

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1150 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.106-2005,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2012]: Sec. 2. (a) The Indiana safe schools fund is established
6 to do the following:
7 (1) Promote school safety through the:
8 (A) purchase of equipment for the detection of firearms and
9 other weapons;
10 (B) use of dogs trained to detect firearms, drugs, explosives,
11 and illegal substances; and
12 (C) purchase of other equipment and materials used to
13 enhance the safety of schools.
14 (2) Combat truancy.
15 (3) Provide matching grants to schools for school safe haven
16 programs.
17 (4) Provide grants for school safety and safety plans.
18 (5) Provide educational outreach and training to school
19 personnel concerning:
20 (A) the identification of;
21 (B) the prevention of; and
22 (C) intervention in;
23 bullying.
24 **(6) Provide educational outreach and training to school**
25 **personnel concerning:**
26 **(A) the identification of;**
27 **(B) the prevention of; and**
28 **(C) intervention in;**
29 **criminal gang activity.**
30 (b) The fund consists of amounts deposited:
31 (1) under IC 33-37-9-4; and
32 (2) from any other public or private source.

1 (c) The institute shall determine grant recipients from the fund
2 with a priority on awarding grants in the following order:

3 (1) A grant for a safety plan.

4 (2) A safe haven grant requested under section 10 of this
5 chapter.

6 (3) A safe haven grant requested under section 7 of this chapter.

7 (d) Upon recommendation of the council, the institute shall
8 establish a method for determining the maximum amount a grant
9 recipient may receive under this section.

10 SECTION 2. IC 5-2-10.1-11, AS AMENDED BY P.L.106-2005,
11 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2012]: Sec. 11. (a) The school safety specialist training and
13 certification program is established.

14 (b) The school safety specialist training program shall provide:

15 (1) annual training sessions, which may be conducted through
16 distance learning or at regional centers; and

17 (2) information concerning best practices and available
18 resources;

19 for school safety specialists and county school safety commissions.

20 (c) The department of education shall do the following:

21 (1) Assemble an advisory group of school safety specialists from
22 around the state to make recommendations concerning the
23 curriculum and standards for school safety specialist training.

24 (2) Develop an appropriate curriculum and the standards for the
25 school safety specialist training and certification program. The
26 department of education may consult with national school safety
27 experts in developing the curriculum and standards. The
28 curriculum developed under this subdivision must include
29 training in:

30 (A) identifying, preventing, and intervening in bullying;
31 **and**

32 **(B) identifying, preventing, and intervening in criminal
33 gang activity.**

34 (3) Administer the school safety specialist training program and
35 notify the institute of candidates for certification who have
36 successfully completed the training program.

37 (d) The institute shall do the following:

38 (1) Establish a school safety specialist certificate.

39 (2) Review the qualifications of each candidate for certification
40 named by the department of education.

41 (3) Present a certificate to each school safety specialist that the
42 institute determines to be eligible for certification.

43 SECTION 3. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007,
44 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
45 JULY 1, 2012]: Sec. 12. (a) Each school within a school corporation
46 shall establish a safe school committee. The committee may be a
47 subcommittee of the committee that develops the strategic and
48 continuous school improvement and achievement plan under
49 IC 20-31-5.

50 (b) The department of education and the school corporation's
51 school safety specialist shall provide materials to assist a safe school

1 committee in developing a plan for the school that addresses the
2 following issues:

3 (1) Unsafe conditions, crime prevention, school violence,
4 bullying, **criminal gang activity**, and other issues that prevent
5 the maintenance of a safe school.

6 (2) Professional development needs for faculty and staff to
7 implement methods that decrease problems identified under
8 subdivision (1).

9 (3) Methods to encourage:

10 (A) involvement by the community and students;

11 (B) development of relationships between students and
12 school faculty and staff; and

13 (C) use of problem solving teams.

14 (c) As a part of the plan developed under subsection (b), each safe
15 school committee shall provide a copy of the floor plans for each
16 building located on the school's property that clearly indicates each
17 exit, the interior rooms and hallways, and the location of any hazardous
18 materials located in the building to the law enforcement agency and the
19 fire department that have jurisdiction over the school.

20 SECTION 4. IC 20-18-2-2.7 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2012]: **Sec. 2.7. "Criminal gang" has the**
23 **meaning set forth in IC 35-45-9-1.**

24 SECTION 5. IC 20-18-2-16, AS AMENDED BY P.L.90-2011,
25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2012]: Sec. 16. (a) "School corporation", for purposes of this
27 title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7,
28 **IC 20-28-11.5**, IC 20-30-8, and IC 20-43), means a public school
29 corporation established by Indiana law. The term includes a:

30 (1) school city;

31 (2) school town;

32 (3) school township;

33 (4) consolidated school corporation;

34 (5) metropolitan school district;

35 (6) township school corporation;

36 (7) county school corporation;

37 (8) united school corporation; or

38 (9) community school corporation.

39 (b) "School corporation", for purposes of IC 20-26-1 through
40 IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.

41 (c) "School corporation", for purposes of IC 20-20-33,
42 **IC 20-26-18**, and IC 20-30-8, includes a charter school (as defined in
43 IC 20-24-1-4).

44 (d) "School corporation", for purposes of IC 20-43, has the
45 meaning set forth in IC 20-43-1-23.

46 (e) "School corporation", for purposes of IC 20-28-11.5, has the
47 meaning set forth in IC 20-28-11.5-3.

48 SECTION 6. IC 20-19-3-11 IS ADDED TO THE INDIANA
49 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

1 [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The department, in
 2 collaboration with the Indiana criminal justice institute, the
 3 department of child services, and any organization that has
 4 expertise in providing criminal gang education, prevention, or
 5 intervention that the department determines to be appropriate,
 6 shall:

7 (1) identify or develop model educational materials on
 8 criminal gang activity; and

9 (2) develop and maintain a model policy to address criminal
 10 gangs and criminal gang activity in schools.

11 (b) Not later than July 1, 2013, the department shall make the
 12 model policy developed under subsection (a)(2) available to assist
 13 schools in the development and implementation of a criminal gang
 14 policy for the schools' school corporations under IC 20-26-18.

15 (c) The model educational materials on criminal gang activity
 16 identified or developed under subsection (a)(1) must include
 17 information:

18 (1) to educate students and parents on the extent to which
 19 criminal gang activity exists;

20 (2) regarding the negative societal impact that criminal
 21 gangs have on the community;

22 (3) on methods to discourage participation in criminal gangs;
 23 and

24 (4) on methods of providing intervention to a child suspected
 25 of participating in criminal gang activity.

26 (d) The model criminal gang policy developed under
 27 subsection (a)(2) must include:

28 (1) a statement prohibiting criminal gang activity in schools;

29 (2) a statement prohibiting reprisal or retaliation against an
 30 individual who reports suspected criminal gang activity;

31 (3) a definition of "criminal gang" and "criminal gang
 32 activity" that is consistent with the definition in IC 35-45-9-1.

33 (4) a statement of standard consequences and remedial
 34 actions for:

35 (A) individuals engaged in criminal gang activity; and

36 (B) individuals found to have made false accusations
 37 concerning criminal gang activity;

38 (5) model procedures for:

39 (A) reporting suspected criminal gang activity; and

40 (B) the prompt investigation of suspected criminal gang
 41 activity;

42 (6) information about the types of support services, including
 43 family support services, available for a student suspected of
 44 participating in criminal gang activity; and

45 (7) recommendations concerning criminal gang prevention
 46 and intervention services and programs for students that
 47 maximize community participation and the use of federal
 48 funding."

49 Page 2, after line 3, begin a new paragraph and insert:

50 "SECTION 8. IC 20-24-8-5, AS AMENDED BY P.L.90-2011,

1 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2012]: Sec. 5. The following statutes and rules and guidelines
3 adopted under the following statutes apply to a charter school:

- 4 (1) IC 5-11-1-9 (required audits by the state board of accounts).
5 (2) IC 20-39-1-1 (unified accounting system).
6 (3) IC 20-35 (special education).
7 (4) IC 20-26-5-10 (criminal history).
8 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
9 agencies).
10 (6) IC 20-28-10-12 (nondiscrimination for teacher marital
11 status).
12 (7) IC 20-28-10-14 (teacher freedom of association).
13 (8) IC 20-28-10-17 (school counselor immunity).
14 (9) For conversion charter schools only, IC 20-28-6,
15 IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.
16 (10) IC 20-33-2 (compulsory school attendance).
17 (11) IC 20-33-3 (limitations on employment of children).
18 (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student
19 due process and judicial review).
20 (13) IC 20-33-8-16 (firearms and deadly weapons).
21 (14) IC 20-34-3 (health and safety measures).
22 (15) IC 20-33-9 (reporting of student violations of law).
23 (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
24 observances).
25 (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8,
26 or any other statute, rule, or guideline related to standardized
27 testing (assessment programs, including remediation under the
28 assessment programs).
29 (18) IC 20-33-7 (parental access to education records).
30 (19) IC 20-31 (accountability for school performance and
31 improvement).
32 (20) IC 20-30-5-19 (personal financial responsibility
33 instruction).
34 **(21) IC 20-26-18 (criminal gang measures).**

35 SECTION 9. IC 20-26-18 IS ADDED TO THE INDIANA CODE
36 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2012]:

38 **Chapter 18. Criminal Gang Measures**

39 **Sec. 1. This chapter applies to every school corporation,
40 including a charter school (as defined in IC 20-24-1-4) and a school
41 city to which IC 20-25 applies.**

42 **Sec. 2. (a) Not later than June 1, 2014, the governing body of
43 each school corporation must establish a written policy to address
44 criminal gangs and criminal gang activity in schools. The
45 governing body of a school corporation may develop the policy in
46 consultation with:**

- 47 **(1) parents;**
48 **(2) school employees;**
49 **(3) local law enforcement officials;**
50 **(4) the county prosecutor;**

- 1 **(5) the county public defender;**
 2 **(6) organizations that have expertise in criminal gang**
 3 **education, prevention, or intervention; and**
 4 **(7) any other person or entity the governing body of the**
 5 **school corporation determines to be appropriate.**
 6 **(b) The policy must meet all of the requirements for the**
 7 **department's model criminal gang policy set forth in**
 8 **IC 20-19-3-11(d).**
 9 **(c) Not later than September 1, 2014, each school corporation**
 10 **shall submit a copy of its criminal gang policy to the department.**
 11 **Sec. 3. A school corporation shall put a copy of the school**
 12 **corporation's criminal gang policy established under section 2 of**
 13 **this chapter:**
 14 **(1) on its Internet web site;**
 15 **(2) in school student handbooks; and**
 16 **(3) in any location the school corporation determines to be**
 17 **appropriate.**
 18 **Sec. 4. A school corporation shall establish the following**
 19 **educational programs in its efforts to address criminal gang**
 20 **activity:**
 21 **(1) An educational criminal gang awareness program for**
 22 **students, school employees, and parents.**
 23 **(2) A school employee development program to provide**
 24 **training to school employees in the implementation of the**
 25 **criminal gang policy established under section 2 of this**
 26 **chapter.**
 27 **Sec. 5. The governing body of a school corporation may**
 28 **establish a program to provide criminal gang intervention services**
 29 **to students.**
 30 **Sec. 6. A school corporation may enter into a memorandum of**
 31 **understanding with:**
 32 **(1) the county prosecutor of the county in which the school**
 33 **corporation is located; or**
 34 **(2) a juvenile court with jurisdiction in the school**
 35 **corporation;**
 36 **to foster coordination of gang prevention, intervention, and**
 37 **suppression efforts.**
 38 **Sec. 7. (a) Not later than June 1, 2015, and before June 2 of**
 39 **each year thereafter, each school corporation shall submit to the**
 40 **department a written report, on forms developed by the**
 41 **department, outlining the activities undertaken as part of the**
 42 **school corporation's compliance with this chapter.**
 43 **(b) Not later than November 1, 2015, and before November 2**
 44 **of each year thereafter, the department shall submit a**
 45 **comprehensive report concerning criminal gang activity in schools**
 46 **to the governor and the general assembly. A report submitted to**
 47 **the general assembly under this subsection must be in an electronic**
 48 **format under IC 5-14-6. The report must include the following:**
 49 **(1) A summary of the activities reported to the department**
 50 **under subsection (a).**

- 1 **(2) Any recommendations or conclusions made by the**
 2 **department to assist in the prevention of, education about,**
 3 **and intervention in criminal gang activity in schools.**

4 SECTION 10. IC 20-33-8-13.7 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2012]: **Sec. 13.7 (a) Discipline rules adopted**
 7 **by the governing body of a school corporation under section 12 of**
 8 **this chapter must:**

- 9 **(1) prohibit criminal gang activity; and**
 10 **(2) include provisions concerning education about, parental**
 11 **involvement in preventing, reporting of, investigation of, and**
 12 **intervention in criminal gang activity.**

13 **(b) The discipline rules adopted in compliance with subsection**
 14 **(a) must apply when a student is:**

- 15 **(1) on school grounds immediately before or during school**
 16 **hours, immediately after school hours, or at any other time**
 17 **when the school is being used by a school group;**
 18 **(2) at a school activity, function, or event held off school**
 19 **grounds;**
 20 **(3) traveling to or from school or a school activity, function,**
 21 **or event; or**
 22 **(4) using property or equipment provided by the school.**

23 **(c) This section may not be construed to give rise to a cause of**
 24 **action against a person or school corporation based on an**
 25 **allegation of noncompliance with this section. Noncompliance with**
 26 **this section may not be used as evidence against a school**
 27 **corporation in a cause of action.**

28 SECTION 11. IC 20-33-9-10.5 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2012]: **Sec. 10.5. In addition to any other**
 31 **duty to report arising under this article, a school employee who has**
 32 **reason to believe that a student or school employee has committed:**

- 33 **(1) a crime under IC 35-45-9-3 (criminal gang participation);**
 34 **(2) a crime under IC 35-45-9-4 (criminal gang intimidation);**
 35 **(3) a crime under IC 35-45-9-5 (criminal gang recruitment);**
 36 **or**
 37 **(4) a delinquent act that would be a crime under one (1) of**
 38 **the statutes referred to in subdivisions (1) through (3) if**
 39 **committed by an adult;**

40 **shall report that information as required by section 11 of this**
 41 **chapter.**

42 SECTION 12. IC 20-33-9-11, AS AMENDED BY P.L.72-2006,
 43 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 44 JULY 1, 2012]: **Sec. 11. (a) If an individual who is required to make a**
 45 **report under this chapter is a member of the staff of a school, the**
 46 **individual shall make the report by immediately notifying the ~~principal~~**
 47 **~~of the school or school corporation administration~~ that:**

- 48 **(1) a school employee may have received a threat or may be the**
 49 **victim of intimidation, battery, or harassment; or**
 50 **(2) the individual has reason to believe that a student or a**

1 **school employee has committed a crime or delinquent act**
 2 **referred to in section 10.5 of this chapter.**

3 (b) An individual who receives a report under subsection (a) shall
 4 immediately make a report or cause a report to be made under section
 5 13 of this chapter.

6 SECTION 13. IC 20-33-9-13, AS AMENDED BY P.L.72-2006,
 7 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2012]: Sec. 13. An individual who has a duty under sections
 9 10 through 12 of this chapter to report that:

10 **(1) a school employee may have received a threat or may be the**
 11 **victim of intimidation, battery, or harassment; or**

12 **(2) the individual has reason to believe that a student or a**
 13 **school employee has committed a crime or delinquent act**
 14 **referred to in section 10.5 of this chapter;**

15 shall immediately make an oral report to the local law enforcement
 16 agency.

17 SECTION 14. IC 20-33-9-14.5 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2012]: **Sec. 14.5. Except as provided in**
 20 **section 15 of this chapter, an individual, other than a person**
 21 **accused of committing a crime or delinquent act referred to in**
 22 **section 10.5 of this chapter, who:**

23 **(1) makes, or causes to be made, a report under this chapter;**
 24 **or**

25 **(2) participates in any judicial proceeding or other**
 26 **proceeding:**

27 **(A) arising from a report made under this chapter; or**

28 **(B) relating to the subject matter of a report made**
 29 **under this chapter;**

30 **is immune from any civil or criminal liability that might otherwise**
 31 **be imposed because of such actions.**

32 SECTION 15. IC 34-30-2-85.1, AS AMENDED BY P.L.1-2005,
 33 SECTION 220, IS AMENDED TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2012]: Sec. 85.1. **(a) IC 20-33-9-14**
 35 **(Concerning a person who reports or causes a report to be made of a**
 36 **threat against, or intimidation of, a school employee).**

37 **(b) IC 20-33-9-14.5 (Concerning an individual who reports or**
 38 **causes a report to be made of a crime or delinquent act involving**
 39 **criminal gang activity)."**

40 Renumber all SECTIONS consecutively.

(Reference is to EHB 1150 as printed February 24, 2012.)

Senator MERRITT