority to remove students from classrooms

LAWS

IC 20-33-8-8. Duty and powers of school corporation to supervise and discipline students.

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

- (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;

IC 20-33-8-9. Disciplinary powers of teachers and school staff members.

(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.

REGULATIONS

No relevant regulations found.

Alternatives to suspension

LAWS

IC 20-33-8-9. Disciplinary powers of teachers and school staff members.

(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 in school 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.

IC 20-33-8-25. Additional disciplinary actions authorized.

(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.

REGULATIONS

No relevant regulations found.

Use of corporal punishment

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Use of student and locker searches

LAWS

IC 20-33-8-32. Locker searches.

(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.

REGULATIONS

No relevant regulations found.

Other in-school disciplinary approaches

LAWS

No relevant laws found.

REGULATIONS

No relevant regulations found.

Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements

Grounds for possible suspension or expulsion

LAWS

IC 20-33-8-17. Student's legal settlement not in attendance area.

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.

IC 20-33-8-14. Grounds for suspension or expulsion.

(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.

IC 20-33-8-15. Unlawful activity by student.

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.

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.

(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.

REGULATIONS

No relevant regulations found.

Grounds for mandatory suspension or expulsion

LAWS

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.

(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.

REGULATIONS

No relevant regulations found.

Limitations, conditions or exclusions for use of suspension and expulsion

LAWS

IC 20-33-8-9. Disciplinary powers of teachers and school staff members.

(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.

IC 20-33-8-18. Maximum term of suspension; procedure.

(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.

IC 20-33-8-20. Maximum term of expulsion; reenrollment in alternative program after expulsion or exclusion; reinstatement review.

(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.

IC 20-33-8-34. Disciplinary action for children with disabilities.

(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).

REGULATIONS

No relevant regulations found.

Administrative procedures related to suspension and expulsion

LAWS

IC 20-33-8-3. "Expulsion".

(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.

IC 20-33-8-7. "Suspension".

(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.

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.

(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.

IC 20-33-8-18. Maximum term of suspension; procedure.

(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.

IC 20-33-8-19. Expulsion procedure; appeals.

(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.

IC 20-33-8-22. Effectiveness of statute during judicial review.

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.

IC 20-33-8-23. Suspension pending expulsion decision.

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.

REGULATIONS

No relevant regulations found.

In-school suspension

LAWS

IC 20-33-8-9. Disciplinary powers of teachers and school staff members.

(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 in school 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.

IC 20-33-8-25. Additional disciplinary actions authorized.

(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.

REGULATIONS

No relevant regulations found.

Return to school following removal

LAWS

IC 20-33-8-24. Requirements for reenrollment after 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.

IC 20-33-8-30. Enrollment in another school corporation or charter school during period of expulsion or proposed expulsion.

- (a) This section applies to the following:
- (1) A student who:

- (A) is expelled from a school corporation or charter school Indiana Code 2015 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.

REGULATIONS

No relevant regulations found.

Use of restraint and seclusion

LAWS

IC 20-20-40-1. "Behavioral intervention plan".

As used in this chapter, "behavioral intervention plan" means a plan that is agreed upon by the case conference committee (as defined in IC 20-35-7-2) and incorporated into a student's individualized education program (as defined in IC 20-18-2-9) and that describes the following:

(1) The pattern of behavior that impedes the student's learning or the learning of others.

(2) The purpose or function of the behavior as identified in a functional behavioral assessment.

(3) The positive interventions and supports, and other strategies, to:

(A) address the behavior; and

(B) maximize consistency of implementation across people and settings in which the student is involved.

(4) If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student. The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

IC 20-20-40-2. "Chemical restraint".

As used in this chapter, "chemical restraint" means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment and dosage for the student's medical or psychiatric condition.

IC 20-20-40-3. "Commission".

As used in this chapter, "commission" refers to the commission on seclusion and restraint in schools established by section 11 of this chapter.

IC 20-20-40-4. "Mechanical restraint".

(a) As used in this chapter, "mechanical restraint" means the use of: (1) a mechanical device; (2) a material; or (3) equipment; attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or part of the student's body or restricts normal access to the student's body.

(b) The term does not include: (1) mechanical devices; (2) a material; or (3) equipment; used as prescribed by a doctor.

IC 20-20-40-5. "Physical restraint".

(a) As used in this chapter, "physical restraint" means physical contact between a school employee and a student:

- (1) in which the student unwillingly participates; and
- (2) that involves the use of a manual hold to restrict freedom of movement of all or part of a student's body or to restrict normal access to the student's body.

(b) The term does not include:

- (1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation;
- (2) physical escort; or
- (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.

IC 20-20-40-6. "Positive behavior intervention and support".

As used in this chapter, "positive behavior intervention and support" means a systematic approach that:

- (1) uses evidence based practices and data driven decision making to improve school climate and culture; and
- (2) includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior; to achieve improved academic and social outcomes and increase learning for all students.

IC 20-20-40-7. "School corporation".

As used in this chapter, "school corporation" includes a charter school that is not a virtual charter school.

IC 20-20-40-8. "School employee".

As used in this chapter, "school employee" means an individual employed by a school corporation or an accredited nonpublic school.

IC 20-20-40-9. "Seclusion".

As used in this chapter, "seclusion" means the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's individualized education program, in which an adult is continuously present in the room with the student.

IC 20-20-40-10. "Time-out".

As used in this chapter, "time-out" means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted.

IC 20-20-40-11. Establishment of the commission on seclusion and restraint.

(a) The commission on seclusion and restraint in schools is established.

(b) The commission has the following nine (9) members:

(1) The designee of the state superintendent, who serves at the pleasure of the state superintendent.

(2) A representative of the Autism Society of Indiana, chosen by the organization, who serves a two (2) year term.

(3) A representative of the Arc of Indiana, chosen by the organization, who serves a two (2) year term.

(4) A representative of the Indiana Council of Administrators of Special Education, chosen by the organization, who serves a two (2) year term.

(5) A representative of Mental Health America of Indiana, chosen by the organization, who serves a two (2) year term.

(6) A parent of a student with a disability, nominated by a member described in subdivisions (1) through (5) and approved by a majority of the members described in subdivisions (1) through (5), who serves a two (2) year term.

(7) A parent of a student who does not have a disability, nominated by a member described in subdivisions (1) through (5) and approved by a majority of the members described in subdivisions (1) through (5), who serves a two (2) year term.

(8) One (1) accredited nonpublic school administrator nominated by the Indiana Non-public Education Association, who serves a two (2) year term.

(9) One (1) public school superintendent nominated by the Indiana Association of Public School Superintendents, who serves a two (2) year term.

(c) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member who is not a state employee is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

IC 20-20-40-12. Chairperson; meetings; votes and actions of the commission.

(a) The designee of the state superintendent under section 11(b)(1) of this chapter serves as chairperson of the commission.

- (b) The commission shall meet at least annually on the call of the chairperson, and may meet as often as is necessary. The chairperson shall provide not less than fourteen (14) days notice of a meeting to the members of the commission and to the public.
- (c) The affirmative votes of at least five (5) members of the commission are necessary for the commission to take action. The votes of the commission must be recorded.
- (d) All commission meetings shall be open to the public, and each meeting must include opportunities for public comment.
- (e) The department shall provide staff support for the commission.

IC 20-20-40-13. Duties; rules; notice requirement; training; elements of the restraint and seclusion plan.

- (a) The commission has the following duties:
 - (1) To adopt rules concerning the following:
 - (A) The use of restraint and seclusion in a school corporation or an accredited nonpublic school, with an emphasis on eliminating or minimizing the use of restraint and seclusion.
 - (B) The prevention of the use of types of restraint or seclusion that may harm a student, a school employee, a school volunteer, or the educational environment of the school.
 - (C) Requirements for notifying parents.
 - (D) Training regarding the use of restraint and seclusion, including the frequency of training and what employees must be trained.
 - (E) The distribution of the seclusion and restraint policy to parents and the public.
 - (F) Requirements for the reporting of incidents of restraint and seclusion in the annual school performance report.
 - (2) Before August 1, 2013, to develop a model restraint and seclusion plan for schools that includes the following elements:
 - (A) A statement on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught.
 - (B) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict deescalation to eliminate or minimize the need for use of any of the following:
 - (i) Seclusion.
 - (ii) Chemical restraint.
 - (iii) Mechanical restraint.
 - (iv) Physical restraint.
 - (C) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or individualized education program, if applicable.
 - (D) Definitions for restraint and seclusion, as defined in this chapter.
 - (E) A statement ensuring that if a procedure listed in clause (B) is used, the procedure will be used:
 - (i) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and
 - (ii) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.
 - (F) An indication that restraint or seclusion may be used only for a short time period, or until the imminent risk of injury has passed.

(G) A documentation and recording requirement governing instances in which procedures listed in clause (B) are used, including:

- (i) how every incident will be documented and debriefed;
- (ii) how responsibilities will be assigned to designated employees for evaluation and oversight; and
- (iii) designation of a school employee to be the keeper of such documents.

(H) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in clause (B).

(I) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in clause (B).

(J) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict deescalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

(b) The model policy developed by the commission must take into consideration that implementation and reporting requirements for accredited nonpublic schools may vary, and the model plan must provide accredited nonpublic schools flexibility with regards to accountability under and implementation of the plan adopted by an accredited nonpublic school under section 14 of this chapter.

IC 20-20-40-14. Plan adoption.

A school corporation or accredited nonpublic school shall adopt a restraint and seclusion plan that incorporates, at a minimum, the elements of the model plan developed under section 13 of this chapter. The school corporation's or accredited nonpublic school's plan must become effective not later than July 1, 2014.

IC 20-20-40-15. Immunity.

(a) Nothing in this chapter may be construed to prevent a school employee from stopping a physical altercation, acting to prevent physical harm to a student or another individual, or acting to address an emergency until the emergency is over, whether or not the school employee has received training under this chapter.

(b) This chapter may not be construed to give rise to a cause of action, either civil or criminal, against the state, the department, a school corporation, an accredited nonpublic school, the commission, or a member of the commission.

(c) In all matters relating to the plan adopted under section 14 of this chapter, school corporation or accredited nonpublic school personnel have qualified immunity with respect to an action taken to promote student conduct under a plan adopted under section 14 of this chapter if the action is taken in good faith and is reasonable.

IC 20-20-40-16. Rulemaking.

The commission shall adopt rules under IC 4-22-2 to carry out the purposes of this chapter.

REGULATIONS

513 IAC 1-1-2. "Behavioral intervention plan" defined.

(a) "Behavioral intervention plan" means a plan that is agreed upon by the case conference committee (as defined in IC 20-35-7-2 [IC 20-35-7 was repealed by P.L.233-2015, SECTION 286, effective July 1,

2015.]) and incorporated into a student's IEP (as defined in IC 20-18-2-9) and that describes the following:

- (1) The pattern of behavior that impedes the student's learning or the learning of others.
 - (2) The purpose or function of the behavior as identified in a functional behavioral assessment.
 - (3) The positive interventions and supports, and other strategies, to:
 - (A) address the behavior; and
 - (B) maximize consistency of implementation across people and settings in which the student is involved.
 - (4) If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student.
- (b) The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

513 IAC 1-1-3. "Chemical restraint" defined.

"Chemical restraint" means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition.

513 IAC 1-1-5. "Crisis intervention training" defined.

"Crisis intervention training" refers to training provided to selected staff members that addresses how to deal with aggressive, violent, or out of control behaviors. The term includes specific techniques for seclusion and restraint.

513 IAC 1-1-10. "Mechanical restraint" defined.

- (a) "Mechanical restraint" means the use of: (1) a mechanical device; (2) a material; or (3) equipment; attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or part of the student's body or restricts normal access to the student's body.
- (b) The term does not include: (1) a mechanical device; (2) a material; or (3) equipment; that is used as authorized by a licensed physician or other qualified health care professional.
- (c) The term does not include a bus harness or other safety equipment that is used to restrain a student during transport when the harness or safety equipment is necessary for safety purposes as provided under 575 IAC 1.

513 IAC 1-1-12. "Physical restraint" defined.

- (a) "Physical restraint" means physical contact between a school employee and a student:
- (1) in which the student unwillingly participates; and
 - (2) that involves the use of a manual hold to restrict freedom of movement of all or part of a student's body or to restrict normal access to the student's body.
- (b) The term does not include:
- (1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation;
 - (2) physical escort; or
 - (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.

(c) The term does not include the use of a bus harness or other safety equipment that is used to restrain a student during transport when the harness or safety equipment is necessary for safety purposes as provided under 575 IAC 1.

513 IAC 1-1-13. "Positive behavior intervention and support" defined.

"Positive behavior intervention and support" means a systematic approach that: (1) uses evidence based practices and data driven decision making to improve school climate and culture; and (2) includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior; to achieve improved academic and social outcomes and increase learning for all students.

513 IAC 1-1-14. "Prevention and conflict deescalation training" defined.

"Prevention and conflict deescalation training" means training that is provided broadly to school staff on how to prevent, defuse, and deescalate potential behavioral crisis situations without physical contact between a school employee and a student.

513 IAC 1-1-15. "Prone physical restraint" defined.

"Prone physical restraint" refers to when a person is being held face down on a horizontal surface such as the floor.

513 IAC 1-1-16. "Restraint" defined.

"Restraint" encompasses chemical restraint, physical restraint, and mechanical restraint.

513 IAC 1-1-19. "Seclusion" defined.

"Seclusion" means the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's IEP and during which an adult is continuously present in the room with the student.

513 IAC 1-1-21. "Substantial risk" defined.

"Substantial risk" means a situation where there is:

- (1) serious, imminent threat of bodily harm; and
- (2) the immediate ability to enact such harm.

513 IAC 1-1-22. "Supine physical restraint" defined.

"Supine physical restraint" refers to a person being held face up on a horizontal surface such as the floor.

513 IAC 1-1-23. "Time-out" defined.

"Time-out" means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted.

513 IAC 1-2-1. Scope.

(a) This article applies to the following:

- (1) All public school corporations, charter schools, or accredited nonpublic schools.
- (2) All public school corporations, charter schools, or accredited nonpublic schools students regardless of whether student has been identified as eligible for special education services.

(3) All programs and services subject to the supervision of the state educational agency, including before and after school extracurricular activities programs conducted by or through the following:

- (A) Public school corporations.
- (B) Charter schools.
- (C) Special education planning districts.
- (D) State agencies.
- (E) Other public agencies.

(b) This article does not apply to any law enforcement officer, employed by a school, who is lawfully engaged in the execution of the officer's duties.

513 IAC 1-2-2. Commission's principles.

- (a) Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
- (b) Any behavioral intervention must be consistent with the student's rights to be treated with dignity and to be free from abuse.
- (c) Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
- (d) Physical restraint or seclusion should not be used except in situations where the student's behavior poses imminent risk of injury to self or others and other interventions are ineffective and should be discontinued as soon as imminent risk of injury to self or others has dissipated.

513 IAC 1-2-3. Use of behavior intervention and support.

A school shall use prevention, positive behavior intervention and support, and conflict deescalation strategies to eliminate or minimize the need for the use of any of the following:

- (1) Seclusion.
- (2) Chemical restraint.
- (3) Mechanical restraint.
- (4) Physical restraint.

513 IAC 1-2-4. Prevention.

- (a) Every effort shall be made to prevent the need for the use of restraint or for the use of seclusion on a student.
- (b) Seclusion or physical restraint shall not be used except when used as a last resort in situations where:
 - (1) the student's behavior poses imminent risk of injury to self or others; and
 - (2) other less restrictive interventions are ineffective.
- (c) Any use of seclusion or restraint:
 - (1) may only be used for a short period of time; and
 - (2) shall be discontinued as soon as the imminent risk of injury to self or others has dissipated.

513 IAC 1-2-5. Mechanical and chemical restraints prohibited.

- (a) Except as provided in subsection (d), the use of mechanical restraints to restrict a student's freedom of movement is prohibited.
- (b) The use of any drug, medication, or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health care professional) is prohibited.

(c) Schools shall never give a student any drug or medication that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition unless otherwise prescribed by a physician.

(d) While transporting a student on a moving vehicle, a bus harness or other safety equipment may be required and is permissible for safety purposes. The use of any bus harness or safety equipment that is used to restrain a student during transportation must be documented.

513 IAC 1-2-6. Training.

(a) Staff shall be trained according to the school's adopted plan on the appropriate use of effective alternatives to physical seclusion and restraint, such as positive behavioral interventions and supports, and, only for cases involving imminent risk of injury, on the safe use of physical seclusion and restraint.

(b) Each school shall identify appropriate school staff to be trained on the safe use of effective alternatives to physical seclusion and restraint. Recurrent training of staff should be done in accordance with the school's plan.

(c) Each school shall choose a training protocol that includes the following:

- (1) Positive supports and behavioral interventions techniques.
- (2) Conflict deescalation techniques.
- (3) The safe use of seclusion and restraint.
- (4) Steps to avoid the use of seclusion or restraint.
- (5) Debriefing practices and procedures.

(d) Training programs shall differentiate for levels of school personnel and training needs.

(e) Each school must maintain documentation that includes the following information:

- (1) The name and position of each person who has completed training.
- (2) Who provided the training.
- (3) When the training was completed.
- (4) What protocols and techniques were included in the training.

(f) Training may be provided by any person who is trained in the current best practices of the protocols listed in subsection (c).

513 IAC 1-2-7. Monitoring and reporting.

(a) Every instance in which seclusion or restraint is used shall be carefully and continuously visually monitored to ensure the safety of the following:

- (1) The student.
- (2) Other students.
- (3) Teachers.
- (4) Staff.

(b) Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion, or both, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint.

(c) The building administrator or designee shall attempt to report every instance in which seclusion or restraint is used on a student to the student's parent or guardian:

- (1) no later than the end of the school day or as soon as practical;
- (2) verbally; and
- (3) in accordance with the seclusion and restraint plan adopted by a school.

- (d) Written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every instance in which seclusion or restraint is used on a student and shall be provided as soon as practical.
- (e) Public school corporations shall report the number of instances in which either seclusion or restraint is used in its annual performance report required by IC 20-20-8-3.
- (f) Each charter school shall report the number of instances in which either seclusion or restraint is used in its school to its sponsor. A charter school's sponsor shall report the number of instances in which a charter school has reported the use of either seclusion or restraint in its annual report, described in IC 20-24-9-1.
- (g) Each accredited nonpublic school shall report, in writing, the number of instances in which either seclusion or restraint is used in its school to its governing authority.
- (h) Each school must conduct an annual review of its plan for the purposes of improvement and revision.

513 IAC 1-2-8. Distribution of school seclusion and restraint policy or plan to parents and the public.

- (a) Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians, or to the student if the student is at least eighteen (18) years of age and the provisions of 511 IAC 7-43-5(b) do not apply.
- (b) Including the location of the plan in the student handbook satisfies subsection (a).

513 IAC 1-2-9. Incident documentation.

- (a) Every instance in which seclusion or restraint is used on a student shall be documented in order to memorialize the events that led up to the use of either seclusion or restraint.
- (b) Documentation may include the following:
 - (1) The student's name.
 - (2) The date and time of the incident.
 - (3) The duration of any seclusion or restraint or the beginning and ending times of the restraint or seclusion, or both.
 - (4) A description of any relevant events leading up to the incident.
 - (5) A description of the incident or student behavior that resulted in implementation of seclusion or restraint including a description of the danger of injury which resulted in the seclusion or restraint.
 - (6) A description of relevant interventions used immediately prior to the implementation of seclusion or restraint.
 - (7) A summary of the student's behavior during seclusion or restraint, including a description of the restraint technique or techniques used and any other interaction between the student and staff.
 - (8) A description of any injuries to students, staff, or others or property damage.
 - (9) A list of the school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint.
 - (10) If applicable, a statement that the intervention used was consistent with the student's most current behavioral intervention plan or IEP.

513 IAC 1-2-10. Debriefing session.

- (a) As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:

- (1) Meet with at least one (1) school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion.
- (2) Direct a proper staff person, including the administrator himself or herself, to debrief the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior or behaviors, if any, that precipitated the use of restraint or seclusion.
- (3) In accordance with the school's plan, provide a copy of an incident report and offer the parent or parents or guardian or guardians the opportunity to request a meeting regarding the incident of restraint or seclusion.

(b) When applicable, the procedures described in 511 IAC 7-44-5 should be followed.

513 IAC 1-2-11. Seclusion and restraint plan.

No later than July 1, 2014, each Indiana school corporation, charter school, and accredited nonpublic school must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following:

- (1) A statement on how:
 - (A) students will be treated with dignity and respect; and
 - (B) appropriate student behavior will be promoted and taught.
- (2) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict deescalation to eliminate or minimize the need for use of any of the following:
 - (A) Seclusion.
 - (B) Chemical restraint.
 - (C) Mechanical restraint.
 - (D) Physical restraint.
- (3) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or IEP, if applicable.
- (4) Definitions for restraint and seclusion, as defined in this article.
- (5) A statement ensuring that if a procedure listed in subdivision (2) is used, the procedure will be used:
 - (A) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and
 - (B) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.
- (6) An indication that restraint or seclusion may be used only for a short time period or until the imminent risk of injury has passed.
- (7) A documentation and recording requirement governing instances in which procedures listed in subdivision (2) are used, including:
 - (A) how every incident will be documented and debriefed;
 - (B) how responsibilities will be assigned to designated employees for evaluation and oversight; and
 - (C) designation of a school employee to be the keeper of such documents.
- (8) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in subdivision (2).
- (9) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in subdivision (2).

(10) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict deescalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

Alternative placements

LAWS

IC 20-33-8-24. Requirements for reenrollment after 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.

IC 20-33-8-25. Additional disciplinary actions authorized.

(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:

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

REGULATIONS

No relevant regulations found.

Disciplinary Approaches Addressing Specific Infractions and Conditions

Firearms (as required by the Gun-Free Schools Act)

LAWS

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.

- (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 Indiana Code 2015 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.

IC 35-47-9-2. Possession of firearms on school property or a school bus; defense to prosecution; possession of firearms in a motor vehicle parked in a school parking lot.

- (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:
 - (1) in or on school property; or
 - (2) on a school bus; commits a Level 6 felony.
- (b) It is a defense to a prosecution under subsection (a) that:
 - (1) the person is permitted to legally possess the firearm; and
 - (2) the firearm is:
 - (A) locked in the trunk of the person's motor vehicle;
 - (B) kept in the glove compartment of the person's locked motor vehicle; or

(C) stored out of plain sight in the person's locked motor vehicle.

(c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

REGULATIONS

No relevant regulations found.

Other weapons

LAWS

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.

(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 Indiana Code 2015 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.

REGULATIONS

No relevant regulations found.

Students with chronic disciplinary issues

LAWS

IC 20-33-2-25. Habitual absence from school; report to juvenile intake officer or department of child services.

The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

REGULATIONS

No relevant regulations found.

Attendance and truancy

LAWS

IC 20-33-2-23. Powers of certain officers to take children into custody.

(a) Each school attendance officer, sheriff, marshal, and police officer in Indiana may take into custody any child who:

- (1) is required to attend school under this chapter; and
- (2) is found during school hours, unless accompanied:
 - (A) by a parent; or
 - (B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age; in a public place, in a public or private conveyance, or in a place of business open to the public.

(b) When an officer takes a child into custody under this section, the officer shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

IC 20-33-2-24. Principal; duties when truant child received.

(a) When a child is delivered into the custody of a principal or acting chief administrative officer under section 23 of this chapter, the principal or officer shall immediately place the child in class in the grade or course of study in which the child is enrolled or to which the child may be properly assigned.

(b) A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as reasonably possible after placing a child in class under this section, the principal or acting chief administrative officer shall attempt to advise the child's parent of the facts of the case by telephone. The principal or acting chief administrative officer shall advise the parent of the facts of the case by mail on the same day the principal or officer receives the child.

IC 20-33-2-25. Habitual absence from school; report to juvenile intake officer or department of child services.

The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

IC 20-33-2-26. Enforcement of chapter.

(a) It is the duty of each: (1) superintendent; (2) attendance officer; (3) state attendance official; (4) security police officer appointed under IC 36-8-3-7; and (5) school corporation police officer appointed under IC 20-26-16; to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.

(b) An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in a court with jurisdiction in the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

REGULATIONS

No relevant regulations found.

Substance use

LAWS

IC 5-2-10-2. Purpose; composition of fund.

The state drug free communities fund is established to promote comprehensive alcohol and drug abuse prevention initiatives by supplementing state and federal funding for the coordination and provision of treatment, education, prevention, and criminal justice efforts. The fund consists of amounts deposited:

- (1) under IC 33-37-9-4; and
- (2) from any other public or private source.

IC 20-30-5-11. Alcoholic beverages, tobacco, prescription drugs, and controlled substances; instruction in kindergarten through grade 12.

(a) For kindergarten through grade 12, the governing body of each school corporation shall provide instruction concerning the effects that: (1) alcoholic beverages; (2) tobacco; (3) prescription drugs; and (4) controlled substances; have on the human body and society at large.

(b) The state board shall make available to all school corporations a list of appropriate available instructional material on the matters described in subsection (a).

(c) The department shall develop curriculum guides to assist teachers assigned to teach the material described in subsection (a).

(d) The state board shall approve drug education curricula for every grade from kindergarten through grade 12.

(e) The department shall provide assistance to each school corporation to train at least one (1) teacher in the school corporation in drug education.

IC 20-33-9-1. Application of chapter.

Sections 5 through 9 of this chapter apply to the following:

- (1) A violation under IC 7.1-5-7 (concerning minors and alcoholic beverages).
- (2) A violation under IC 35-48-4 (offenses related to controlled substances).

IC 20-33-9-5. Controlled substance violations; reports by school employees.

If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed: (1) a violation described in section 1 of this chapter; or (2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

IC 20-33-9-6. Controlled substance violations; reports by members of administrative staffs.

A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report in writing to a law enforcement officer.

REGULATIONS

No relevant regulations found.

Bullying, harassment, or hazing

LAWS

IC 20-26-5-34.2. Bullying prevention; training for employees and volunteers.

A school corporation shall provide training to the school corporation's employees and volunteers who have direct, ongoing contact with students concerning the school's bullying prevention and reporting policy adopted under IC 20-33-8-13.5.

IC 20-30-5-5.5. Bullying prevention; student instruction.

- (a) Not later than October 15 of each year, each public school shall provide age appropriate, research based instruction as provided under IC 5-2-10.1-12(d)(1) focusing on bullying prevention for all students in grades 1 through 12.
- (b) The department, in consultation with school safety specialists and school counselors, shall prepare outlines or materials for the instruction described in subsection (a) and incorporate the instruction in grades 1 through 12.
- (c) Instruction on bullying prevention may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of bullying prevention and intervention.

IC 20-33-8-0.2. Bullying.

(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.

IC 20-33-8-13.5. Discipline rules prohibiting bullying required.

(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 procedures 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.

REGULATIONS

No relevant regulations found.

Other special infractions or conditions

LAWS

IC 20-26-18-1. Application.

This chapter applies to every school corporation and to a school city to which IC 20-25 applies.

IC 20-26-18-2. Establishment of written policy.

(a) Not later than June 1, 2016, the governing body of each school corporation shall establish a written policy to address criminal gangs and criminal gang activity in schools. The governing body of a school corporation shall develop the policy in consultation with:

- (1) parents;
 - (2) school employees;
 - (3) local law enforcement officials;
 - (4) the county prosecuting attorney;
 - (5) the county public defender;
 - (6) organizations that have expertise in criminal gang education, prevention, or intervention;
 - (7) a juvenile court judge;
 - (8) a school behavioral health or community mental health professional; and
 - (9) any other person or entity the governing body of the school corporation determines to be appropriate.
- (b) The policy must meet all the requirements for the department's model criminal gang policy set forth in IC 20-19-3-12(d).

(c) Not later than September 1, 2016, each school corporation shall submit a copy of its criminal gang policy to the department.

IC 20-26-18-3. Publication of policy.

A school corporation shall put a copy of the school corporation's criminal gang policy established under section 2 of this chapter:

- (1) on its Internet web site;
- (2) in school student handbooks; and
- (3) in any location the school corporation determines to be appropriate.

IC 20-26-18-4. Establishment of education programs.

A school corporation shall establish the following educational programs in its efforts to address criminal gang activity:

- (1) An evidence based educational criminal gang awareness program for students, school employees, and parents.
- (2) A school employee development program to provide training to school employees in the implementation of the criminal gang policy established under section 2 of this chapter

IC 20-26-18-5. Establishment of criminal gang intervention program.

To foster the continuing coordination of gang prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal gang intervention services to students. If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the following members:

- (1) Parents.
- (2) School employees.
- (3) Local law enforcement officials.
- (4) The county prosecuting attorney.
- (5) The county public defender.
- (6) A juvenile court judge.
- (7) A school behavioral health or community mental health professional.
- (8) Representatives of organizations that have expertise in criminal gang education, prevention, or intervention.
- (9) Any other person or entity the governing body determines is appropriate.

IC 20-26-18-6. Reporting requirements.

(a) Not later than June 1, 2017, and before June 2 of each year thereafter, each school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's compliance with this chapter. The report must include school based data to monitor for disproportionality, with each school reporting the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender.

(b) Not later than November 1, 2017, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal gang activity in schools to the governor and the general assembly. A report submitted to the general assembly under this subsection must be in an electronic format under IC 5-14-6. The report must include the following:

- (1) A summary of the activities reported to the department under subsection (a).
- (2) Any recommendations or conclusions made by the department to assist in the prevention of, education about, and intervention in criminal gang activity in schools.

REGULATIONS

No relevant regulations found.

Prevention and Behavioral Interventions (Non-Punitive)

Prevention

LAWS

IC 5-2-10-2. Purpose; composition of fund.

The state drug free communities fund is established to promote comprehensive alcohol and drug abuse prevention initiatives by supplementing state and federal funding for the coordination and provision of treatment, education, prevention, and criminal justice efforts. The fund consists of amounts deposited:

- (1) under IC 33-37-9-4; and
- (2) from any other public or private source.

IC 20-19-3-10. Dating violence educational materials.

(a) The department, in collaboration with organizations that have expertise in dating violence, domestic violence, and sexual abuse, shall identify or develop:

- (1) model dating violence educational materials; and
- (2) a model for dating violence response policies and reporting. Not later than July 1, 2011, the department shall make the models developed or identified under this section available to assist schools with the implementation of dating violence education programs in grades 6 through 12 and dating violence response policies.

(b) The model dating violence policy identified or developed under subsection (a) may include the following topics:

- (1) Warning signs of dating violence.
- (2) The basic principles of dating violence prevention.
- (3) Methods of parental education and outreach.

IC 20-26-5-33. Programs concerning consequences of sharing sexually suggestive or explicit materials through digital media.

A school corporation may offer classes, instruction, or programs regarding the potential risks and consequences of creating and sharing sexually suggestive or explicit materials through cellular telephones, social networking web sites, computer networks, and other digital media.

IC 20-26-18-4. Establishment of education programs.

A school corporation shall establish the following educational programs in its efforts to address criminal gang activity:

- (1) An evidence based educational criminal gang awareness program for students, school employees, and parents.
- (2) A school employee development program to provide training to school employees in the implementation of the criminal gang policy established under section 2 of this chapter

IC 20-30-5-5.5. Bullying prevention; student instruction.

(a) Not later than October 15 of each year, each public school shall provide age appropriate, research based instruction as provided under IC 5-2-10.1-12(d)(1) focusing on bullying prevention for all students in grades 1 through 12.

(b) The department, in consultation with school safety specialists and school counselors, shall prepare outlines or materials for the instruction described in subsection (a) and incorporate the instruction in grades 1 through 12.

(c) Instruction on bullying prevention may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of bullying prevention and intervention.

IC 20-30-5-11. Alcoholic beverages, tobacco, prescription drugs, and controlled substances; instruction in kindergarten through grade 12.

(a) For kindergarten through grade 12, the governing body of each school corporation shall provide instruction concerning the effects that: (1) alcoholic beverages; (2) tobacco; (3) prescription drugs; and (4) controlled substances; have on the human body and society at large.

(b) The state board shall make available to all school corporations a list of appropriate available instructional material on the matters described in subsection (a).

(c) The department shall develop curriculum guides to assist teachers assigned to teach the material described in subsection (a).

(d) The state board shall approve drug education curricula for every grade from kindergarten through grade 12.

(e) The department shall provide assistance to each school corporation to train at least one (1) teacher in the school corporation in drug education.

REGULATIONS

No relevant regulations found.

Behavioral interventions and student support services

LAWS

IC 5-2-10.1-2. Purpose and composition of fund; grant priorities and amounts.

(a) The Indiana safe schools fund is established to do the following:

(7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning: (A) alternatives to suspension and expulsion; and (B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.

IC 20-26-18-5. Establishment of criminal gang intervention program.

To foster the continuing coordination of gang prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal gang intervention services to students. If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the following members:

- (1) Parents.
- (2) School employees.
- (3) Local law enforcement officials.
- (4) The county prosecuting attorney.
- (5) The county public defender.
- (6) A juvenile court judge.

- (7) A school behavioral health or community mental health professional.
- (8) Representatives of organizations that have expertise in criminal gang education, prevention, or intervention.
- (9) Any other person or entity the governing body determines is appropriate.

IC 20-33-8-25. Additional disciplinary actions authorized.

(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.

REGULATIONS

No relevant regulations found.

Professional development

LAWS

IC 5-2-10.1-11. School safety specialist training and certification program.

(a) The school safety specialist training and certification program is established.

(b) The school safety specialist training program shall provide:

(1) annual training sessions, which may be conducted through distance learning or at regional centers; and

(2) information concerning best practices and available resources;

for school safety specialists and county school safety commissions.

(c) The department of education shall do the following:

(1) Assemble an advisory group of school safety specialists from around the state to make recommendations concerning the curriculum and standards for school safety specialist training.

(2) Develop an appropriate curriculum and the standards for the school safety specialist training and certification program. The department of education may consult with national school safety experts in developing the curriculum and standards. The curriculum developed under this subdivision must include training in:

(A) identifying, preventing, and intervening in bullying; and

(B) identifying, preventing, and intervening in criminal gang activity.

(3) Administer the school safety specialist training program and notify the institute of candidates for certification who have successfully completed the training program.

(d) The institute shall do the following:

(1) Establish a school safety specialist certificate.

(2) Review the qualifications of each candidate for certification named by the department of education.

(3) Present a certificate to each school safety specialist that the institute determines to be eligible for certification.

IC 5-2-10.1-2. Purpose and composition of fund; grant priorities and amounts.

(a) The Indiana safe schools fund is established to do the following:

(5) Provide educational outreach and training to school personnel concerning: (A) the identification of;

(B) the prevention of; and (C) intervention in; bullying.

(6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers concerning: (A) the identification of; (B) the prevention of; and (C) intervention in; criminal gang activities.

(7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning: (A) alternatives to suspension and expulsion; and (B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.

IC 20-26-5-34.2. Bullying prevention; training for employees and volunteers.

A school corporation shall provide training to the school corporation's employees and volunteers who have direct, ongoing contact with students concerning the school's bullying prevention and reporting policy adopted under IC 20-33-8-13.5.

IC 20-28-3-0.3. Definitions.

(1) "culturally responsive methods" refer to methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that classroom management strategies and research based alternatives to exclusionary discipline are appropriate and effective for the students; and

(2) "exclusionary discipline" includes in school suspension, out of school suspension, expulsion, school based arrests, school based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.

IC 20-28-3-3. Guidelines for teacher education

(a) The department shall develop guidelines for use by accredited teacher education institutions and departments in preparing individuals to:

(1) teach in various environments; and

(2) successfully apply positive classroom behavioral management strategies and research based alternatives to exclusionary discipline in a manner that serves the diverse learning needs of all students.

(b) The guidelines developed under subsection (a) must include courses and methods that assist individuals in developing cultural competency.

IC 20-28-3-3.5. Incorporation of methods to establish culturally responsive school climates.

The guidelines developed under section 3 of this chapter must incorporate methods that assist individuals in developing competency in employing approaches to create positive classroom and school climates that are culturally responsive, including:

(1) classroom management strategies;

(2) restorative justice;

(3) positive behavioral interventions and supports;

(4) social and emotional training as described in IC 12-21-5-2, IC 20-19-2-10, IC 20-19-3-12, and IC 20-26-5-34.2; and

(5) conflict resolution.

IC 20-28-3-4. Continuing education.

- (a) A governing body may adjourn the governing body's schools for not more than three (3) days in a school year to allow teachers, school administrators, and paraprofessionals to participate in:
- (1) a session concerning agricultural instruction conducted in the county;
 - (2) a meeting of a teachers' association;
 - (3) a visitation of model schools under a governing body's direction;
 - (4) a basic or inservice course of education and training on autism that is certified by the state board in conjunction with the state health commissioner and any other appropriate entity determined by the state board; or Indiana Code 2015
 - (5) a basic or inservice course of education and training on:
 - (A) beginning in the 2016-2017 school year, mental health first aid (IC 12-21-5-4); and
 - (B) the prevention of child suicide and the recognition of signs that a student may be considering suicide.
- (b) A governing body shall pay a teacher the teacher's per diem salary for the teacher's participation.

REGULATIONS

513 IAC 1-2-6. Training.

- (a) Staff shall be trained according to the school's adopted plan on the appropriate use of effective alternatives to physical seclusion and restraint, such as positive behavioral interventions and supports, and, only for cases involving imminent risk of injury, on the safe use of physical seclusion and restraint.
- (b) Each school shall identify appropriate school staff to be trained on the safe use of effective alternatives to physical seclusion and restraint. Recurrent training of staff should be done in accordance with the school's plan.
- (c) Each school shall choose a training protocol that includes the following:
- (1) Positive supports and behavioral interventions techniques.
 - (2) Conflict deescalation techniques.
 - (3) The safe use of seclusion and restraint.
 - (4) Steps to avoid the use of seclusion or restraint.
 - (5) Debriefing practices and procedures.
- (d) Training programs shall differentiate for levels of school personnel and training needs.
- (e) Each school must maintain documentation that includes the following information:
- (1) The name and position of each person who has completed training.
 - (2) Who provided the training.
 - (3) When the training was completed.
 - (4) What protocols and techniques were included in the training.
- (f) Training may be provided by any person who is trained in the current best practices of the protocols listed in subsection (c).

513 IAC 1-2-11. Seclusion and restraint plan.

No later than July 1, 2014, each Indiana school corporation, charter school, and accredited nonpublic school must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following:

(10) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict deescalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

Monitoring and Accountability

Formal incident reporting of conduct violations

LAWS

IC 20-33-9-5. Controlled substance violations: reports by school employees.

If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed: (1) a violation described in section 1 of this chapter; or (2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

IC 20-33-9-10. Duty to report threat.

In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee: (1) has received a threat; (2) is the victim of intimidation; (3) is the victim of battery; or (4) is the victim of harassment; shall report that information as required by this chapter.

IC 20-33-9-11. Procedure to make report.

- (a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment.
- (b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 of this chapter.

REGULATIONS

No relevant regulations found.

Parental notification

LAWS

IC 20-33-2-24. Principal; duties when truant child received.

(b) A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as reasonably possible after placing a child in class under this section, the principal or acting chief administrative officer shall attempt to advise the child's parent of the facts of the case by telephone. The principal or acting chief administrative officer shall advise the parent of the facts of the case by mail on the same day the principal or officer receives the child.

IC 20-33-8-26. Rules requiring participation in disciplinary action by person caring for dependent student.

(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.

REGULATIONS

513 IAC 1-2-7. Monitoring and reporting.

- (c) The building administrator or designee shall attempt to report every instance in which seclusion or restraint is used on a student to the student's parent or guardian:
- (1) no later than the end of the school day or as soon as practical;
 - (2) verbally; and
 - (3) in accordance with the seclusion and restraint plan adopted by a school.
- (d) Written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every instance in which seclusion or restraint is used on a student and shall be provided as soon as practical.

513 IAC 1-2-10. Debriefing session.

- (a) As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:
- (3) In accordance with the school's plan, provide a copy of an incident report and offer the parent or parents or guardian or guardians the opportunity to request a meeting regarding the incident of restraint or seclusion.
- (b) When applicable, the procedures described in 511 IAC 7-44-5 should be followed.

513 IAC 1-2-11. Seclusion and restraint plan.

No later than July 1, 2014, each Indiana school corporation, charter school, and accredited nonpublic school must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following:

- (8) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in subdivision (2).
- (9) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in subdivision (2).

Reporting and referrals between schools and law enforcement

LAWS

IC 20-33-2-25. Habitual absence from school; report to juvenile intake officer or department of child services.

The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.

(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 Indiana Code 2015 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.

IC 20-33-8.5-1. Applicability.

This chapter does not apply to a nonpublic school.

IC 20-33-8.5-2. Agreement between superintendent and court having juvenile jurisdiction.

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

IC 20-33-8.5-3. Agreement; court's responsibilities.

The agreement may require that a court do one (1) or more of the following:

- (1) Establish a flexible program for the supervision of a student who has been suspended or expelled.
- (2) Supervise a student who has been suspended or expelled.
- (3) Require a student who has been suspended or expelled to participate in a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

IC 20-33-8.5-4. Agreement; school corporation's responsibilities.

(a) The agreement may require that a school corporation do one (1) or more of the following:

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

(b) If a school corporation enters into an agreement, the discipline rules adopted by the school corporation under IC 20-33-8-12 must specify the violations for which a student may be referred to the court under the agreement.

IC 20-33-8.5-5. Agreement; payment of expenses.

The agreement must provide how the expenses of supervising a student who has been suspended or expelled are funded. A school corporation may not be required to expend more than the transition to foundation amount (as determined under IC 20-43-5-6) for each student referred under the agreement.

IC 20-33-8.5-6. Informal hearing before court.

A student shall be given an informal hearing before the court, in a setting agreed upon by the court and the school system, as soon as practicable following the student's referral to the court, after notice of the hearing has been provided to the student's parent.

IC 20-33-8.5-7. Hearing not a determination of whether student is child in need of services.

A hearing under this chapter is not a hearing to determine whether a student who has been suspended or expelled is a child in need of services. However, if a court determines that a student who has been suspended or expelled may: (1) be a child in need of services (as described in IC 31-34-1); or (2) have committed a delinquent act (as described in IC 31-37); the court may notify the office of family and children or the prosecuting attorney.

IC 20-33-8.5-8. Presence of parent or guardian at hearing.

A parent or guardian has the right to be present and may be required to be present during the student's appearance.

IC 20-33-8.5-9. Appearance of student not to be used in subsequent court proceedings.

A student's appearance in court under this chapter shall not be used against the child or the child's parents or guardians in any subsequent court proceeding, including but not limited to any delinquency or child in need of services matter under IC 31.

IC 20-33-8.5-10. Expungement of court record.

All records of the student's court appearance shall be expunged upon the student's completion of the out-of-school suspension or expulsion program.

IC 20-33-8.5-11. Student with disability; procedural requirements.

Notwithstanding the terms of the agreement, a suspension, an expulsion, or a referral of 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 Indiana state board of education.

IC 20-33-8.5-12. Child not deprived of due process rights.

This chapter does not deprive a child of any due process rights to which the child may be entitled.

IC 20-33-9-6. Controlled substance violations; reports by members of administrative staffs.

A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report: (1) a general description of the violation; (2) the name or a general description of each violator known to the member; (3) the date, time, and place of the violation; (4) the name or a general description of each person who the member knows witnessed any

part of the violation; and (5) a general description and the location of any property that the member knows was involved in the violation; in writing to a law enforcement officer.

IC 20-33-9-13. Oral report to local law enforcement agency.

An individual who has a duty under sections 10 through 12 of this chapter to report that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment shall immediately make an oral report to the local law enforcement agency.

IC 35-47-9-2. Possession of firearms on school property or a school bus; defense to prosecution; possession of firearms in a motor vehicle parked in a school parking lot.

(a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:

- (1) in or on school property; or
- (2) on a school bus; commits a Level 6 felony.

(b) It is a defense to a prosecution under subsection (a) that:

- (1) the person is permitted to legally possess the firearm; and
- (2) the firearm is:
 - (A) locked in the trunk of the person's motor vehicle;
 - (B) kept in the glove compartment of the person's locked motor vehicle; or
 - (C) stored out of plain sight in the person's locked motor vehicle.

(c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

REGULATIONS

No relevant regulations found.

Disclosure of school records

LAWS

IC 20-33-9-7. Privileged or confidential information.

A report is not required under sections 5 through 6 of this chapter if: (1) a federal statute or regulation; (2) IC 20-28-10-17, IC 25-33-1-17, IC 34-46-3-1, or another state statute; or (3) a rule adopted by a state agency; imposes a duty on the employee of the school corporation or member of the administrative staff not to disclose privileged or confidential information that otherwise would have been the basis of a report.

REGULATIONS

No relevant regulations found.

Data collection, review, and reporting of disciplinary policies and actions

LAWS

IC 20-19-3-4. Duties of department: suspension and expulsion statistics.

(a) The department shall:

- (1) perform the duties required by statute;
- (2) implement the policies and procedures established by the state board;
- (3) conduct analytical research to assist the state board in determining the state's educational policy;
- (4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and
- (5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

- (1) Alcohol.
- (2) Drugs.
- (3) Deadly weapons (other than firearms).
- (4) Handguns.
- (5) Rifles or shotguns.
- (6) Other firearms.
- (7) Tobacco.
- (8) Attendance. Indiana Code 2015
- (9) Destruction of property.
- (10) Legal settlement (under IC 20-33-8-17).
- (11) Fighting (incident does not rise to the level of battery).
- (12) Battery (IC 35-42-2-1).
- (13) Intimidation (IC 35-45-2-1).
- (14) Verbal aggression or profanity.
- (15) Defiance.
- (16) Other.

(d) The department shall develop guidelines necessary to implement this section.

IC 20-20-8-8. Report information. (Version a)

IC 20-20-8-8. Report information. (Version a)

[Note: This version of section amended by P.L.213-2015, SEC.159. See also following version of this section amended by P.L.220-2015, SEC.2.]

- (3) Attendance rate.
- (11) School safety, including:

- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.
- (17) The number of students expelled, including the number participating in other recognized education programs during their expulsion.
- (18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.
- (19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.
- (20) The number of students who have dropped out of school, including the reasons for dropping out.
- (24) The number of students suspended for any reason.

IC 20-20-8-8. Report information. (Version b)

[Note: This version of section amended by P.L.220-2015, SEC.2. See also preceding version of this section amended by P.L.213-2015, SEC.159.]

- (a) The report must include the following information:
- (3) Attendance rate.
 - (12) School safety, including:
 - (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
 - (B) the number of incidents reported under IC 20-33-9; and
 - (C) the number of bullying incidents reported under IC 20-34-6 by category.
 - (17) The number of students expelled, including the number participating in other recognized education programs during their expulsion, including the percentage of students expelled by race, grade, gender, free or reduced lunch status, and eligibility for special education.
 - (18) Chronic absenteeism, which includes the number of students who have been absent from school for ten percent (10%) or more of a school year for any reason.
 - (19) Habitual truancy, which includes the number of students who have been absent ten (10) days or more from school within a school year without being excused or without being absent under a parental request that has been filed with the school.
 - (20) The number of students who have dropped out of school, including the reasons for dropping out, including the percentage of students who have dropped out by race, grade, gender, free or reduced lunch status, and eligibility for special education.
 - (21) The number of out of school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced lunch status, and eligibility for special education.
 - (22) The number of in school suspensions assigned, including the percentage of students suspended by race, grade, gender, free or reduced lunch status, and eligibility for special education.
- (b) This subsection applies to schools, including charter schools, located in a county having a consolidated city, including schools located in excluded cities (as defined in IC 36-3-1-7). The information reported under subsection (a) must be disaggregated by race, grade, gender, free or reduced lunch status, and eligibility for special education.

IC 20-26-5-32. Development of plan to improve student behavior and discipline.

The governing body of each school corporation shall work with parents to:

- (1) develop; and
- (2) review periodically; an evidence based plan for improving student behavior and discipline in the school corporation after receiving a model plan developed by the department.

IC 20-26-18-6. Reporting requirements.

(a) Not later than June 1, 2017, and before June 2 of each year thereafter, each school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's compliance with this chapter. The report must include school based data to monitor for disproportionality, with each school reporting the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender.

(b) Not later than November 1, 2017, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal gang activity in schools to the governor and the general assembly. A report submitted to the general assembly under this subsection must be in an electronic format under IC 5-14-6. The report must include the following:

- (1) A summary of the activities reported to the department under subsection (a).
- (2) Any recommendations or conclusions made by the department to assist in the prevention of, education about, and intervention in criminal gang activity in schools.

IC 20-33-8-13.5. Discipline rules prohibiting bullying required.

(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 procedures 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.

IC 20-34-2-5. Duties

Each committee shall do the following:

- (1) Develop a drug-free school plan that:
 - (A) requires each school to collect and report drug related activities in the school, including suspensions, expulsions, exclusions, police actions, or any other type of drug related behavior; [...]

IC 20-34-6-1. School corporation reports; department reports.

IC 20-34-6-1. School corporation reports; department reports.

- (a) By July 1 of each year, each school corporation shall submit a report to the department detailing the following information for the current school year for each school in the school corporation and for the entire school corporation:
- (1) The number of arrests of students on school corporation property, including arrests made by law enforcement officers, security guards, school safety specialists, and other school corporation employees, and any citizen arrests.
 - (2) The offenses for which students were arrested on school corporation property.
 - (3) The number of contacts with law enforcement personnel from a school corporation employee that have resulted in arrests of students not on school corporation property.
 - (4) Statistics concerning the age, race, and gender of students arrested on school corporation property and categorizing the statistics by offenses.
 - (5) Whether the school corporation has established and employs a school corporation police department under IC 20-26-16, and if so, report:
 - (A) the number of officers in the school corporation police department; and
 - (B) the training the officers must complete.
 - (6) If the school corporation employs private security guards to enforce rules or laws on school property, a detailed explanation of the use of private security guards by the school corporation.

- (7) If the school corporation has an agreement with a local law enforcement agency regarding procedures to arrest students on school property, a detailed explanation of the use of the local law enforcement agency by the school corporation.
- (8) The number of reported bullying incidents involving a student of the school corporation by category. However, nothing in this subdivision may be construed to require all bullying incidents to be reported to a law enforcement agency.
- (b) By August 1 of each year, the department shall submit a report to:
- (1) the legislative council;
 - (2) the education roundtable established by IC 20-19-4-2;
 - (3) the board for the coordination of programs serving vulnerable individuals established by IC 4-23-30.2-8; and
 - (4) the criminal justice institute; providing a summary of the reports submitted to the department under subsection (a). The report to the legislative council must be in an electronic format under IC 5-14-6.
- (c) By August 1 of each year, the department must post the reports described in subsections (a) and (b) on the department's Internet web site.

REGULATIONS

513 IAC 1-2-7. Monitoring and reporting.

- (a) Every instance in which seclusion or restraint is used shall be carefully and continuously visually monitored to ensure the safety of the following:
- (1) The student.
 - (2) Other students.
 - (3) Teachers.
 - (4) Staff.
- (b) Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion, or both, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint.
- (c) The building administrator or designee shall attempt to report every instance in which seclusion or restraint is used on a student to the student's parent or guardian:
- (1) no later than the end of the school day or as soon as practical;
 - (2) verbally; and
 - (3) in accordance with the seclusion and restraint plan adopted by a school.
- (d) Written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every instance in which seclusion or restraint is used on a student and shall be provided as soon as practical.
- (e) Public school corporations shall report the number of instances in which either seclusion or restraint is used in its annual performance report required by IC 20-20-8-3.
- (f) Each charter school shall report the number of instances in which either seclusion or restraint is used in its school to its sponsor. A charter school's sponsor shall report the number of instances in which a charter school has reported the use of either seclusion or restraint in its annual report, described in IC 20-24-9-1.
- (g) Each accredited nonpublic school shall report, in writing, the number of instances in which either seclusion or restraint is used in its school to its governing authority.

(h) Each school must conduct an annual review of its plan for the purposes of improvement and revision.

513 IAC 1-2-8. Distribution of school seclusion and restraint policy or plan to parents and the public.

(a) Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians, or to the student if the student is at least eighteen (18) years of age and the provisions of 511 IAC 7-43-5(b) do not apply.

(b) Including the location of the plan in the student handbook satisfies subsection (a).

513 IAC 1-2-10. Debriefing session.

(a) As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:

(1) Meet with at least one (1) school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion.

(2) Direct a proper staff person, including the administrator himself or herself, to debrief the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior or behaviors, if any, that precipitated the use of restraint or seclusion.

(3) In accordance with the school's plan, provide a copy of an incident report and offer the parent or parents or guardian or guardians the opportunity to request a meeting regarding the incident of restraint or seclusion.

(b) When applicable, the procedures described in 511 IAC 7-44-5 should be followed.

School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers

Authority and power to implement school arrest

LAWS

IC 20-26-16-6. School corporation police officers; oath; powers and duties; Jurisdiction.

(b) School corporation police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body; however, any powers may be expressly forbidden them by the governing body employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation in the enforcement of the rules and regulations of the school corporation, and assist and cooperate with other law enforcement agencies and officers.

IC 20-26-18.2-3. School resource officer's police powers.

(a) A school resource officer may:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property using the reasonable suspicion standard;
- (3) carry a firearm on or off school property; and
- (4) exercise other police powers with respect to the enforcement of Indiana laws.

(b) A school resource officer has jurisdiction in every county where the school corporation or charter school engaging the officer operates a school or where the school corporation or charter school's students reside. This subsection does not restrict the jurisdiction that a school resource officer may possess due to the officer's employment by a law enforcement agency.

IC 20-33-2-23. Powers of certain officers to take children into custody.

(a) Each school attendance officer, sheriff, marshal, and police officer in Indiana may take into custody any child who:

- (1) is required to attend school under this chapter; and
- (2) is found during school hours, unless accompanied:
 - (A) by a parent; or
 - (B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age; in a public place, in a public or private conveyance, or in a place of business open to the public.

(b) When an officer takes a child into custody under this section, the officer shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

REGULATIONS

No relevant regulations found.

Certification or training

LAWS

IC 20-26-16-4. Minimum training requirements.

An individual appointed as a school corporation police officer must successfully complete at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

IC 20-26-16-5. Training for certain officers.

(a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least: (1) the pre-basic training course established under IC 5-2-1-9(f); and (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation police officer may not: (1) make an arrest; (2) conduct a search or a seizure of a person or property; or (3) carry a firearm; unless the school corporation police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

IC 20-26-18.2-1. "School resource officer."

(b) Before being appointed as a school resource officer, an individual must have:

- (1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and
- (2) received at least forty (40) hours of school resource officer training through:
 - (A) the Indiana law enforcement training board established by IC 5-2-1-3;
 - (B) the National Association of School Resource Officers; or
 - (C) another school resource officer training program approved by the Indiana law enforcement training board.

(c) Training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

- (1) school campuses; and
- (2) school building security needs and characteristics.

IC 20-33-2-41. Attendance officers; licensing required; exception.

With the exception of ex officio attendance officers, an individual may not hold the position of attendance officer unless the individual has complied with all standards of the department and has been properly licensed by the department.

REGULATIONS

No relevant regulations found.

MOUs, authorization, and/or funding

LAWS

IC 20-26-16-1. Application.

This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12).

IC 20-26-16-2. Authority to establish police department.

The governing body of a school corporation may establish a school corporation police department under this chapter.

IC 20-26-16-3. Authority to appoint officers; uniforms; vehicles.

The governing body of a school corporation may do the following for the school corporation police department:

- (1) Appoint school corporation police officers.
- (2) Prescribe the duties and direct the conduct of school corporation police officers.
- (3) Prescribe distinctive uniforms.
- (4) Provide emergency vehicles.

IC 20-26-16-4. Minimum training requirements.

An individual appointed as a school corporation police officer must successfully complete at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

IC 20-26-16-5. Training for certain officers.

(a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least: (1) the pre-basic training course established under IC 5-2-1-9(f); and (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation police officer may not: (1) make an arrest; (2) conduct a search or a seizure of a person or property; or (3) carry a firearm; unless the school corporation police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

IC 20-26-16-6. School corporation police officers; oath; powers and duties; Jurisdiction.

(a) A school corporation police officer appointed under this chapter:

- (1) is a law enforcement officer (as defined in IC 5-2-1-2(1));
- (2) must take an appropriate oath of office in a form and manner prescribed by the governing body;
- (3) serves at the governing body's pleasure; and
- (4) performs the duties that the governing body assigns.

(b) School corporation police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body; however, any powers may be expressly forbidden them by the governing body employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation in the enforcement of the rules and regulations of the school corporation, and assist and cooperate with other law enforcement agencies and officers.

(c) Such police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the school corporation, including the streets passing through and adjacent to the property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

IC 20-26-16-7. Existing school corporation police departments.

A school corporation police department established before July 1, 2007, shall be considered, after June 30, 2007, a school corporation police department established under this chapter.

IC 20-26-18.2-1. "School resource officer".

(a) As used in this chapter, "school resource officer" means an individual who:

- (1) has completed the training described in subsection (b);
- (2) is assigned to one (1) or more school corporations or charter schools to:
 - (A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 of this chapter; and
 - (B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:
 - (i) protect against outside threats to the physical safety of students;
 - (ii) prevent unauthorized access to school property; and
 - (iii) secure schools against violence and natural disasters; and

(3) is:

- (A) employed by a law enforcement agency;
- (B) appointed as a police reserve officer (as described in IC 36-8-3-20) or as a special deputy (as described in IC 36-8-10-10.6) if the police reserve officer or special deputy:
 - (i) is subject to the direction of the sheriff or appointing law enforcement agency;
 - (ii) is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;
 - (iii) is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and
 - (iv) may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or
- (C) a school corporation police officer appointed under IC 20-26-16-3.

(b) Before being appointed as a school resource officer, an individual must have:

- (1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and

- (2) received at least forty (40) hours of school resource officer training through:
 - (A) the Indiana law enforcement training board established by IC 5-2-1-3;
 - (B) the National Association of School Resource Officers; or
 - (C) another school resource officer training program approved by the Indiana law enforcement training board.

(c) Training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

- (1) school campuses; and
- (2) school building security needs and characteristics.

IC 20-26-18.2-2. Employment of school resource officer; duties.

(a) A school resource officer may be employed:

- (1) by one (1) or more school corporations or charter schools through a contract between a local law enforcement agency and the school corporation or school corporations or the charter school or charter schools;
- (2) by one (1) or more school corporations or charter schools;
- (3) by a local law enforcement agency that assigns the school resource officer to one (1) or more school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the school corporation or school corporations or the charter school or charter schools; or
- (4) through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and the school corporation or school corporations or the charter school or charter schools.

(b) A contract or memorandum of understanding entered into under subsection (a) must state the nature and scope of a school resource officer's duties and responsibilities. A school resource officer's duties and responsibilities include the duty to assist the school corporation's school safety specialist with the development and implementation of a school safety plan that does the following:

- (1) Protects against outside threats to the physical safety of students.
- (2) Prevents unauthorized access to school property.
- (3) Secures schools against violence and natural disasters.

(c) A school resource officer shall consult with local law enforcement officials and first responders when assisting the school corporation's school safety specialist in the development of the school safety plan.

IC 20-26-18.2-3. School resource officer's police powers.

(a) A school resource officer may:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property using the reasonable suspicion standard;
- (3) carry a firearm on or off school property; and
- (4) exercise other police powers with respect to the enforcement of Indiana laws.

(b) A school resource officer has jurisdiction in every county where the school corporation or charter school engaging the officer operates a school or where the school corporation or charter school's students reside. This subsection does not restrict the jurisdiction that a school resource officer may possess due to the officer's employment by a law enforcement agency.

IC 20-33-2-25. Habitual absence from school; report to juvenile intake officer or department of child services.

The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

IC 20-33-2-26. Enforcement of chapter.

(a) It is the duty of each: (1) superintendent; (2) attendance officer; (3) state attendance official; (4) security police officer appointed under IC 36-8-3-7; and (5) school corporation police officer appointed under IC 20-26-16; to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.

(b) An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in a court with jurisdiction in the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

IC 20-33-2-31. Attendance officers; appointment.

(a) The governing body of each school corporation may appoint or the governing bodies of two (2) or more school corporations jointly may appoint:

(1) one (1) attendance officer; and

(2) one (1) additional attendance officer for every seven thousand five hundred (7,500) students in ADA in the school corporation or school corporations. The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to pay the salary and expenses of attendance officers appointed in accordance with this section.

(b) If the governing body of a school corporation declines to make an appointment, the superintendent of the school corporation shall serve as ex officio attendance officer under section 35 of this chapter.

IC 20-33-2-35. Ex officio attendance officers.

If the governing body of a school corporation elects not to appoint an attendance officer under section 31 of this chapter, the superintendent shall serve as an ex officio attendance officer. A superintendent acting in this capacity may designate one (1) or more school employees as assistant attendance officers. These assistant attendance officers shall act under the superintendent's direction and perform the duties the superintendent assigns. Ex officio attendance officers and assistant attendance officers appointed under this section shall receive no additional compensation for performing attendance services.

IC 20-33-2-38. Attendance officers; appointment of additional officers.

Any school corporation or school corporations may appoint more attendance officers than are specifically authorized under section 31 of this chapter. However, these additional attendance officers shall be appointed in the same manner as required by law for other attendance officers. Compensation for additional attendance officers appointed under this section shall be paid entirely by the school corporation or school corporations involved.

IC 20-33-2-39. Attendance officers; duties.

(a) An attendance officer has the following duties:

- (1) To serve subject to the rules, direction, and control of the superintendent in the attendance officer's attendance district.
- (2) To maintain an office at a place designated by the superintendent.
- (3) To be on duty during school hours and at other times as the superintendent may request.
- (4) To keep records and make reports as required by the state board.
- (5) To visit the homes of children who are absent from school or who are reported to be in need of books, clothing, or parental care.
- (6) Whenever the superintendent directs or approves it, to bring suit to enforce any provision of this chapter that is being violated.
- (7) To serve written notice on any parent whose child is out of school illegally.
- (8) To visit factories where children are employed.
- (9) To perform other duties necessary for complete enforcement of this chapter.

IC 20-33-2-40. Attendance officers; special powers.

- (a) Each attendance officer may serve original and other process in cases arising under this chapter.
- (b) An attendance officer may enter any place where a child is employed to determine whether violations of this chapter have occurred. When an attendance officer or a school official is exercising the power granted under this subsection, any officer, manager, director, employee or other person who refuses to permit the attendance officer's or the school official's entry into a place of business or interferes with the officer's or official's investigation in any way commits a violation of this chapter.

IC 20-33-2-41. Attendance officers; licensing required; exception.

With the exception of ex officio attendance officers, an individual may not hold the position of attendance officer unless the individual has complied with all standards of the department and has been properly licensed by the department.

IC 20-33-2-42. Attendance; duties of state superintendent of public instruction.

- (a) The state superintendent shall:
 - (1) prescribe duties for the state attendance officer not provided by law;
 - (2) design and require use of a system of attendance reports, records, and forms necessary for the enforcement of this chapter; and
 - (3) perform all other duties necessary for the complete enforcement of this chapter.

IC 20-33-2-43. State attendance officers; appointment; removal; duties; powers.

- (a) The state superintendent shall appoint a state attendance officer. The state attendance officer serves at the pleasure of the state superintendent and may be removed by the state superintendent at any time.
- (b) The state attendance officer shall:
 - (1) exercise general supervision over the attendance officers of Indiana;
 - (2) visit the various attendance districts throughout Indiana;
 - (3) inspect the work of the attendance officers; and
 - (4) investigate the manner in which this chapter is being enforced.
- (c) The state attendance officer may initiate court action whenever necessary for the enforcement of this chapter.

REGULATIONS

No relevant regulations found.

State Education Agency Support

State model policies and implementation support

LAWS

IC 5-2-10.1-12. Safe school committees; school plans; copies of floor plans to law enforcement agency and fire department.

(a) Each school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.

(b) The department of education, the school corporation's school safety specialist, and, upon request, a school resource officer (as described in IC 20-26-18.2-1) shall provide materials and guidelines Indiana Code 2015 to assist a safe school committee in developing a plan and policy for the school that addresses the following issues:

- (1) Unsafe conditions, crime prevention, school violence, bullying, criminal gang activity, and other issues that prevent the maintenance of a safe school.
- (2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).
- (3) Methods to encourage:
 - (A) involvement by the community and students;
 - (B) development of relationships between students and school faculty and staff; and
 - (C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

(d) The guidelines developed under subsection (b) must include age appropriate, research based information that assists school corporations and safe school committees in:

- (1) developing and implementing bullying prevention programs;
- (2) establishing investigation and reporting procedures related to bullying; and
- (3) adopting discipline rules that comply with IC 20-33-8-13.5.

(e) In addition to developing guidelines under subsection (b), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1.

IC 20-19-3-10. Dating violence educational materials.

(a) The department, in collaboration with organizations that have expertise in dating violence, domestic violence, and sexual abuse, shall identify or develop:

- (1) model dating violence educational materials; and
- (2) a model for dating violence response policies and reporting. Not later than July 1, 2011, the department shall make the models developed or identified under this section available to assist schools

with the implementation of dating violence education programs in grades 6 through 12 and dating violence response policies.

(b) The model dating violence policy identified or developed under subsection (a) may include the following topics:

- (1) Warning signs of dating violence.
- (2) The basic principles of dating violence prevention.
- (3) Methods of parental education and outreach.

IC 20-19-3-12. Identification, development, and availability of model educational materials on criminal gang activity.

(a) The department, in collaboration with the Indiana criminal justice institute, the department of child services, the center for evaluation and education policy at Indiana University, the state police department, and any organization that has expertise in providing criminal gang education, prevention, or intervention that the department determines to be appropriate, shall:

- (1) identify or develop evidence based model educational materials on criminal gang activity; and
- (2) develop and maintain a model policy to address criminal gangs and criminal gang activity in schools.

(b) Not later than July 1, 2015, the department shall make the model policy developed under subsection (a)(2) available to assist schools in the development and implementation of a criminal gang policy.

(c) The model educational materials on criminal gang activity identified or developed under subsection (a)(1) must include information:

- (1) to educate students and parents on the extent to which criminal gang activity exists;
- (2) regarding the negative societal impact that criminal gangs have on the community;
- (3) on methods to discourage participation in criminal gangs; and
- (4) on methods of providing intervention to a child suspected of participating in criminal gang activity.

(d) The model criminal gang policy developed under subsection (a)(2) must include:

- (1) a statement prohibiting criminal gang activity in schools;
- (2) a statement prohibiting reprisal or retaliation against an individual who reports suspected criminal gang activity;
- (3) definitions of "criminal gang" as set forth in IC 35-45-9-1 and "criminal gang activity";
- (4) model procedures for:
 - (A) reporting suspected criminal gang activity; and
 - (B) the prompt investigation of suspected criminal gang activity;
- (5) information about the types of support services, including family support services, available for a student suspected of Indiana Code 2015 participating in criminal gang activity; and
- (6) recommendations concerning criminal gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

IC 20-19-3-12.2. Reduction in absenteeism; policy priority; resources and guidance.

(a) The department shall make reduction of absenteeism in schools a policy priority and provide assistance and guidance to school corporations and schools in:

- (1) identifying contributing factors of absenteeism; and
- (2) developing chronic absence reduction plans that school corporations may elect to include as a component of the school improvement plans required under IC 20-31-5.

(b) The department shall provide resources and guidance to school corporations concerning evidence based practices and effective strategies that reduce absenteeism in schools. However, the department may not mandate a particular policy within a chronic absence reduction plan adopted by a school corporation or school

IC 20-26-5-32. Development of plan to improve student behavior and discipline.

The governing body of each school corporation shall work with parents to:

- (1) develop; and
- (2) review periodically; an evidence based plan for improving student behavior and discipline in the school corporation after receiving a model plan developed by the department.

REGULATIONS

No relevant regulations found.

Funding appropriations

LAWS

IC 5-2-10-2. Purpose; composition of fund.

The state drug free communities fund is established to promote comprehensive alcohol and drug abuse prevention initiatives by supplementing state and federal funding for the coordination and provision of treatment, education, prevention, and criminal justice efforts. The fund consists of amounts deposited:

- (1) under IC 33-37-9-4; and
- (2) from any other public or private source.

IC 5-2-10.1-2. Purpose and composition of fund; grant priorities and amounts.

(a) The Indiana safe schools fund is established to do the following:

- (1) Promote school safety through the: (A) use of dogs trained to detect drugs and illegal substances; and (B) purchase of other equipment and materials used to enhance the safety of schools.
- (2) Combat truancy.
- (3) Provide matching grants to schools for school safe haven programs.
- (4) Provide grants for school safety and safety plans.
- (5) Provide educational outreach and training to school personnel concerning: (A) the identification of; (B) the prevention of; and (C) intervention in; bullying.
- (6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers concerning: (A) the identification of; (B) the prevention of; and (C) intervention in; criminal gang activities.
- (7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning: (A) alternatives to suspension and expulsion; and (B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.

(b) The fund consists of amounts deposited:

- (1) under IC 33-37-9-4; and
- (2) from any other public or private source.

(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:

(1) A grant for a safety plan.

(2) A safe haven grant requested under section 10 of this chapter.

(3) A safe haven grant requested under section 7 of this chapter.

(d) Upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

Professional immunity or liability

LAWS

IC 20-20-40-15. Immunity.

(a) Nothing in this chapter may be construed to prevent a school employee from stopping a physical altercation, acting to prevent physical harm to a student or another individual, or acting to address an emergency until the emergency is over, whether or not the school employee has received training under this chapter.

(b) This chapter may not be construed to give rise to a cause of action, either civil or criminal, against the state, the department, a school corporation, an accredited nonpublic school, the commission, or a member of the commission.

(c) In all matters relating to the plan adopted under section 14 of this chapter, school corporation or accredited nonpublic school personnel have qualified immunity with respect to an action taken to promote student conduct under a plan adopted under section 14 of this chapter if the action is taken in good faith and is reasonable.

IC 20-33-8-8. Duty and powers of school corporation to supervise and discipline students.

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

(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.

IC 20-33-9-8. Immunity from civil liability; presumption of good faith.

(a) A person, other than a person who has committed a violation under section 1 of this chapter or a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult, who: (1) makes a report under this chapter in good faith; (2) participates in good faith in a judicial proceeding resulting from a report under this chapter; (3) employs a person described in subdivision (1) or (2); or (4) supervises a person described in subdivision (1) or (2); is not liable for civil damages or penalties that might otherwise be imposed because of the conduct described in subdivisions (1) through (4).

(b) A person described in subsection (a)(1) or (a)(2) is presumed to act in good faith.

IC 20-33-9-14. Immunity from liability.

Except as provided in section 15 of this chapter, an individual, other than a person accused of making a threat against a school employee, intimidating a school employee, committing a battery against a school employee, or harassing a school employee, who:

(1) makes, or causes to be made, a report under this chapter; or

(2) participates in any judicial proceeding or other proceeding:

(A) resulting from a report under this chapter; or

(B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

IC 20-33-9-15. Liability.

An individual who has acted maliciously or in bad faith is not immune from civil or criminal liability under this chapter.

IC 20-33-9-16. Good faith.

An individual making a report under sections 10 through 14 of this chapter or assisting in any requirement of sections 10 through 14 of this chapter is presumed to have acted in good faith.

REGULATIONS

No relevant regulations found.

Community input or involvement

LAWS

IC 20-20-40-11. Establishment of the commission on seclusion and restraint.

- (a) The commission on seclusion and restraint in schools is established.
- (b) The commission has the following nine (9) members:
 - (1) The designee of the state superintendent, who serves at the pleasure of the state superintendent.
 - (2) A representative of the Autism Society of Indiana, chosen by the organization, who serves a two (2) year term.
 - (3) A representative of the Arc of Indiana, chosen by the organization, who serves a two (2) year term.
 - (4) A representative of the Indiana Council of Administrators of Special Education, chosen by the organization, who serves a two (2) year term.
 - (5) A representative of Mental Health America of Indiana, chosen by the organization, who serves a two (2) year term.
 - (6) A parent of a student with a disability, nominated by a member described in subdivisions (1) through (5) and approved by a majority of the members described in subdivisions (1) through (5), who serves a two (2) year term.
 - (7) A parent of a student who does not have a disability, nominated by a member described in subdivisions (1) through (5) and approved by a majority of the members described in subdivisions (1) through (5), who serves a two (2) year term.
 - (8) One (1) accredited nonpublic school administrator nominated by the Indiana Non-public Education Association, who serves a two (2) year term.
 - (9) One (1) public school superintendent nominated by the Indiana Association of Public School Superintendents, who serves a two (2) year term.
- (c) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member who is not a state employee is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

IC 20-20-40-12. Chairperson; meetings; votes and actions of the commission.

- (a) The designee of the state superintendent under section 11(b)(1) of this chapter serves as chairperson of the commission.

- (b) The commission shall meet at least annually on the call of the chairperson, and may meet as often as is necessary. The chairperson shall provide not less than fourteen (14) days notice of a meeting to the members of the commission and to the public.
- (c) The affirmative votes of at least five (5) members of the commission are necessary for the commission to take action. The votes of the commission must be recorded.
- (d) All commission meetings shall be open to the public, and each meeting must include opportunities for public comment.
- (e) The department shall provide staff support for the commission.

IC 20-20-40-13. Duties; rules; notice requirement; training; elements of the restraint and seclusion plan.

- (a) The commission has the following duties:
 - (1) To adopt rules concerning the following:
 - (A) The use of restraint and seclusion in a school corporation or an accredited nonpublic school, with an emphasis on eliminating or minimizing the use of restraint and seclusion.
 - (B) The prevention of the use of types of restraint or seclusion that may harm a student, a school employee, a school volunteer, or the educational environment of the school.
 - (C) Requirements for notifying parents.
 - (D) Training regarding the use of restraint and seclusion, including the frequency of training and what employees must be trained.
 - (E) The distribution of the seclusion and restraint policy to parents and the public.
 - (F) Requirements for the reporting of incidents of restraint and seclusion in the annual school performance report.
 - (2) Before August 1, 2013, to develop a model restraint and seclusion plan for schools that includes the following elements:
 - (A) A statement on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught.
 - (B) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict deescalation to eliminate or minimize the need for use of any of the following:
 - (i) Seclusion.
 - (ii) Chemical restraint.
 - (iii) Mechanical restraint.
 - (iv) Physical restraint.
 - (C) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or individualized education program, if applicable.
 - (D) Definitions for restraint and seclusion, as defined in this chapter.
 - (E) A statement ensuring that if a procedure listed in clause (B) is used, the procedure will be used:
 - (i) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and
 - (ii) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.
 - (F) An indication that restraint or seclusion may be used only for a short time period, or until the imminent risk of injury has passed.

(G) A documentation and recording requirement governing instances in which procedures listed in clause (B) are used, including:

- (i) how every incident will be documented and debriefed;
- (ii) how responsibilities will be assigned to designated employees for evaluation and oversight; and
- (iii) designation of a school employee to be the keeper of such documents.

(H) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in clause (B).

(I) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in clause (B).

(J) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict deescalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

(b) The model policy developed by the commission must take into consideration that implementation and reporting requirements for accredited nonpublic schools may vary, and the model plan must provide accredited nonpublic schools flexibility with regards to accountability under and implementation of the plan adopted by an accredited nonpublic school under section 14 of this chapter.

IC 20-26-18-2. Establishment of written policy.

(a) Not later than June 1, 2016, the governing body of each school corporation shall establish a written policy to address criminal gangs and criminal gang activity in schools. The governing body of a school corporation shall develop the policy in consultation with:

- (1) parents;
- (2) school employees;
- (3) local law enforcement officials;
- (4) the county prosecuting attorney;
- (5) the county public defender;
- (6) organizations that have expertise in criminal gang education, prevention, or intervention;
- (7) a juvenile court judge;
- (8) a school behavioral health or community mental health professional; and
- (9) any other person or entity the governing body of the school corporation determines to be appropriate.

(b) The policy must meet all the requirements for the department's model criminal gang policy set forth in IC 20-19-3-12(d).

(c) Not later than September 1, 2016, each school corporation shall submit a copy of its criminal gang policy to the department.

IC 20-26-18-5. Establishment of criminal gang intervention program.

To foster the continuing coordination of gang prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal gang intervention services to students. If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the following members:

- (1) Parents.
- (2) School employees.
- (3) Local law enforcement officials.
- (4) The county prosecuting attorney.
- (5) The county public defender.
- (6) A juvenile court judge.
- (7) A school behavioral health or community mental health professional.
- (8) Representatives of organizations that have expertise in criminal gang education, prevention, or intervention.
- (9) Any other person or entity the governing body determines is appropriate.

IC 20-33-8-25. Additional disciplinary actions authorized.

(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:

(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.

IC 20-34-2-1. "Committee".

As used in this chapter, "committee" refers to a drug-free schools committee.

IC 20-34-2-2. Establishing committee.

To facilitate the establishment of drug-free schools in Indiana, the governing body of each school corporation shall establish a drug-free schools committee for each school in the school corporation.

IC 20-34-2-3. Membership.

Each committee must consist of not more than fifteen (15) members who represent the following from the school corporation:

- (1) School personnel.
- (2) Parents of students.
- (3) Representatives of the community.

IC 20-34-2-4. Appointments

Appointments to the committee must be made in compliance with contractual provisions, discussion procedures, or past practice.

IC 20-34-2-5. Duties

Each committee shall do the following:

- (1) Develop a drug-free school plan that:
 - (A) requires each school to collect and report drug related activities in the school, including suspensions, expulsions, exclusions, police actions, or any other type of drug related behavior; and
 - (B) addresses ways to eliminate illegal drugs and drug related behavior in schools.
- (2) Oversee the implementation of the school plan.
- (3) Oversee the implementation of the curriculum under IC 20-30-5-11.

REGULATIONS

No relevant regulations found.

Other or Uncategorized

LAWS

IC 20-33-8-21. Scope of judicial review.

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.

IC 20-33-8-28. Waiver of rights.

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.

IC 20-33-8-31. Effect of suspension or expulsion on compulsory attendance laws.

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.

IC 20-33-8-33. Duty to submit information to bureau of motor vehicles.

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.

IC 20-33-9-5. Controlled substance violations; reports by school employees.

If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed: (1) a violation described in section 1 of this chapter; or (2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

IC 20-33-9-10. Duty to report threat.

In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee: (1) has received a threat; (2) is the victim of intimidation; (3) is the victim of battery; or (4) is the victim of harassment; shall report that information as required by this chapter.

IC 20-33-9-11. Procedure to make report.

- (a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment.
- (b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 of this chapter.

IC 20-33-9-12. Relief of obligation to report.

This chapter does not relieve an individual of the obligation to report a threat, intimidation, a battery, or harassment on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

REGULATIONS

No relevant regulations found.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Indiana provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
School Building Physical Security and Safety	Multiple resources covering several safety topics such as bullying, gang information, hazing, student safety reporting, and teen dating violence.	http://www.doe.in.gov/safety
Bullying Prevention and Intervention in Indiana	Resources related to bullying such as reporting, prevention, policy, training, and data.	http://www.doe.in.gov/student-services/bullying-prevention-intervention-indiana
Student Safety/ Bullying Reporting	Bullying reporting forms.	http://www.doe.in.gov/safety/student-safetybullying-reporting
Commission on Seclusion and Restraint	Resources on state sanctioned seclusion and restraint practices including a link to training videos.	http://www.doe.in.gov/srcommission
<i>Documents</i>		
School Culture, They Are Not the Same Thing	Links staff performance to feelings of overall happiness, arguing that school culture, or a common set of expectations, can only be altered by addressing the climate.	http://www.doe.in.gov/sites/default/files/turnaround-principles/climate-and-culture.pdf
Middle School and High School Levels of Disciplinary Consequences and Supports	A tiered approach to responding to bullying and hazing.	http://www.doe.in.gov/sites/default/files/student-services/ms-hs-levels-disciplinary-consequences-and-supports-example.doc
Model Policy on Anti-Bullying	Model policy addresses anti-bullying in accordance with state law	http://www.doe.in.gov/sites/default/files/student-services/model-school-corporation-policy.doc

Title	Description	Website address (if applicable)
<i>Other Resources</i>		
Identifying Teen Dating Violence	Multiple resources including a guidance document, response policies and reporting, and links to violence prevention materials and training.	http://www.doe.in.gov/safety/identifying-teen-dating-violence