

TRI-TOWNSHIP CONSOLIDATED SCHOOL CORPORATION

POLICY

REGARDING

DISCIPLINE

1. PURPOSE OF POLICY ON STUDENT DISCIPLINE

The mission of the school to assist students in the transition to responsible adulthood requires instilling in students those mature habits of behavior required by a democratic society. The board recognizes that the disruptive behavior of an individual student deprives other students of their right to a school conducive to learning, and does not promote those habits.

In addition, school handbooks reflect the regulations for individual buildings, and may contain additional rules for student behavior, so long as they do not violate either the letter or intent of this policy.

Indiana law contains numerous provisions related to student discipline. It is the intent of the board to adopt those provisions, as they exist, as they are amended, or rescinded in the future. Indiana laws form the basis of the board's discipline policy.

It is the duty and power of the School Corporation to supervise and discipline students. The Board recognizes that student supervision and the desirable behavior of students in carrying out school purposes is the responsibility of:

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

Furthermore, in all matters relating to the discipline and conduct of students, school corporation personnel:

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

Students must:

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

The Board therefore has established and adopted the written discipline rules set forth and made copies available to students and the student's parents/guardian.

In compliance with IC 20-33-8-12 which gives the governing body of a school corporation the authority to delegate:

- (1) rulemaking;
- (2) disciplinary; and
- (3) other authority

The Tri-Township Consolidated School Corporation Board has delegated authority as outlined below:

Disciplinary powers of superintendents and administrative staff members:

A superintendent; or 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.

Disciplinary powers of principals:

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. The principal 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.

Suspension: A school principal (or designee) may deny a student the right to attend school or take part in any school function for a period up to ten (10) school days.

Expulsion: In accordance with the due process procedures in this policy, the principal or his designee may initiate an expulsion from school for a period no longer than the remainder of the current semester plus the following semester, with the exception of a violation of Subsection C and D listed under grounds for expulsion in this policy.

Disciplinary powers of teachers and school staff members:

A teacher or other school staff member; who has students under the individual's charge may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises, subject to rules of the governing body and the administrative staff.

- (a) A teacher will have the right to remove a student from his/her class or activity for a period up to five (5) school days if the student is assigned regular or additional work to be completed in another school setting.
- (b) If a teacher removes a student from class under a) above, the principal may place the student in one of the following settings: another appropriate class, another appropriate setting, or in-school suspension. The student may not be placed back into the original class until the principal has a meeting with the teacher, the student and the student's parents to determine an appropriate behavior plan for the students. If the parents do not attend this meeting within a reasonable time, the principal may place the student in another class or educational setting.

Additional disciplinary powers:

A person who is a member of administrative staff, a teacher or other school staff member

who has students under his/her charge may in addition to suspension or expulsion and in accordance with policy and with administrative approval take the following disciplinary action that is necessary to ensure a safe, orderly, and effective educational environment:

- (a) Counseling with a student or group of students.
- (b) Conferences with a parent or group of parents.
- (c) Assigning additional work.
- (d) Re-arranging class schedules.
- (e) Requiring a student to remain in school after regular school hours to do additional work or for counseling.
- (f) Restricting extracurricular activities.
- (g) Removal of a student by a teacher from that teacher's class for a period of one (1) school day if the student is assigned regular or additional school work to complete in another school setting.
- (h) Assignment by the principal of a special course of study, an alternative school or an alternative educational program.
- (i) Removal of a student from school sponsored transportation.

SCHOOL CORPORATION GRANT OF AUTHORITY TO MAINTAIN DISCIPLINE:

Recognizing that the behavior of some students may be so disruptive that it interferes with school purposes or educational functions of the school corporation, school officials may find it necessary to remove a student from school. In this event and in accordance with the provisions of I.C. 20-33-8, the Tri-Township Consolidated School Corporation Board establishes the following rules and authorizes administrators and staff members to take the following actions:

A. STUDENT MISCONDUCT AND/OR SUBSTANTIAL DISOBEDIENCE

Grounds for suspension or expulsion are student misconduct and/or substantial disobedience. The following rules define student misconduct and/or substantial disobedience for which a student may be suspended or expelled, or referred to the Court for their Court Assisted Resolution of Expulsion program.

1. Using violence, force, noise, coercion, threat, intimidation, fear, passive resistance, or other conduct constituting an interference with school purposes, or urging other students to engage in such conduct or possessing any firearm, explosive, or other weapon. The following enumeration is only illustrative of the type of conduct prohibited by this rule:
 - a. Occupying any school building, school grounds, or part thereof with intent to deprive others of its use.
 - b. Blocking the entrance or exits of any school building or corridor or room therein with intent to deprive others of lawful access to or from, or use of the building, corridor, or room.
 - c. Setting fire to or substantially damaging any school building or property.
 - d. Prevention of or attempting to prevent by physical act the convening or continued

functioning of any school or education function, or of any meeting or assembly on school property.

- e. Intentionally making noise or acting in any manner so as to interfere with the ability of any teacher or other person to conduct or participate in an educational function.
2. Engaging in any kind of aggressive behavior that does physical or psychological harm to another person or urging of other students to engage in such conduct. Prohibited conduct includes coercion, harassment, bullying, hazing or other comparable acts.
3. Engaging in violence and/or threat of violence against any student, staff member, and/or other persons. Prohibited violent or threatening conduct includes threatening, planning or conspiring with others to engage in a violent activity.
4. Causing or attempting to cause damage to school property, stealing or attempting to steal school property.
5. Causing or attempting to cause damage to private property, stealing or attempting to steal private property.
6. Causing or attempting to cause physical injury or behaving in such a way as could reasonable cause physical injury to any person. Self-defense or reasonable action undertaken on the reasonable belief that it was necessary to protect oneself and/or another person is not a violation of this rule.

For the purpose of this policy, “reasonable action” shall mean the course of action which

- (a) Utilizes physical force only when non-physical alternative (e.g. retreat, or notifying supervisory personnel) are not available; or
- (b) Does not constitute the initiation of a physical confrontation.
- (c) Does not utilize excessive force.

For the purpose of this policy “reasonable belief” shall be the belief that no non-physical alternative were available.

7. Threatening or intimidating any person for any purpose, including obtaining money or anything of value.
8. Engaging in the use of profane, obscene or defamatory language directed at a another student, teacher, administrator, supervisory employee, or adult volunteer while such person is on duty or at a school event.
9. Threatening (whether specific or general in nature) injury to persons or damage to property, regardless of whether there is a present ability to commit the act.
10. Failing to report the actions or plans of another person to a teacher or administrator where

those actions or plans, if carried out, could result in harm to another person or person or damage property when the student has information about such actions or plans.

11. Possessing, using, consuming, transmitting, selling or being affected by controlled substance, prescription drug, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, synthetic drug (includes Spice or K-2), alcoholic beverage, or intoxicant or depressant of any kind, or paraphernalia used in connection with the listed substances. Also prohibited is the consumption of any of the stated substances immediately before attending school or a school function or event.
Exception to Rule: A student with a chronic disease or medical condition may possess and self-administer prescribed medication for the disease or condition if the student's parent has filed a written authorization with the building principal. The written authorization must be filed annually. The written authorization must be done by a physician and must include the following:
 - a. That the student has an acute or chronic disease or medical condition for which the physician had prescribed medication.
 - b. The nature of the disease or medical condition requires emergency administration of the prescribed medication.
 - c. The student has been instructed in how to self-administer the prescribed medication.
 - d. The student is authorized to possess and self-administer the prescribed medication.
12. Possessing using or transmitting any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, synthetic drug, alcoholic beverage, stimulant, depressant or intoxicant of any kind.
13. Consuming in excess of the recommended dosage of any patent or prescription drug with the purpose of creating an intoxicated, drugged, or irrational state or causing physical injury, either to one's self or to other persons. Use of a drug authorized by a medical prescription in the amount prescribed by a physician is not a violation of the subdivision.
14. Possessing, using, transmitting, or being affected by caffeine-based substances other than beverages, substances containing phenylpropanolamine (PPA), stimulants of any kind, or any other similar over-the-counter products.
15. Possessing, using distributing, purchasing, or selling tobacco or nicotine-containing products of any kind or in any form.
16. Offering to sell or agreeing to purchase a controlled substance or alcoholic beverages.
17. Failing to comply with directions of teachers or other school personnel during any period of time when the student is properly under their supervision, where the failure constitutes an interference with school purposes or an educational function.
18. Failing to completely and truthfully respond to questions from a staff member regarding

school-related matters including potential violations of the student conduct rules or state or federal law.

19. Falsely accusing any person of sexual harassment, or of violating a school rule and/or state or federal law.
20. Engaging in any activity forbidden by the laws of Indiana that constitutes an interference with school purposes or an educational function.
21. Aiding, assisting, agreeing or conspiring with another person to violate these student conduct rules or state or federal law.
22. Engaging in academic dishonesty, including cheating, intentionally plagiarizing, wrongfully giving or receiving help during an academic examination, and wrongfully obtaining test copies or scores.
23. Taking, recording, displaying and/or distributing pictures (digital or otherwise), video or audio recordings without the consent of the student or staff member in a situation not related to a school purpose or educational function.
24. Possessing sexually-related materials which include images displaying uncovered breast, genitals, or buttocks. Obscenity or sexual misconduct in any form whether by word or action is not permitted within the jurisdiction of the school corporation.
25. "Sexting" or using a cell phone or other personal communication device to send text or email messages or possessing text or email messages containing images reasonably interpreted as indecent or sexually suggestive while at school or at a school related function. In addition to taking any disciplinary action, phones will be confiscated and students should be aware that any images suspected to violate criminal laws will be referred to law enforcement authorities.
26. Engaging in pranks that could result in harm to another person.
27. Using or possessing gunpowder, ammunition or an inflammable substance.
28. Violating any rules that are reasonably necessary in carrying out school purposes or and educational function, including, but not limited to:
 - a. Engaging in sexual behavior on school property;
 - b. Engaging in sexual harassment of a student or staff member.
 - c. Disobedience of administrative authority;
 - d. Willful absence or tardiness of students;
 - e. Engaging in speech or conduct, including clothing, jewelry or hair style, that is profane, indecent, lewd, vulgar or refers to drugs, tobacco, alcohol, sex, or illegal activity, or is plainly offensive to school purposes;
 - f. Violation of the school corporation's acceptable use of technology policy or rules;
 - g. Violation of the school corporation's administration of mediation policy or rules;

- h. Possessing or using a laser pointer or similar device.
- 29. Possessing or using on school grounds during school hours an electronic device, a cellular telephone, or any other telecommunication device, including a look-a-like device, in a situation not related to a school purpose or educational function or using such device to engage in an activity that violates school rules. This rule is not violated when the student has been given clear permission from a school administrator or a designated staff member to possess or use one of the devices listed in this rule.
- 30. Any student conduct rule the school building principal establishes and gives publication of it to students and parents in the principal's school building.

B. BULLYING

1. This rule applies when a student is:
 - a. On school grounds immediately before or during school hours, immediately after school hours or at any other time when the school is being used by a school group (including summer school);
 - b. Off school grounds at a school activity, function, or event;
 - c. Traveling to or from school or a school activity, function, or event;
 - d. Using property or equipment provided by the school; or
 - e. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of the school corporation.
2. Bullying by a student or groups of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student through overt, repeated acts or gestures, including verbal or written communications transmitted, and/or physical acts committed, or any other similar behavior is prohibited.
3. Parents or students who suspect that repeated acts of bullying are taking place should report the matter to the school principal or designee. School personnel will investigate all reports of bullying.
4. Counseling, corrective discipline, and/or referral to law enforcement will be used to change the behavior of the perpetrator. This includes appropriate intervention(s), restoration of a positive climate, and support for victims and others impacted by the violation.
5. Educational outreach and training will be provided to school personnel, parents, and students concerning the identification, prevention, and intervention in bullying.

6. All schools in the corporation are encouraged to engage students, staff and parents in meaningful discussions about the negative aspects of bullying. The parent involvement may be through parent organizations already in place in each school.

C. POSSESSING A FIREARM OR A DESTRUCTIVE DEVICE

1. No student shall possess, handle or transmit any firearm or a destructive device on school property.
2. The following devices are considered to be a firearm under this rule:
 - any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
 - the frame or receiver of any weapon described above
 - any firearm muffler or firearm silencer
 - any destructive device which is an explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or any similar device
 - any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter
 - any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled
 - an antique firearm
 - a rifle or a shotgun that the owner intends to use solely for sporting, recreational, or cultural purposes
3. For purposes of this rule, a destructive device is:
 - an explosive, incendiary, or overpressure device that is configured as a bomb, a grenade, a rocket with a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, a Molotov cocktail or a device that is substantially similar to an item described above,
 - a type of weapon that may be readily converted to expel a projectile by the action of an explosive or other propellant through a barrel that has a bore diameter of more than one-half inch, or
 - a combination of parts designed or intended for use in the conversion of a device into a destructive device. A destructive device is NOT a device that although originally designed for use as a weapon, is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.
4. The penalty for possession of a firearm or a destructive device: suspension up to 10 days and expulsion from school for at least one calendar year with the return of the student to be at the beginning of the first semester after the one year period. The superintendent may

reduce the length of the expulsion if the circumstances warrant such reduction.

5. The superintendent shall immediately notify the appropriate law enforcement agency when a student engages in behavior described in this rule.

D. POSSESSING A DEADLY WEAPON

1. No student shall possess, handle or transmit any deadly weapon on school property.
2. The following devices are considered to be deadly weapons as defined in I.C. 35-41-1-8:
 - a weapon, taser or electronic stun weapon, equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
 - an animal readily capable of causing serious bodily injury and used in the commission or attempted commission of a crime.
 - a biological disease, virus, or organism that is capable of causing serious bodily injury.
3. The penalty for possession of a deadly weapon: up to 10 days suspension and expulsion from school for a period of up to one calendar year.
4. The superintendent shall immediately notify the appropriate law enforcement agency when a student engages in behavior described in this rule.

E. UNLAWFUL ACTIVITY

A student may be suspended or expelled for engaging in unlawful activity on or off school grounds if the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function, or the student's removal is necessary to restore order or protect persons on school property. This includes any unlawful activity meeting the above criteria that takes place during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

F. LEGAL SETTLEMENT

A student may be expelled if it is determined that the student's legal settlement is not in the attendance area of the school where the student is enrolled.

G. JURISDICTION

These grounds for suspension or expulsion listed apply when a student is:

1. on school grounds immediately before, during or immediately after school hours and 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, event.

H. PARENTAL INVOLVEMENT

When in the judgment of a school administrator who has the responsibility for student discipline or who has the duty of serving as a hearing examiner, it is necessary for the parents to attend a conference or a hearing, the following rules, per the authority granted in I.C. 20-33-8-26, shall apply.

- A. The administrator shall notify the parents by certified or registered mail or personal service that they are directed to attend a school conference or hearing.
- B. The parent shall be given at least twenty-four hours' notice prior to such conference or hearing unless an emergency situation necessitates less than such notice.
- C. The student who is the subject of the conference will also be given written notice of such conference or hearing and the direction of parental attendance.
- D. The foregoing rules will not be construed to interfere with the powers of the superintendent or a person designated by him/her to issue subpoenas or to compel the attendance of witnesses.
- E. As provided in IC 20-33-8-26 if a Parent, guardian, or custodian, of a student who has been repeatedly disruptive in the school fails to participate in a school disciplinary proceeding in connection with the student's improper behavior and the student needs care, treatment, or rehabilitation that the student is not receiving; and is unlikely to be provided or accepted without the coercive intervention of the court, then that student may be considered a "child in need of services" as per IC 31-34-1-7 and the matter shall be referred to the Department of Child Services, Division of Family Resources. Such complaint process will be terminated in the event that the parents are willing to subsequently attend a rescheduled meeting unless the required meeting has been required to be held. The foregoing provisions shall not apply to expulsion meeting where non-attendance will constitute waiver.
- F. In the event that a parent fails or refuses to attend a conference or meeting, notice will also be given to the Superintendent or his/her designee.
- G. In those instances where it appears the custodial parents of a student are not fulfilling their legal obligation with regard to their children's school attendance, referral to the county prosecuting attorney for investigation of possible criminal charges against said parents may be made.

I. DUTY TO REPORT TO LAW ENFORCEMENT

- 1. Concerning minor and alcohol beverages and offenses related to controlled substances:
Per IC 20-33-9-5 If a person other than a member of the administrative staff who is an

employee of a school corporation has personally observed:

- (a) a violation under IC 7.1-5-7 (minors possessing, consuming or transporting alcohol) or IC 35-48-4 (possessing, dealing or manufacturing drugs) or
- (b) a delinquent act that would be a violation under IC 7.1-5-7 or IC 35-48-4 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.

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 above, shall immediately report:

- (a) a general description of the violation;
- (b) the name or a general description of each violator known to the member; the date, time, and place of the violation;
- (c) the name or a general description of each person who the member knows witnessed any part of the violation; and
- (d) 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.

2. Duty to report to law enforcement possession of knife on school property:

- (a) The school administrator shall make a report to law enforcement when a student knowingly or intentionally possesses a knife on school property, on a school bus or special purpose bus or in a private vehicle driven to or from school.
- (b) The school administrator has the authority to use his/her professional discretion regarding any discipline measure to be taken in cases where a student who brings a knife or weapon to school inadvertently and turns it in to the school administrator or his designee for safekeeping (before it is brought to the school's attention).
- (c) Exception: If the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and the person uses the knife for a purpose authorized by the school corporation, it is not considered a reportable situation.
- (d) Possessing, handling, using, transmitting or selling weapons, knife/knives, dangerous instruments, explosives or any other object that can reasonably be considered a weapon. The Principal or his designee is granted authority to confiscate a knife or weapon from a student in order to prevent interference with carrying out an educational function or school purpose.

A knife means an instrument that: consists of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and is intended to be used as a weapon.

- (i) The term includes a dagger, dirk, poniard, stiletto, switchblade knife, or gravity knife.
- (ii) A person who recklessly, knowingly, or intentionally possesses a knife on school property, a school or a special purpose bus commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person

has a previous unrelated conviction under this section and a Class D felony if the offense results in bodily injury or serious bodily injury to another person.

3. Duty to report to law enforcement: threatening a school employee:
Per IC 20-33-9-10 through 13 an individual who has reason to believe that a school employee has received a threat, is the victim of intimidation, is the victim of battery or is the victim of harassment shall immediately notify the principal of the school who shall then immediately make an oral report to the local law enforcement.

PROCEDURAL DUE PROCESS RIGHTS

A. SUSPENSION PROCEDURES

When a principal (or designee) determines that a student should be suspended, the following procedures will be followed

- (1) A meeting will be held prior to the suspension of any student. At this meeting, the student will be entitled to:
 - (a) a written or oral statement of the charges;
 - (b) if the student denies the charges, a summary of the evidence against the student will be presented; and,the student will be provided an opportunity to explain his or her conduct.
- (2) The meeting shall precede suspension of the student except where the nature of the misconduct requires immediate removal. In such situations, the meeting will follow the suspension as soon as reasonably possible following the date of the suspension.
- (3) Following suspension, the parents or guardians of suspended students will be notified in writing. The notification will include the dates of the suspension, describe the misconduct, and the action taken by the principal.

B. EXPULSION PROCEDURES

When a principal (or designee) recommends to the superintendent (or designee) that a student be expelled from school, the following procedures will be followed:

- (1) The superintendent may conduct an expulsion meeting, or may appoint one of the following persons to conduct the expulsion meeting:
 - (a) legal counsel
 - (b) a member of the administrative staff who did not expel the student during the current school year and was not involved in the events giving rise to the expulsion.

The superintendent or the person designated by the superintendent under this subsection may continue the 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 this section if the superintendent or the designated person determines that the student's continued suspension will prevent or substantially reduce the risk of:

- (a) interference with an educational function or school purposes; or
- (b) 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 the section permitting expulsion for violation of the legal settlement provision. (I.C. 20-33-8-23)

- (2) An expulsion will not take place until the student's parents are asked to appear at an expulsion meeting conducted by the superintendent or the person designated above. Failure by a student or a student's parent to appear at this meeting will be deemed a waiver of rights administratively to contest the expulsion or to appeal it to the school board.
- (3) The request to appear at the expulsion meeting will be in writing, delivered by certified mail or by personal delivery, and contain the reasons for the expulsion, the procedure for requesting an expulsion meeting and the date, time, place and purpose of the meeting.
- (4) At the expulsion meeting, the principal (or designee) will present evidence to support the charges against the student. The student or parents will have the opportunity to answer the charges against the student, and to present evidence to support the student's position.
- (5) If the expulsion meeting is held, the person conducting the expulsion meeting will make a written summary of the evidence heard at the meeting, take any action found to be appropriate, and give notice of the action taken to the student and the student's parent.
- (6) 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.

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 voluntarily and with the knowledge of the procedures available under I.C. 20-33-8-19 and of the consequences of the waiver. (I.C. 20-33-8-28)

- (7) Except in the case of possession of a weapon, 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 exclusion attend an alternative program. (I.C. 20-33-8-20)
- (8) 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 shall be conducted by the superintendent or a person designated under I.C. 20-33-8-19 after notice of the review has been given to the student and the student's parent. The review is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting. The review may lead to a recommendation by the person conducting the review that the student be reinstated for a second semester. 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 shall be conducted by the superintendent or person designated under I.C. 20-33-8-19 after notice of the review has been given to the student and the student's parent. The review is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting. The review may lead to a recommendation by the person conducting the review that the student be reinstated for the upcoming school year. (I.C. 20-33-8-20)

The student or parent has the right to appeal the decision of the person conducting the expulsion meeting to the school board within 10 days of the receipt of notice of the action taken. The student or parent appeal to the school board must be in writing. If an appeal is properly made, the board must consider the appeal unless the board votes not to hear the appeal. If the board hears the appeal, it will consider the written summary of the expulsion meeting and arguments of the school administration and the student and/or the student's parent. The board will then take any action deemed appropriate. (I.C. 20-33-8-19).

Judicial review of a governing body's action under I.C. 20-33-8-21 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 I.C. 20-33-8-19

Per IC 20-33-8-22 an expulsion that has been upheld by the school board continues in effect during judicial review unless:

- (a) the court grants a temporary restraining order under the Indiana Rules of Civil Procedure; and
 - (b) the school corporation was given the opportunity to appear at the hearing regarding the temporary restraining order.
- (9) Per I.C. 20-33-8-24 a principal may require that a student who is at least sixteen (16) years of age; and wishes to re-enroll after an expulsion; attend:
- (a) An alternative school or alternative educational program.
 - (b) Evening classes.
 - (c) Classes established for students who are at least sixteen (16) years of age.

RIGHT TO APPEAL

The student or parent has the right to appeal an expulsion decision to the school board within 10 days of the receipt of notice of the action taken. The student or parent appeal to the school board must be in writing. If an appeal is properly made, the board will consider the appeal unless it has voted not to hear all student appeals of expulsion. If the board hears the appeal, it will consider the written summary of the expulsion meeting and the arguments of the school administration and the student and/or the student's parent. The board will then take any action deemed appropriate.

COURT ASSISTED RESOLUTION OF EXPULSION CASES

Pursuant to IC 20-33-8.5 the Superintendent for the Tri-Township Consolidated School Corporation and the Judge of the La Porte Circuit Court have entered into a voluntary agreement regarding the Court's assistance in resolving school suspension and expulsion cases. Pursuant to this agreement, the Court may order a student to participate in a program that will provide supervision and education for the suspended or expelled student in accordance with the terms of the agreement.

The Superintendent of the Tri-Township Consolidated School Corporation and the Judge of the La Porte Circuit Court have entered into an agreement, with the Board's approval for the purposes of providing Court assistance in resolving Expulsion cases for students in the Tri-Township Consolidated School Corporation.

DEFINITIONS

"Principal" includes a principal's designee.

"Superintendent" includes a superintendent's designee.

"Member of the administrative staff" or comparable language means a school corporation employee who:

- (a) is certified under the statutes relating to the licensing of teachers; and,
- (b) has supervisory authority.

“School purposes” refers to the purposes for which a school corporation operates, including the following:

- (a) to promote knowledge and learning generally
- (b) to maintain an orderly and effective educational system
- (c) to take any action under the authority granted to school corporations and their governing bodies by I.C. 20-26-5 or by any other statute

“Expulsion” means a disciplinary or other action whereby a student:

- (a) is separated from school attendance for a period in excess of ten (10) days; or
- (b) 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 year.
- (c) is separated from school attendance under I.C. 20-33-16, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

Expulsion does not include situations where a student is:

- (a) disciplined under I.C. 20-33-25;
- (b) removed from school in accordance with I.C. 20-34-3-9; or
- (c) removed from school for failure to comply with the immunization requirements of I.C. 20-34-4-5.

“Suspension” means any disciplinary action that does not constitute an expulsion under section E, above, where by a student is separated from school attendance for a period of not more than ten (10) school days. Suspension does not include situations where a student is:

- (a) disciplined under I.C. 20-33-25;
- (b) removed from school in accordance with I.C. 20-34-3-9; or
- (c) removed from school for failure to comply with the immunization requirements of I.C. 20-34-4-5.

“Detention” means a disciplinary action that requires a student to remain in school after the end of the regular school day, attend school on a day when regular classes are not in session, or arrive at school prior to the beginning of the regular school day as a result of a minor violation of school rules or regulations.

Good standing: A student in good standing has full rights with respect to participation in activities of the school, both academic and extracurricular, subject to any restrictions which apply to all students. A student is not in good standing during the period of time they are under suspension or expulsion, regardless of whether they may be allowed to attend school. A student not in good standing may not participate in any school activity, whether academic, co-curricular or extra-curricular, except as may be allowed by the procedures hereinafter described.

LEGAL REFERENCES: I.C. 20-33-8-1 et seq. I.C. 35-41-1-8
 I.C. 35-47.5-2-4 I.C. 35-47-1-5

Adopted by the Tri-Township Consolidated School Corporation School Board this 11th day of June, 2012.

Reviewed and approved on April 21, 2016