
SENATE BILL No. 538

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19-3-11; IC 20-20-8-8; IC 20-26-5-32; IC 20-28-2-6; IC 20-33-8.

Synopsis: Bullying prevention. Requires the department of education to evaluate and make available to school corporations effective models of bullying prevention plans and to provide an appropriate incentive to school corporations with policies that encourage student participation in extracurricular activities designed to prevent bullying. Requires a school corporation to publish the number of bullying incidents that have occurred in the school corporation's annual performance report. Requires a school corporation's discipline and safety plan that is developed with parental assistance to address bullying prevention and response. Provides that the advisory board of the division of professional standards may adopt rules that set standards for teacher and administrator continuing education in the prevention of and response to bullying. Amends the definition of "bullying" to specify that the term includes verbal or written communications transmitted in any manner, including digitally or electronically. Requires school corporation discipline rules to include written reports of bullying incidents and responses to the incidents, and annual reports of the number of bullying incidents and responses to the department of education. Provides that the department of education may audit compliance with bullying prevention, intervention, and reporting requirements at any time.

Effective: July 1, 2011.

Wyss, Rogers

January 18, 2011, read first time and referred to Committee on Education and Career Development.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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SENATE BILL No. 538



A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-19-3-11 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]: **Sec. 11. (a) As used in this section, "bullying" has the**
4 **meaning set forth in IC 20-33-8-0.2.**

5 **(b) The department shall evaluate and make available to school**
6 **corporations effective models of bullying prevention plans that**
7 **governing bodies may use in establishing rules and policies under**
8 **IC 20-33-8-13.5. Models under this section must include effective**
9 **policies for addressing electronic or digital bullying that occurs on**
10 **and off school property.**

11 **(c) The department shall provide an appropriate incentive to**
12 **school corporations with policies that encourage student**
13 **participation in curricular and extracurricular activities designed**
14 **to prevent bullying.**

15 SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.3-2008,
16 SECTION 115, IS AMENDED TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2011]: **Sec. 8. The report must include the**



- 1 following information:
- 2 (1) Student enrollment.
- 3 (2) Graduation rate (as defined in IC 20-26-13-6).
- 4 (3) Attendance rate.
- 5 (4) The following test scores, including the number and
- 6 percentage of students meeting academic standards:
- 7 (A) ISTEP program test scores.
- 8 (B) Scores for assessments under IC 20-32-5-21, if
- 9 appropriate.
- 10 (C) For a freeway school, scores on a locally adopted
- 11 assessment program, if appropriate.
- 12 (5) Average class size.
- 13 (6) The number and percentage of students in the following
- 14 groups or programs:
- 15 (A) Alternative education, if offered.
- 16 (B) Career and technical education.
- 17 (C) Special education.
- 18 (D) High ability.
- 19 (E) Remediation.
- 20 (F) Limited English language proficiency.
- 21 (G) Students receiving free or reduced price lunch under the
- 22 national school lunch program.
- 23 (H) School flex program, if offered.
- 24 (7) Advanced placement, including the following:
- 25 (A) For advanced placement tests, the percentage of students:
- 26 (i) scoring three (3), four (4), and five (5); and
- 27 (ii) taking the test.
- 28 (B) For the Scholastic Aptitude Test:
- 29 (i) test scores for all students taking the test;
- 30 (ii) test scores for students completing the academic honors
- 31 diploma program; and
- 32 (iii) the percentage of students taking the test.
- 33 (8) Course completion, including the number and percentage of
- 34 students completing the following programs:
- 35 (A) Academic honors diploma.
- 36 (B) Core 40 curriculum.
- 37 (C) Career and technical programs.
- 38 (9) The percentage of grade 8 students enrolled in algebra I.
- 39 (10) The percentage of graduates who pursue higher education.
- 40 (11) School safety, including:
- 41 (A) the number of students receiving suspension or expulsion
- 42 for the possession of alcohol, drugs, or weapons; ~~and~~

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- 1 (B) the number of incidents reported under IC 20-33-9; **and**
- 2 (C) **the number of incidents reported under**
- 3 **IC 20-33-8-13.5.**
- 4 (12) Financial information and various school cost factors,
- 5 including the following:
- 6 (A) Expenditures per pupil.
- 7 (B) Average teacher salary.
- 8 (C) Remediation funding.
- 9 (13) Technology accessibility and use of technology in
- 10 instruction.
- 11 (14) Interdistrict and intradistrict student mobility rates, if that
- 12 information is available.
- 13 (15) The number and percentage of each of the following within
- 14 the school corporation:
- 15 (A) Teachers who are certificated employees (as defined in
- 16 IC 20-29-2-4).
- 17 (B) Teachers who teach the subject area for which the teacher
- 18 is certified and holds a license.
- 19 (C) Teachers with national board certification.
- 20 (16) The percentage of grade 3 students reading at grade 3 level.
- 21 (17) The number of students expelled, including the number
- 22 participating in other recognized education programs during their
- 23 expulsion.
- 24 (18) Chronic absenteeism, which includes the number of students
- 25 who have been absent more than ten (10) days from school within
- 26 a school year without being excused.
- 27 (19) The number of students who have dropped out of school,
- 28 including the reasons for dropping out.
- 29 (20) The number of student work permits revoked.
- 30 (21) The number of student driver's licenses revoked.
- 31 (22) The number of students who have not advanced to grade 10
- 32 due to a lack of completed credits.
- 33 (23) The number of students suspended for any reason.
- 34 (24) The number of students receiving an international
- 35 baccalaureate diploma.
- 36 (25) Other indicators of performance as recommended by the
- 37 education roundtable under IC 20-19-4.
- 38 SECTION 3. IC 20-26-5-32, AS ADDED BY P.L.66-2009,
- 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2011]: Sec. 32. (a) The governing body of each school
- 41 corporation shall work with parents to:
- 42 (1) develop; and

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

5 **(b) The plan developed under subsection (a) must include**
6 **specific components that address bullying prevention and response.**

7 SECTION 4. IC 20-28-2-6, AS AMENDED BY P.L.30-2010,
8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2011]: Sec. 6. (a) Subject to subsection (c) and in addition to
10 the powers and duties set forth in IC 20-20-22 or this article, the
11 advisory board may adopt rules under IC 4-22-2 to do the following:

12 (1) Set standards for teacher licensing and for the administration
13 of a professional licensing and certification process by the
14 department.

15 (2) Approve or disapprove teacher preparation programs.

16 (3) Set fees to be charged in connection with teacher licensing.

17 (4) Suspend, revoke, or reinstate teacher licenses.

18 (5) Enter into agreements with other states to acquire reciprocal
19 approval of teacher preparation programs.

20 (6) Set standards for teacher licensing concerning new subjects of
21 study.

22 (7) Evaluate work experience and military service concerning
23 postsecondary education and experience equivalency.

24 (8) Perform any other action that:

25 (A) relates to the improvement of instruction in the public
26 schools through teacher education and professional
27 development through continuing education; and

28 (B) attracts qualified candidates for teacher education from
29 among the high school graduates of Indiana.

30 (9) Set standards for endorsement of school psychologists as
31 independent practice school psychologists under IC 20-28-12.

32 (10) Before July 1, 2011, set standards for sign language
33 interpreters who provide services to children with disabilities in
34 an educational setting and an enforcement mechanism for the
35 interpreter standards.

36 **(11) Set standards for teacher and administrator continuing**
37 **education in the prevention of and response to bullying.**

38 (b) Notwithstanding subsection (a)(1), an individual is entitled to
39 one (1) year of occupational experience for purposes of obtaining an
40 occupational specialist certificate under this article for each year the
41 individual holds a license under IC 25-8-6.

42 (c) Before publishing notice of the intent to adopt a rule under

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1 IC 4-22-2, the advisory board must submit the proposed rule to the
2 state superintendent for approval. If the state superintendent approves
3 the rule, the advisory board may publish notice of the intent to adopt
4 the rule. If the state superintendent does not approve the rule, the
5 advisory board may not publish notice of the intent to adopt the rule.

6 (d) The advisory board may adopt rules under IC 4-22-2, including
7 emergency rules under IC 4-22-2-37.1, to establish procedures to
8 expedite the issuance, renewal, or reinstatement under this article of a
9 license or certificate of a person whose spouse serves on active duty (as
10 defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.
11 Before publishing notice of the intent to adopt a permanent rule under
12 IC 4-22-2, the advisory board must comply with subsection (c).

13 SECTION 5. IC 20-33-8-0.2, AS ADDED BY P.L.106-2005,
14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2011]: Sec. 0.2. As used in this chapter, "bullying" means
16 overt, repeated acts or gestures, including ~~(1)~~ verbal or written
17 communications transmitted **in any manner, including digitally or**
18 **electronically,** ~~(2)~~ physical acts committed, or ~~(3)~~ any other behaviors
19 committed by a student or group of students against another student
20 with the intent to harass, ridicule, humiliate, intimidate, or harm the
21 other student **and create for the other student an objectively hostile**
22 **school environment that meets one (1) or more of the following**
23 **conditions:**

- 24 (1) **Places the student in reasonable fear of harm to the**
25 **student's person or property.**
- 26 (2) **Has a substantially detrimental effect on the student's**
27 **physical or mental health.**
- 28 (3) **Has the effect of substantially interfering with the**
29 **student's academic performance.**
- 30 (4) **Has the effect of substantially interfering with the**
31 **student's ability to participate in or benefit from the services,**
32 **activities, and privileges provided by the school.**

33 SECTION 6. IC 20-33-8-13.5, AS ADDED BY P.L.106-2005,
34 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2011]: Sec. 13.5. (a) Discipline rules adopted by the
36 governing body of a school corporation under section 12 of this chapter
37 must:

- 38 (1) prohibit bullying; and
- 39 (2) include provisions concerning **appropriate** education **for**
40 **students in each grade,** parental involvement, reporting,
41 investigation, and intervention.

42 **The rules adopted, and any changes to the rules, must be submitted**

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to the department annually.

(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.

(c) 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.

(d) The discipline rules described in subsection (a) must require the following:

(1) A teacher or other school staff member who observes or receives a report of a bullying incident shall submit a written report of the bullying incident reported to or observed by a teacher or other school staff member, including any action taken by the teacher or other school staff member, to the principal of the school.

(2) The principal who receives a report submitted under subdivision (1) shall:

(A) notify the parent of each student involved in the bullying incident, arranging for a meeting with the parents if necessary; and

(B) submit to the superintendent a written report of the action taken by the principal in response to a report submitted under subdivision (1).

(3) The superintendent shall submit an annual report to the department of the number and types of bullying incidents occurring in the school corporation, including actions taken in response to the incidents.

(e) The department may audit a school corporation's compliance with this section at any time.

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