

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1423

AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 12. (a) Each school within a 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.

(b) The department of education and the school corporation's school safety specialist shall provide materials **and guidelines** 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, 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

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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.**

SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.3-2008, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6).
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
  - (A) ISTEP program test scores.
  - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
  - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The number and percentage of students in the following groups or programs:
  - (A) Alternative education, if offered.
  - (B) Career and technical education.
  - (C) Special education.
  - (D) High ability.
  - (E) Remediation.
  - (F) Limited English language proficiency.
  - (G) Students receiving free or reduced price lunch under the national school lunch program.

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- (H) School flex program, if offered.
- (7) Advanced placement, including the following:
- (A) For advanced placement tests, the percentage of students:
    - (i) scoring three (3), four (4), and five (5); and
    - (ii) taking the test.
  - (B) For the Scholastic Aptitude Test:
    - (i) test scores for all students taking the test;
    - (ii) test scores for students completing the academic honors diploma program; and
    - (iii) the percentage of students taking the test.
- (8) Course completion, including the number and percentage of students completing the following programs:
- (A) Academic honors diploma.
  - (B) Core 40 curriculum.
  - (C) Career and technical programs.
- (9) The percentage of grade 8 students enrolled in algebra I.
- (10) The percentage of graduates who pursue higher education.
- (11) School safety, including:
- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons; ~~and~~
  - (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.**
- (12) Financial information and various school cost factors, including the following:
- (A) Expenditures per pupil.
  - (B) Average teacher salary.
  - (C) Remediation funding.
- (13) Technology accessibility and use of technology in instruction.
- (14) Interdistrict and intradistrict student mobility rates, if that information is available.
- (15) The number and percentage of each of the following within the school corporation:
- (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
  - (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
  - (C) Teachers with national board certification.
- (16) The percentage of grade 3 students reading at grade 3 level.
- (17) The number of students expelled, including the number participating in other recognized education programs during their

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expulsion.

(18) Chronic absenteeism, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused.

(19) The number of students who have dropped out of school, including the reasons for dropping out.

(20) The number of student work permits revoked.

(21) The number of student driver's licenses revoked.

(22) The number of students who have not advanced to grade 10 due to a lack of completed credits.

(23) The number of students suspended for any reason.

(24) The number of students receiving an international baccalaureate diploma.

(25) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

SECTION 3. IC 20-26-5-34.2 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 34.2. 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.**

SECTION 4. IC 20-30-5-5.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 5.5. (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.**

SECTION 5. IC 20-33-8-0.2, AS ADDED BY P.L.106-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 0.2. **(a) As used in this chapter, "bullying" means overt, unwanted, repeated acts or gestures, including (†) verbal or written communications or images transmitted in any manner (including digitally or electronically), (‡) physical acts committed,**



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**aggression, or (3) 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 other 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.**

SECTION 6. IC 20-33-8-13.5, AS AMENDED BY P.L.180-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

- (1) prohibit bullying; and**
- (2) include:**
  - (A) provisions concerning education, parental involvement, reporting, investigation, and intervention;**
  - (B) a detailed procedure for the expedited investigation of**



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**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) must apply when a student is: (1) 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; (2) off school grounds at a school activity, function, or event; (3) traveling to or from school or a school activity, function, or event; or (4) using property or equipment provided by the school. **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



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(3) computer network.  
of a school corporation.

(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.**

SECTION 7. IC 20-34-6-1, AS ADDED BY P.L.74-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (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

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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.

SECTION 8. IC 21-39-2-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.1. (a) This section applies to the board of trustees of the following state educational institutions:**

- (1) Ball State University.**
- (2) Indiana University.**
- (3) Indiana State University.**
- (4) Purdue University.**
- (5) University of Southern Indiana.**

**(b) As used in this section, "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 other student and create for the targeted student, while the targeted student is on the property owned, used, or occupied by the state educational institution, an objectively hostile 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;**



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**(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 state educational institution.**

**(c) If the board of trustees of a state educational institution elects to govern, by regulation or another means, the conduct of students, faculty, employees, and others on the property owned, used, or occupied by the state educational institution, the regulation must include a policy prohibiting bullying.**

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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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