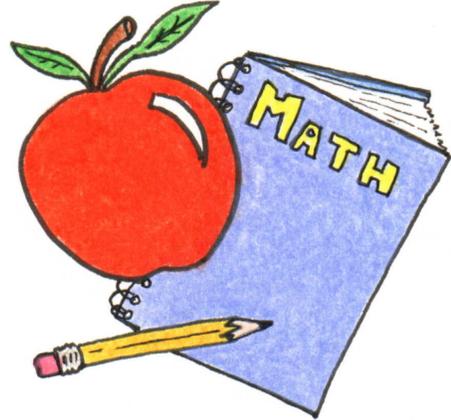


# School

Article Eight, Section One of the Indiana Constitution states that everyone has the right to an education of a high school diploma, regardless of age. Therefore, even people over age eighteen have a right to obtain a high school diploma. Indiana has many laws regarding your education. Read this section so you will know what the law says about your right to an education.



## Legal Settlement

Have you ever wondered what would happen if every student picked what school he or she wanted to attend? There would be a lot of confusion! Luckily, Indiana laws tell students what school corporation to enroll in.

### 1. What is my legal settlement?

Your legal settlement determines what school corporation you should enroll in. Your legal settlement is where your parents live. If your parents are divorced or separated, your legal settlement is where you are living.

### 2. What if my family or I am homeless?

You cannot be denied school enrollment because you and/or your family are homeless.

### 3. What if I don't live with a parent?

If you live with someone other than your parent, that person can still enroll you in school. That person needs to fill out a Custodial Agreement Form from the

school. You can get a Custodial Agreement Form on-line at [www.doe.state.in.us/legal/](http://www.doe.state.in.us/legal/).

### 4. What is a private school?

A private school is a school that is not funded with state money. Public schools are funded, or get their money for teachers, books, and supplies, from the state government. In order to receive the money, public schools have to follow state laws. Since private schools do not accept state money, they can have different school rules. Students have to pay more money to attend private schools than they do for public schools because private schools need money to pay for the teachers, books, and supplies. You may be able to attend a private school outside your legal residence or settlement area.

## Attendance

It's important for you to go to school so that you can learn. However, there's another good reason to attend school...it's the law!



### **1. Do I have to go to school?**

Yes. You have to start attending school in the fall of the school year in which you turn age seven. The law says you must attend school until you graduate or turn age eighteen. However, if you are between ages sixteen and eighteen, you can withdraw from school if you are employed to support your family or a dependent, are ill, or have a court order allowing you to withdraw. You, your parent or guardian, and the principal must agree that you can stop going to school and put the agreement in writing at an exit interview.

### **2. What will happen if I decide to skip school?**

If you skip school, you are committing the delinquent act of truancy. The school can report you to an intake officer of the juvenile court, who can file a delinquency petition with the juvenile court. Remember, if you continue to skip school

in violation of a court order, you may be sent to the Department of Correction (boys' school and girls' school). At a minimum, if you have ten unexcused absences from school in one school year, you will be a habitual truant. If you are a habitual truant, at least age thirteen, but less than fifteen, the school will submit your name to the Bureau of Motor Vehicles (BMV) and you will not be issued a learner's permit or driver's license until you are age eighteen or your attendance improves.

## **Graduation Requirements**

Going to high school for four years is not enough to be able to graduate. You have to learn the required material in order to receive your diploma.

### **1. What do I need to do to graduate from high school?**

In order to graduate from high

school, you will need to meet the requirements established by your school corporation and pass a graduation examination called the Graduation Qualifying Exam, or GQE. If you do not pass the GQE on your first try in the fall of your sophomore year, you will be able to take the test during each semester of your junior and senior years until you pass. The GQE is part of the ISTEP test.

Beginning with the graduating class of 2010-2011, each student will be required to pass the GQE, complete the Core 40 course and credit requirements, and meet any additional requirements established by the school corporation.

## **2. What is CORE 40?**

CORE 40 is a high school diploma that reflects a curriculum that exceeds the regular high school diploma requirements by requiring students to complete additional credits in various subject areas. The CORE 40 is considered the minimum college-track diploma. In the 2010/2011 school year, students will need to complete CORE 40 in order to graduate. For more information, you can contact the Indiana Department of Education website at [www.doe.state.in.us](http://www.doe.state.in.us).

## **3. Can I still graduate with a diploma if I don't pass the GQE?**

Yes. A student who does not pass the GQE, complete the Core 40 course, and satisfy the school district's requirements may be eligible to graduate with a diploma if the student does all of the fol-

lowing:

- takes the GQE in each unpassed subject area at least one time every school year;
- completes remediation opportunities available through the school;
- maintains a 95% school attendance rate (excused absences don't count against the student);
- maintains at least a "C" average;
- satisfies all state and local graduation requirements; and
- either
  - ◊ completes the course and credit requirements for a general diploma, including the career academic sequence; a workforce readiness assessment; and at least one career exploration internship, cooperative education, or workforce credential recommended by the student's school; or
  - ◊ obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must be concurred in by the principal or the student's school and be supported by documentation that the student has attained the academic standard in the subject area based upon tests other than the GQE or classroom work.

#### **4. What is a GED?**

"GED" stands for General Educational Development certificate. Your GED certificate is not the same as a high school diploma, and you may not have all of the same employment and higher education opportunities that you would have with a high school diploma. A GED certificate does not extinguish your right to attend school. You can obtain your GED certificate if you are at least age seventeen, not subject to compulsory school attendance (meaning you have withdrawn from school or are expelled), and you pass the GED test.

### **Suspension and Expulsion**

As students grow and develop, they are bound to make mistakes along the way. Some mistakes are little and don't affect other students. However, some mistakes do affect other students. When mistakes affect other students, the school must take action to ensure that one person does not prevent the whole class from learning.

#### **1. What is "suspension" and "expulsion"?**

A suspension is an action the school can take if you don't follow school rules. If you are suspended, you can-

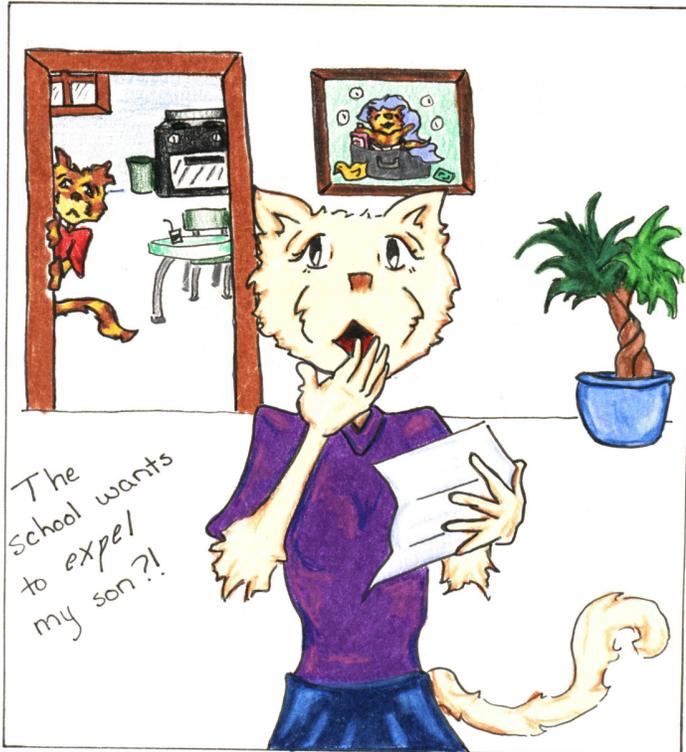
not attend school. A suspension normally lasts ten days or less. An expulsion is another disciplinary action the school can take. If you are expelled, you cannot attend school. An expulsion lasts more than ten school days.

#### **2. When can I be suspended or expelled?**

The following are grounds for student suspension or expulsion:

- Misbehaving on school property before, during, or after school hours or during times when the school is





### **3. How long can I be expelled?**

If you are expelled during the first semester, you cannot be expelled longer than the rest of the school year. If you are expelled during the second semester, you can be expelled during summer school and the first semester of the following school year. However, if you were expelled for bringing a deadly weapon to school, you can be expelled for one calendar year, and if you bring a firearm or destructive device to school, you must be expelled for one calendar year.

### **4. What are other disciplinary actions the school can take?**

There are many other things the school can require you to do if you get into trouble. The school can:

- being used by a school group;
  - Misbehaving at a school activity that is not on school property or while traveling to or from school or a school activity;
  - Engaging in unlawful activity that is either on or off school grounds that may interfere with school and may require you to be removed to restore order or protect others. (This includes unlawful activity on the weekends, holidays or other school breaks, and the summer.);
  - Bringing a gun, destructive device, or deadly weapon to school or on school property. (A destructive device includes a bomb and grenade.); and
  - Living outside your school's attendance area.
- Make you attend counseling;
  - Have a conference with your parent;
  - Give you extra school work;
  - Change your class schedule;
  - Keep you after school to do extra school work or to attend counseling;
  - Keep you from participating in sports or other school activities;
  - Put you into an alternative school;
  - Have you do up to 120 hours of community service (if your parent agrees);
  - Not let you ride the bus or school vans;
  - Refer you to the juvenile court if there is a potential delinquent activity; or

- Suspend your driver's license or learner's permit if you are expelled, suspended twice in the same school year, or withdrawn from school.

### **5. What will happen if the principal wants to suspend me?**

Before the principal can suspend you, you must have an opportunity to attend a meeting where you will be told what the charges against you are. If you deny the charges, then you will be given a summary of the evidence against you. You will also be given an opportunity to explain your behavior. However, if your misconduct requires your immediate removal, the principal can suspend you and hold the meeting after your suspension begins. If you are suspended, the principal will send a written statement to your parent or guardian describing your misconduct and the action taken against you by the principal.

### **6. What will happen if the principal wants to expel me?**

If the principal wants to expel you, the superintendent, an attorney for the school, or an administrator will conduct an expulsion meeting. You and your parent or guardian must receive notice of the meeting by a certified letter or personal delivery. The notice must contain the reasons for the expulsion and the procedure for requesting an expulsion meeting. The person conducting the meeting has the ability to order people to come to the meeting and to give them an oath before

they give testimony. The person conducting the meeting should make a written summary of the evidence heard at the expulsion meeting, may take action that is appropriate, and must give notice of the action taken to you and your parent or guardian.

You or your parent or guardian has ten days after receiving the notice of action taken to make a written appeal to the School Board. However, you must be present at the expulsion meeting to appeal to the School Board. The School Board will hold a meeting to consider the summary of evidence and your, your parent's or guardian's, and the principal's arguments. The School Board will then take the action it finds appropriate. If your School Board decides not to hear an appeal, you can appeal to your county circuit or superior court.

### **7. Can an attorney represent me at an expulsion meeting?**

You do *not* have the right to be represented by an attorney at an expulsion meeting. You will need to look at your school's rules to see if an attorney can be present at the expulsion meeting.

### **8. Can I appeal a suspension or expulsion decision in court?**

Yes. You can appeal your suspension or expulsion to the circuit or superior court of the county where you attend school. The judge will make sure that the school followed the law, had substantial evidence to support its decision, and did

not violate your rights.

**9. Can I go to a different school while I'm expelled or suspended?**

If you are expelled or suspended from school, or if you withdrew from school to avoid being expelled or suspended, you can enroll in another school if your parent informs the new school of the expulsion or suspension and the new school allows you to enroll after you agree to follow the new school's rules. (If you are suspended or expelled from school, then you will not get into trouble for being truant.)

The new school does not have to let you attend. If the new school does let you attend, your parent or guardian may have to pay tuition for you to attend the new school.

**10. Do I have to reenroll in school after my expulsion is complete?**

Yes. You must reenroll in school after your expulsion period is over to comply with Indiana attendance laws. (You do not violate Indiana attendance laws if you are suspended or expelled.) However, if you are at least age sixteen and want to reenroll, your principal may require you to attend an alternative school or educational program or evening class.

**11. What if I show up at a school activity or sporting event while I'm suspended or expelled?**

If you show up at a school activity or sporting event while you're suspended or expelled, you can be arrested for the delinquent act of trespassing. (See Chapter 6 for information on trespassing.)



**12. Does the juvenile court get involved when I am suspended or expelled?**

Indiana has a new law that the school and the juvenile court can enter into an agreement for the court to help the school resolve school suspension and expulsion cases. The agreement may require the court to supervise or provide for the supervision of an expelled or suspended student. The student will have an informal hearing before the judge in a setting agreed upon by the court and the school after the student's parent is told about the hearing.



**Public Laws at School**

Many schools have their own rules that govern student behavior, but public laws also apply to schools.

**1. Can teachers or administrators search my locker without my permission?**

Yes. Indiana law states that you do not have any expectation of privacy in your school locker or the items you keep in your locker. Your principal can search your locker and its contents at any time, and the police can help your principal with the search.

**2. Can school administrators question me about violating school rules**

**or potential delinquent acts without my parent's or guardian's permission?**

Yes. Miranda rights only apply when the police are questioning you. Your school administrators can question you without parent or guardian permission and without first giving you an opportunity to speak to your parent or guardian. (See Chapter 5 for information on Miranda rights.)

**3. Can school administrators give evidence of a delinquent act to the police?**

Yes. School administrators can give the police evidence of a delinquent act, including statements you make to the administrators. Remember, the school has the ability to refer you to the juvenile court if it has evidence that you

committed a delinquent act.

#### **4. What if I carry a gun onto school property?**

If you carry a gun onto school property or any property used for a school function, then you commit a delinquent act and can be expelled for one calendar year. (If you are at least age sixteen, possession of a firearm is a crime that the juvenile court does not have jurisdiction over. Your case will be directly filed with the adult court. Having a gun on school property is a felony offense.)

#### **5. Are there any laws against bullying?**

Bullying is defined in the law as overt, repeated acts or gestures, including verbal or written communications transmitted, physical acts committed, or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student.

The law states that schools should adopt discipline rules that prohibit bullying. The discipline rules must apply when a student is on school grounds immediately before or during school hours; immediately after school hours; any other time when the school is being used by a school group; off school grounds at a school activity, function, or event; traveling to or from school or a school activity, function, or event; or using property or equipment provided by the school.

## **Special Education**

Everyone has the right to an education. Since every student is different, schools have to be prepared to make sure every student has the same opportunity to learn. Some students need extra help, whether needing more time to complete home work or having more instruction to understand the material.

#### **1. What does "special education" mean?**

"Special education" refers to the teaching methods designed to meet the specific needs of a youth with a disability. The teaching methods may take place in the classroom, at home, or in other settings. The teaching methods might focus on physical education, work-force training, and speech therapy.

#### **2. What does "CCC" mean?**

"CCC" stands for Case Conference Committee. The people who make up the CCC include someone from your school corporation, your teacher, your parent or guardian, a service provider (if you need counseling), and sometimes you. The CCC is responsible for determining whether you need special education, and if you do, what services, or teaching methods, you need. The CCC will make, review, and change your IEP (Individualized Education Program).

### **3. What does "IEP" mean?**

"IEP" stands for Individualized Education Program. Each special education student has an education plan specific for him/her. The IEP is a report that describes the teaching methods and explains how to use them to help you learn. The IEP also has goals in it that can be measured to see how you are doing.

### **4. How often is my IEP updated?**

The CCC should meet at least once each year to determine whether the teaching methods are helping you reach the goals in your IEP. The CCC will look at your strengths, or the things you do well, and at your tests. The CCC will then talk about whether new teaching methods need to be put into place; the CCC may change your IEP to provide you with more help.

### **5. Can I be suspended or expelled for misconduct if I am a special education student?**

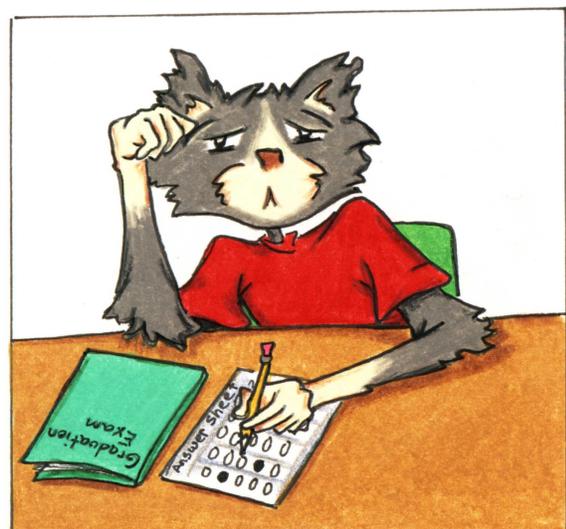
If the school is thinking about suspending you for more than ten days or expelling you because you misbehaved, the CCC will meet and determine whether your misbehavior was a result of your disability. If your misbehavior was a result of your disability, you cannot be suspended or expelled. However, if your behavior was not a result of your disability, then you can be suspended or expelled according to school rules.

After you have been suspended for a total of ten days throughout the school

year (all ten days don't have to be from one suspension), you must continue to receive special education services. Also, if you are expelled, you must continue to receive special education services. So, even though you won't be in school, you will still be receiving special education services but at a different location.

### **6. What happens if I don't pass the graduation examination?**

If you don't pass the graduation examination, you can still graduate if your CCC determines that your teacher in each unpassed subject area writes a letter of recommendation that is supported by the principal and documentation that you have met the academic standard. You must also take the examination in each unpassed subject area as often as your IEP requires, complete remediation opportunities provided by the school and IEP, and maintain a 95% attendance rate (with excused absences not counting against you). Finally, you must maintain a C average or the equivalent in your courses, and satisfy all other local and state graduation requirements.



## Chapter 9 Sources

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I.C. 20-26-11-2; I.C. 20-18-2-11
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McKinney-Vento Homeless Assistance Act 42 U.S.C. 11431 et seq.
3. What if I don't live with a parent?  
I.C. 20-26-11-3
4. What is a private school?  
I.C. 35-41-1-24

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I.C. 20-33-8-19; I.C. 20-33-8-21; I.C. 20-33-5-1
7. Can an attorney represent me at an expulsion meeting?  
Lake Central School Corp. v. Scartozzi, 759 N.E.2d 1185 (Ind. Ct. App. 2001)
8. Can I appeal a suspension or expulsion decision in court?  
I.C. 20-33-8-19; I.C. 20-33-8-21; I.C. 4-21.5-5-14(d); Board of School Trustees of Muncie Comm. Schs. v. Barnell, 678 N.E.2d 799 (Ind. App. 1997)
9. Can I go to a different school while I'm expelled or suspended?  
20-33-2-6; I.C. 20-33-8-30; I.C. 20-26-11-6
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I.C. 20-33-8-32
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511 I.A.C. 7-29-6; 511 I.A.C. 7-29-2;  
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