



Reprinted
January 31, 2012

SENATE BILL No. 312

DIGEST OF SB 312 (Updated January 30, 2012 5:36 pm - DI 116)

Citations Affected: IC 5-2; IC 20-18; IC 20-19; IC 20-24; IC 20-26; IC 20-33; IC 34-30.

Synopsis: School policies on gang activities. Allows the Indiana safe schools fund to be used to provide educational outreach and training to school personnel concerning the identification and prevention of and intervention in criminal gang activity. Requires the Indiana department of education (department) to develop model educational materials and a model policy concerning criminal gang activity. Requires the department, in collaboration with the Indiana criminal justice institute, the Indiana department of child services, and any organization with expertise in criminal gang education, prevention, and intervention that the department determines to be appropriate, to identify or develop model education materials and develop a model policy to address criminal gangs and criminal gang activity in schools. Requires the governing body of each school corporation, including Indianapolis public schools and charter schools, to develop and maintain a criminal gang policy. Requires a school corporation to include a copy of its criminal gang policy: (1) on its web site; (2) in school student handbooks; and (3) in any location the school corporation determines to be appropriate. Requires each school corporation to develop: (1) an educational criminal gang awareness program for students, school employees, and parents; and (2) a school employee development program to provide training to school employees in the implementation
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Effective: July 1, 2012.

Hershman, Head, Rogers, Randolph

January 5, 2012, read first time and referred to Committee on Education and Career Development.
January 26, 2012, reported favorably — Do Pass.
January 30, 2012, read second time, amended, ordered engrossed.

SB 312—LS 6507/DI 116+



Digest Continued

of the school corporation's criminal gang policy. Authorizes a school corporation to enter into a memorandum of understanding with the county prosecutor or a juvenile court to foster coordination of gang prevention, intervention, and suppression efforts. Requires, beginning in 2015 and each year thereafter, each school corporation to submit a report to the department outlining the activities undertaken by the school corporation to address criminal gang activity. Requires, beginning in 2015 and each year thereafter, the department to submit a report to the governor and the general assembly. Requires the discipline rules adopted by the governing body of a school corporation to: (1) prohibit criminal gang activity; and (2) include provisions concerning education, parental involvement, reporting, investigation, and intervention concerning criminal gang activity. Requires a school employee who has reason to believe that a student or school employee: (1) actively participates in a criminal gang; (2) commits criminal gang intimidation; or (3) solicits, recruits, entices, or intimidates another individual to join a criminal gang; to immediately notify the school or school corporation administration. Requires the principal to make an oral report to the local law enforcement agency. Provides that an individual who makes a report or causes a report to be made or who participates in any judicial proceeding resulting from or relating to the report is immune from any civil or criminal liability if the individual did not act maliciously or in bad faith. Makes a technical correction.

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Reprinted
January 31, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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SENATE BILL No. 312

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 5-2-10.1-2, AS AMENDED BY P.L.106-2005,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 2. (a) The Indiana safe schools fund is established
4 to do the following:
5 (1) Promote school safety through the:
6 (A) purchase of equipment for the detection of firearms and
7 other weapons;
8 (B) use of dogs trained to detect firearms, drugs, explosives,
9 and illegal substances; and
10 (C) purchase of other equipment and materials used to
11 enhance the safety of schools.
12 (2) Combat truancy.
13 (3) Provide matching grants to schools for school safe haven
14 programs.
15 (4) Provide grants for school safety and safety plans.

SB 312—LS 6507/DI 116+



- 1 (5) Provide educational outreach and training to school personnel
 2 concerning:
 3 (A) the identification of;
 4 (B) the prevention of; and
 5 (C) intervention in;
 6 bullying.
- 7 **(6) Provide educational outreach and training to school**
 8 **personnel concerning:**
 9 **(A) the identification of;**
 10 **(B) the prevention of; and**
 11 **(C) intervention in;**
 12 **criminal gang activities.**
- 13 (b) The fund consists of amounts deposited:
 14 (1) under IC 33-37-9-4; and
 15 (2) from any other public or private source.
- 16 (c) The institute shall determine grant recipients from the fund with
 17 a priority on awarding grants in the following order:
 18 (1) A grant for a safety plan.
 19 (2) A safe haven grant requested under section 10 of this chapter.
 20 (3) A safe haven grant requested under section 7 of this chapter.
- 21 (d) Upon recommendation of the council, the institute shall establish
 22 a method for determining the maximum amount a grant recipient may
 23 receive under this section.
- 24 SECTION 2. IC 5-2-10.1-11, AS AMENDED BY P.L.106-2005,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2012]: Sec. 11. (a) The school safety specialist training and
 27 certification program is established.
- 28 (b) The school safety specialist training program shall provide:
 29 (1) annual training sessions, which may be conducted through
 30 distance learning or at regional centers; and
 31 (2) information concerning best practices and available resources;
 32 for school safety specialists and county school safety commissions.
- 33 (c) The department of education shall do the following:
 34 (1) Assemble an advisory group of school safety specialists from
 35 around the state to make recommendations concerning the
 36 curriculum and standards for school safety specialist training.
 37 (2) Develop an appropriate curriculum and the standards for the
 38 school safety specialist training and certification program. The
 39 department of education may consult with national school safety
 40 experts in developing the curriculum and standards. The
 41 curriculum developed under this subdivision must include
 42 training in:

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1 (A) identifying, preventing, and intervening in bullying; **and**
 2 (B) **identifying, preventing, and intervening in criminal**
 3 **gang activity.**
 4 (3) Administer the school safety specialist training program and
 5 notify the institute of candidates for certification who have
 6 successfully completed the training program.
 7 (d) The institute shall do the following:
 8 (1) Establish a school safety specialist certificate.
 9 (2) Review the qualifications of each candidate for certification
 10 named by the department of education.
 11 (3) Present a certificate to each school safety specialist that the
 12 institute determines to be eligible for certification.
 13 SECTION 3. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007,
 14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2012]: Sec. 12. (a) Each school within a school corporation
 16 shall establish a safe school committee. The committee may be a
 17 subcommittee of the committee that develops the strategic and
 18 continuous school improvement and achievement plan under
 19 IC 20-31-5.
 20 (b) The department of education and the school corporation's school
 21 safety specialist shall provide materials to assist a safe school
 22 committee in developing a plan for the school that addresses the
 23 following issues:
 24 (1) Unsafe conditions, crime prevention, school violence,
 25 bullying, **criminal gang activity**, and other issues that prevent the
 26 maintenance of a safe school.
 27 (2) Professional development needs for faculty and staff to
 28 implement methods that decrease problems identified under
 29 subdivision (1).
 30 (3) Methods to encourage:
 31 (A) involvement by the community and students;
 32 (B) development of relationships between students and school
 33 faculty and staff; and
 34 (C) use of problem solving teams.
 35 (c) As a part of the plan developed under subsection (b), each safe
 36 school committee shall provide a copy of the floor plans for each
 37 building located on the school's property that clearly indicates each
 38 exit, the interior rooms and hallways, and the location of any hazardous
 39 materials located in the building to the law enforcement agency and the
 40 fire department that have jurisdiction over the school.
 41 SECTION 4. IC 20-18-2-2.7 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY

COPY



1, 2012]: **Sec. 2.7. "Criminal gang" has the meaning set forth in IC 35-45-9-1.**

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

- (1) school city;
- (2) school town;
- (3) school township;
- (4) consolidated school corporation;
- (5) metropolitan school district;
- (6) township school corporation;
- (7) county school corporation;
- (8) united school corporation; or
- (9) community school corporation.

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

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

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

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

SECTION 6. IC 20-19-3-11 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2012]: **Sec. 11. (a) The department, in collaboration with the Indiana criminal justice institute, the department of child services, and any organization that has expertise in providing criminal gang education, prevention, or intervention that the department determines to be appropriate, shall:**

- (1) identify or develop model educational materials on criminal gang activity; and
- (2) develop and maintain a model policy to address criminal gangs and criminal gang activity in schools.

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

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

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- 1 **information:**
 2 (1) to educate students and parents on the extent to which
 3 criminal gang activity exists;
 4 (2) regarding the negative societal impact that criminal gangs
 5 have on the community;
 6 (3) on methods to discourage participation in criminal gangs;
 7 and
 8 (4) on methods of providing intervention to a child suspected
 9 of participating in criminal gang activity.
 10 (d) The model criminal gang policy developed under subsection
 11 (a)(2) must include:
 12 (1) a statement prohibiting criminal gang activity in schools;
 13 (2) a statement prohibiting reprisal or retaliation against an
 14 individual who reports suspected criminal gang activity;
 15 (3) a definition of "criminal gang" and "criminal gang
 16 activity" that is consistent with the definition in IC 35-45-9-1.
 17 (4) a statement of standard consequences and remedial
 18 actions for:
 19 (A) individuals engaged in criminal gang activity; and
 20 (B) individuals found to have made false accusations
 21 concerning criminal gang activity;
 22 (5) model procedures for:
 23 (A) reporting suspected criminal gang activity; and
 24 (B) the prompt investigation of suspected criminal gang
 25 activity;
 26 (6) information about the types of support services, including
 27 family support services, available for a student suspected of
 28 participating in criminal gang activity; and
 29 (7) recommendations concerning criminal gang prevention
 30 and intervention services and programs for students that
 31 maximize community participation and the use of federal
 32 funding.
 33 SECTION 7. IC 20-24-8-5, AS AMENDED BY P.L.90-2011,
 34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2012]: Sec. 5. The following statutes and rules and guidelines
 36 adopted under the following statutes apply to a charter school:
 37 (1) IC 5-11-1-9 (required audits by the state board of accounts).
 38 (2) IC 20-39-1-1 (unified accounting system).
 39 (3) IC 20-35 (special education).
 40 (4) IC 20-26-5-10 (criminal history).
 41 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
 42 agencies).



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- 1 (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
 2 (7) IC 20-28-10-14 (teacher freedom of association).
 3 (8) IC 20-28-10-17 (school counselor immunity).
 4 (9) For conversion charter schools only, IC 20-28-6, IC 20-28-7.5,
 5 IC 20-28-8, IC 20-28-9, and IC 20-28-10.
 6 (10) IC 20-33-2 (compulsory school attendance).
 7 (11) IC 20-33-3 (limitations on employment of children).
 8 (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student
 9 due process and judicial review).
 10 (13) IC 20-33-8-16 (firearms and deadly weapons).
 11 (14) IC 20-34-3 (health and safety measures).
 12 (15) IC 20-33-9 (reporting of student violations of law).
 13 (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
 14 observances).
 15 (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8,
 16 or any other statute, rule, or guideline related to standardized
 17 testing (assessment programs, including remediation under the
 18 assessment programs).
 19 (18) IC 20-33-7 (parental access to education records).
 20 (19) IC 20-31 (accountability for school performance and
 21 improvement).
 22 (20) IC 20-30-5-19 (personal financial responsibility instruction).
 23 **(21) IC 20-26-18 (criminal gang measures).**
 24 SECTION 8. IC 20-26-18 IS ADDED TO THE INDIANA CODE
 25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2012]:
 27 **Chapter 18. Criminal Gang Measures**
 28 **Sec. 1. This chapter applies to every school corporation,**
 29 **including a charter school (as defined in IC 20-24-1-4) and a school**
 30 **city to which IC 20-25 applies.**
 31 **Sec. 2. (a) Not later than June 1, 2014, the governing body of**
 32 **each school corporation must establish a written policy to address**
 33 **criminal gangs and criminal gang activity in schools. The**
 34 **governing body of a school corporation may develop the policy in**
 35 **consultation with:**
 36 **(1) parents;**
 37 **(2) school employees;**
 38 **(3) local law enforcement officials;**
 39 **(4) the county prosecutor;**
 40 **(5) the county public defender;**
 41 **(6) organizations that have expertise in criminal gang**
 42 **education, prevention, or intervention; and**



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(7) any other person or entity the governing body of the school corporation determines to be appropriate.

(b) The policy must meet all of the requirements for the department's model criminal gang policy set forth in IC 20-19-3-11(d).

(c) Not later than September 1, 2014, each school corporation shall submit a copy of its criminal gang policy to the department.

Sec. 3. A school corporation shall put a copy of the school corporation's criminal gang policy established under section 2 of this chapter:

- (1) on its web site;
- (2) in school student handbooks; and
- (3) in any location the school corporation determines to be appropriate.

Sec. 4. A school corporation shall establish the following educational programs in its efforts to address criminal gang activity:

- (1) An educational criminal gang awareness program for students, school employees, and parents.
- (2) A school employee development program to provide training to school employees in the implementation of the criminal gang policy established under section 2 of this chapter.

Sec. 5. The governing body of a school corporation may establish a program to provide criminal gang intervention services to students.

Sec. 6. A school corporation may enter into a memorandum of understanding with:

- (1) the county prosecutor of the county in which the school corporation is located; or
- (2) a juvenile court with jurisdiction in the school corporation;

to foster coordination of gang prevention, intervention, and suppression efforts.

Sec. 7. (a) Not later than June 1, 2015, and before June 2 of each year thereafter, each school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's compliance with this chapter.

(b) Not later than November 1, 2015, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal gang activity in schools to the governor

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1 and the general assembly. A report submitted to the general
2 assembly under this subsection must be in an electronic format
3 under IC 5-14-6. The report must include the following:

4 (1) A summary of the activities reported to the department
5 under subsection (a).

6 (2) Any recommendations or conclusions made by the
7 department to assist in the prevention of, education about,
8 and intervention in criminal gang activity in schools.

9 SECTION 9. IC 20-33-8-13.7 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2012]: Sec. 13.7 (a) Discipline rules adopted
12 by the governing body of a school corporation under section 12 of
13 this chapter must:

14 (1) prohibit criminal gang activity; and

15 (2) include provisions concerning education about, parental
16 involvement in preventing, reporting of, investigation of, and
17 intervention in criminal gang activity.

18 (b) The discipline rules adopted in compliance with subsection
19 (a) must apply when a student is:

20 (1) on school grounds immediately before or during school
21 hours, immediately after school hours, or at any other time
22 when the school is being used by a school group;

23 (2) at a school activity, function, or event held off school
24 grounds;

25 (3) traveling to or from school or a school activity, function,
26 or event; or

27 (4) using property or equipment provided by the school.

28 (c) This section may not be construed to give rise to a cause of
29 action against a person or school corporation based on an
30 allegation of noncompliance with this section. Noncompliance with
31 this section may not be used as evidence against a school
32 corporation in a cause of action.

33 SECTION 10. IC 20-33-9-10.5 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2012]: Sec. 10.5. In addition to any other
36 duty to report arising under this article, a school employee who has
37 reason to believe that a student or school employee has committed:

38 (1) a crime under IC 35-45-9-3 (criminal gang participation);

39 (2) a crime under IC 35-45-9-4 (criminal gang intimidation);

40 (3) a crime under IC 35-45-9-5 (criminal gang recruitment);

41 or

42 (4) a delinquent act that would be a crime under one (1) of the

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1 statutes referred to in subdivisions (1) through (3) if
 2 committed by an adult;
 3 shall report that information as required by section 11 of this
 4 chapter.

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

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

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

16 (b) An individual who receives a report under subsection (a) shall
 17 immediately make a report or cause a report to be made under section
 18 13 of this chapter.

19 SECTION 12. IC 20-33-9-13, AS AMENDED BY P.L.72-2006,
 20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2012]: Sec. 13. An individual who has a duty under sections
 22 10 through 12 of this chapter to report that:

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

25 (2) the individual has reason to believe that a student or a
 26 school employee has committed a crime or delinquent act
 27 referred to in section 10.5 of this chapter;

28 shall immediately make an oral report to the local law enforcement
 29 agency.

30 SECTION 13. IC 20-33-9-14.5 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2012]: Sec. 14.5. Except as provided in
 33 section 15 of this chapter, an individual, other than a person
 34 accused of committing a crime or delinquent act referred to in
 35 section 10.5 of this chapter, who:

36 (1) makes, or causes to be made, a report under this chapter;
 37 or

38 (2) participates in any judicial proceeding or other
 39 proceeding:

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

41 (B) relating to the subject matter of a report made under
 42 this chapter;

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1 **is immune from any civil or criminal liability that might otherwise**
2 **be imposed because of such actions.**
3 SECTION 14. IC 34-30-2-85.1, AS AMENDED BY P.L.1-2005,
4 SECTION 220, IS AMENDED TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2012]: Sec. 85.1. **(a)** IC 20-33-9-14
6 (Concerning a person who reports or causes a report to be made of a
7 threat against, or intimidation of, a school employee).
8 **(b) IC 20-33-9-14.5 (Concerning an individual who reports or**
9 **causes a report to be made of a crime or delinquent act involving**
10 **criminal gang activity).**

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 312, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 312 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 7, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 312 be amended to read as follows:

Page 5, line 16, delete "activity;" and insert "**activity**" that is **consistent with the definition in IC 35-45-9-1**."

Page 9, line 9, strike "principal".

Page 9, line 10, strike "of the".

Page 9, line 10, after "school" insert "**or school corporation administration**".

(Reference is to SB 312 as printed January 27, 2012.)

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