
HOUSE BILL No. 1567

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-10.1-12; IC 20-20-8-8; IC 20-30-5-5.5; IC 20-33-8; IC 20-34-6-1; IC 21-39-2-2.1.

Synopsis: Antibullying. Requires the department of education to develop guidelines to assist school corporations and safe school committees in establishing bullying prevention programs and investigation and reporting procedures. Requires each school corporation to include the number and nature of bullying incidents that occurred within the school corporation on the school corporation's annual performance report. Modifies the definition of bullying. Requires each school corporation to include detailed procedures for investigations and reporting of bullying behaviors in the school corporation's discipline rules. Sets out a bullying reporting requirement for each school corporation. Requires that if a board of trustees of a state educational institution elects to govern by regulation or another means, the conduct of students, faculty, employees, and others while upon the property owned, used, or occupied by the state educational institution, the regulation must include a policy prohibiting bullying.

Effective: July 1, 2011.

Porter

January 20, 2011, read first time and referred to Committee on Education.

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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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HOUSE BILL No. 1567



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 5-2-10.1-12, AS AMENDED BY P.L.132-2007,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 12. (a) Each school within a school corporation
4 shall establish a safe school committee. The committee may be a
5 subcommittee of the committee that develops the strategic and
6 continuous school improvement and achievement plan under
7 IC 20-31-5.

8 (b) The department of education and the school corporation's school
9 safety specialist shall provide materials **and guidelines** to assist a safe
10 school committee in developing a plan for the school that addresses the
11 following issues:

12 (1) Unsafe conditions, crime prevention, school violence,
13 bullying, and other issues that prevent the maintenance of a safe
14 school.

15 (2) Professional development needs for faculty and staff to
16 implement methods that decrease problems identified under
17 subdivision (1).



- 1 (3) Methods to encourage:
- 2 (A) involvement by the community and students;
- 3 (B) development of relationships between students and school
- 4 faculty and staff; and
- 5 (C) use of problem solving teams.
- 6 (c) As a part of the plan developed under subsection (b), each safe
- 7 school committee shall provide a copy of the floor plans for each
- 8 building located on the school's property that clearly indicates each
- 9 exit, the interior rooms and hallways, and the location of any hazardous
- 10 materials located in the building to the law enforcement agency and the
- 11 fire department that have jurisdiction over the school.
- 12 **(d) The guidelines developed under subsection (b) must include**
- 13 **information that assists school corporations and safe school**
- 14 **committees in:**
- 15 **(1) developing and implementing bullying prevention**
- 16 **programs; and**
- 17 **(2) establishing investigation and reporting procedures**
- 18 **related to bullying.**
- 19 SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.3-2008,
- 20 SECTION 115, IS AMENDED TO READ AS FOLLOWS
- 21 [EFFECTIVE JULY 1, 2011]: Sec. 8. The report must include the
- 22 following information:
- 23 (1) Student enrollment.
- 24 (2) Graduation rate (as defined in IC 20-26-13-6).
- 25 (3) Attendance rate.
- 26 (4) The following test scores, including the number and
- 27 percentage of students meeting academic standards:
- 28 (A) ISTEP program test scores.
- 29 (B) Scores for assessments under IC 20-32-5-21, if
- 30 appropriate.
- 31 (C) For a freeway school, scores on a locally adopted
- 32 assessment program, if appropriate.
- 33 (5) Average class size.
- 34 (6) The number and percentage of students in the following
- 35 groups or programs:
- 36 (A) Alternative education, if offered.
- 37 (B) Career and technical education.
- 38 (C) Special education.
- 39 (D) High ability.
- 40 (E) Remediation.
- 41 (F) Limited English language proficiency.
- 42 (G) Students receiving free or reduced price lunch under the

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- 1 national school lunch program.
- 2 (H) School flex program, if offered.
- 3 (7) Advanced placement, including the following:
- 4 (A) For advanced placement tests, the percentage of students:
- 5 (i) scoring three (3), four (4), and five (5); and
- 6 (ii) taking the test.
- 7 (B) For the Scholastic Aptitude Test:
- 8 (i) test scores for all students taking the test;
- 9 (ii) test scores for students completing the academic honors
- 10 diploma program; and
- 11 (iii) the percentage of students taking the test.
- 12 (8) Course completion, including the number and percentage of
- 13 students completing the following programs:
- 14 (A) Academic honors diploma.
- 15 (B) Core 40 curriculum.
- 16 (C) Career and technical programs.
- 17 (9) The percentage of grade 8 students enrolled in algebra I.
- 18 (10) The percentage of graduates who pursue higher education.
- 19 (11) School safety, including:
- 20 (A) the number of students receiving suspension or expulsion
- 21 for the possession of alcohol, drugs, or weapons; ~~and~~
- 22 (B) the number of incidents reported under IC 20-33-9; **and**
- 23 **(C) the number and nature of bullying incidents reported**
- 24 **under IC 20-34-6.**
- 25 (12) Financial information and various school cost factors,
- 26 including the following:
- 27 (A) Expenditures per pupil.
- 28 (B) Average teacher salary.
- 29 (C) Remediation funding.
- 30 (13) Technology accessibility and use of technology in
- 31 instruction.
- 32 (14) Interdistrict and intradistrict student mobility rates, if that
- 33 information is available.
- 34 (15) The number and percentage of each of the following within
- 35 the school corporation:
- 36 (A) Teachers who are certificated employees (as defined in
- 37 IC 20-29-2-4).
- 38 (B) Teachers who teach the subject area for which the teacher
- 39 is certified and holds a license.
- 40 (C) Teachers with national board certification.
- 41 (16) The percentage of grade 3 students reading at grade 3 level.
- 42 (17) The number of students expelled, including the number

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- 1 participating in other recognized education programs during their
- 2 expulsion.
- 3 (18) Chronic absenteeism, which includes the number of students
- 4 who have been absent more than ten (10) days from school within
- 5 a school year without being excused.
- 6 (19) The number of students who have dropped out of school,
- 7 including the reasons for dropping out.
- 8 (20) The number of student work permits revoked.
- 9 (21) The number of student driver's licenses revoked.
- 10 (22) The number of students who have not advanced to grade 10
- 11 due to a lack of completed credits.
- 12 (23) The number of students suspended for any reason.
- 13 (24) The number of students receiving an international
- 14 baccalaureate diploma.
- 15 (25) Other indicators of performance as recommended by the
- 16 education roundtable under IC 20-19-4.

17 SECTION 3. IC 20-30-5-5.5 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2011]: **Sec. 5.5. (a) Each public school shall provide within the**
 20 **first two (2) weeks of October age appropriate instruction focusing**
 21 **on bullying prevention for all students grades 1 through 12.**

22 **(b) The department, in consultation with each school**
 23 **corporation's school safety specialist, shall prepare outlines or**
 24 **materials for the instruction described in subsection (a) and**
 25 **incorporate the instruction in the regular courses of grades 1**
 26 **through 12.**

27 SECTION 4. IC 20-33-8-0.2, AS ADDED BY P.L.106-2005,
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2011]: **Sec. 0.2. (a) As used in this chapter, "bullying" means**
 30 **overt, repeated acts or gestures, including (1) verbal or written**
 31 **communications transmitted in any manner, including digitally or**
 32 **electronically, (2) physical acts committed, or (3) any other behaviors**
 33 **committed by a student or group of students against another student**
 34 **with the intent to harass, ridicule, humiliate, intimidate, or harm the**
 35 **other student and create for the other student an objectively hostile**
 36 **school environment that meets one (1) or more of the following**
 37 **conditions:**

- 38 **(1) Places the student in reasonable fear of harm to the**
- 39 **student's person or property.**
- 40 **(2) Has a substantially detrimental effect on the student's**
- 41 **physical or mental health.**
- 42 **(3) Has the effect of substantially interfering with the**

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1 student's academic performance.
2 **(4) Has the effect of substantially interfering with the**
3 **student's ability to participate in or benefit from the services,**
4 **activities, and privileges provided by the school.**

5 SECTION 5. IC 20-33-8-13.5, AS ADDED BY P.L.106-2005,
6 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2011]: Sec. 13.5. (a) Discipline rules adopted by the
8 governing body of a school corporation under section 12 of this chapter
9 must:

- 10 (1) prohibit bullying; and
- 11 (2) include:
 - 12 (A) provisions concerning education, parental involvement,
 - 13 reporting, investigation, and intervention;
 - 14 **(B) a detailed procedure for the prompt investigation of**
 - 15 **incidents of bullying that include:**
 - 16 (i) appropriate responses to bullying behaviors that
 - 17 occur on school property, on a school bus, or at a school
 - 18 sponsored activity;
 - 19 (ii) provisions for anonymous and personal reporting of
 - 20 bullying incidents to a teacher or other school staff;
 - 21 (iii) timetables for reporting of bullying incidents to
 - 22 parents, school administrators, the school
 - 23 superintendent, or law enforcement, if applicable; and
 - 24 (iv) discipline provisions for teachers, school staff, or
 - 25 school administrators who fail to initiate or conduct an
 - 26 investigation of a bullying incident.

27 (b) The discipline rules described in subsection (a) must apply when
28 a student is:

- 29 (1) on school grounds immediately before or during school hours,
- 30 immediately after school hours, or at any other time when the
- 31 school is being used by a school group;
- 32 (2) off school grounds at a school activity, function, or event;
- 33 (3) traveling to or from school or a school activity, function, or
- 34 event; or
- 35 (4) using property or equipment provided by the school.

36 (c) This section may not be construed to give rise to a cause of
37 action against a person or school corporation based on an allegation of
38 noncompliance with this section. Noncompliance with this section may
39 not be used as evidence against a school corporation in a cause of
40 action.

41 SECTION 6. IC 20-34-6-1, AS ADDED BY P.L.74-2010,
42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 1. (a) By July 1 of each year, each school
2 corporation shall submit a report to the department detailing the
3 following information for the current school year for each school in the
4 school corporation and for the entire school corporation:

5 (1) The number of arrests of students on school corporation
6 property, including arrests made by law enforcement officers,
7 security guards, school safety specialists, and other school
8 corporation employees, and any citizen arrests.

9 (2) The offenses for which students were arrested on school
10 corporation property.

11 (3) The number of contacts with law enforcement personnel from
12 a school corporation employee that have resulted in arrests of
13 students not on school corporation property.

14 (4) Statistics concerning the age, race, and gender of students
15 arrested on school corporation property and categorizing the
16 statistics by offenses.

17 (5) Whether the school corporation has established and employs
18 a school corporation police department under IC 20-26-16, and if
19 so, report:

20 (A) the number of officers in the school corporation police
21 department; and

22 (B) the training the officers must complete.

23 (6) If the school corporation employs private security guards to
24 enforce rules or laws on school property, a detailed explanation
25 of the use of private security guards by the school corporation.

26 (7) If the school corporation has an agreement with a local law
27 enforcement agency regarding procedures to arrest students on
28 school property, a detailed explanation of the use of the local law
29 enforcement agency by the school corporation.

30 **(8) The number and nature of reported bullying incidents
31 involving a student of the school within the school corporation
32 that occur when a student is:**

33 **(A) on school grounds immediately before or after school
34 hours, during school hours, or at any other time when the
35 school is being used by a school group;**

36 **(B) off school grounds at a school activity, function, or
37 event;**

38 **(C) traveling to or from school or a school activity,
39 function, or event; or**

40 **(D) using property or equipment provided by the school.**

41 (b) By August 1 of each year, the department shall submit a report
42 to:

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- 1 (1) the legislative council;
- 2 (2) the education roundtable established by IC 20-19-4-2;
- 3 (3) the board for the coordination of programs serving vulnerable
- 4 individuals established by IC 4-23-30.2-8; and
- 5 (4) the criminal justice institute;

6 providing a summary of the reports submitted to the department under
7 subsection (a). The report to the legislative council must be in an
8 electronic format under IC 5-14-6.

9 (c) By August 1 of each year, the department must post the reports
10 described in subsections (a) and (b) on the department's Internet web
11 site.

12 SECTION 7. IC 21-39-2-2.1 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2011]: **Sec. 2.1. (a) As used in this section, "bullying" means**
15 **overt, repeated acts or gestures, including verbal or written**
16 **communications transmitted in any manner, including digitally or**
17 **electronically, physical acts committed, or any other behaviors**
18 **committed by a student or group of students against another**
19 **student with the intent to harass, ridicule, humiliate, intimidate, or**
20 **harm the other student and create for the other student an**
21 **objectively hostile environment while the student is upon the**
22 **property owned, used, or occupied by the state educational**
23 **institution that meets one (1) or more of the following 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 state educational
- 33 institution.

34 (b) This section applies to the board of trustees of the following
35 state educational institutions:

- 36 (1) Ball State University.
- 37 (2) Indiana University.
- 38 (3) Indiana State University.
- 39 (4) Purdue University.
- 40 (5) University of Southern Indiana.

41 (c) If a board of trustees of a state educational institution elects
42 to govern by regulation or another means, the conduct of students,

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1 faculty, employees, and others while upon the property owned,
2 used, or occupied by the state educational institution, the
3 regulation must include a policy prohibiting bullying.

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