



March 29, 2013

**ENGROSSED
SENATE BILL No. 352**

DIGEST OF SB 352 (Updated March 26, 2013 10:53 am - DI 116)

Citations Affected: IC 5-2; IC 20-18; IC 20-19; IC 20-26; IC 20-33; noncode.

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 certain other agencies and organizations with expertise in criminal gang education, prevention, and intervention, 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 (Continued next page)

Effective: July 1, 2013.

**Hershman, Buck, Rogers, Randolph,
Merritt, Kruse**

(HOUSE SPONSORS — TRUITT, KLINKER)

January 8, 2013, read first time and referred to Committee on Education and Career Development.

February 14, 2013, amended, reported favorably — Do Pass.

February 19, 2013, read second time, ordered engrossed.

February 20, 2013, engrossed.

February 25, 2013, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 4, 2013, read first time and referred to Committee on Education.

March 28, 2013, amended, reported — Do Pass.

C
O
P
Y

ES 352—LS 6624/DI 116+



Digest Continued

corporation to develop and maintain a criminal gang policy. 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 of the school corporation's criminal gang policy. Requires, beginning in 2017 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 2017 and each year thereafter, the department to submit a report to the governor and the general assembly regarding criminal gang activities in schools. Requires a school employee to report any incidence of suspected criminal gang activity, criminal gang intimidation, or criminal gang recruitment to the principal and the school safety specialist. Requires the state police department to conduct an assessment to map gang activity and identify existing services and programs and to report the results to the department by July 1, 2014. Makes a technical correction.

C
o
p
y



March 29, 2013

First Regular Session 118th General Assembly (2013)

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.

ENGROSSED SENATE BILL No. 352

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, 2013]: 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.

ES 352—LS 6624/DI 116+



C
O
P
Y

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 to school personnel and**
8 **training to school safety specialists and school resource**
9 **officers concerning:**

- 10 (A) the identification of;
11 (B) the prevention of; and
12 (C) intervention in;
13 **criminal gang activities.**

14 (b) The fund consists of amounts deposited:

- 15 (1) under IC 33-37-9-4; and
16 (2) from any other public or private source.

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

- 19 (1) A grant for a safety plan.
20 (2) A safe haven grant requested under section 10 of this chapter.
21 (3) A safe haven grant requested under section 7 of this chapter.

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

25 SECTION 2. IC 5-2-10.1-11, AS AMENDED BY P.L.106-2005,
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2013]: Sec. 11. (a) The school safety specialist training and
28 certification program is established.

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

- 30 (1) annual training sessions, which may be conducted through
31 distance learning or at regional centers; and
32 (2) information concerning best practices and available resources;
33 for school safety specialists and county school safety commissions.

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

- 35 (1) Assemble an advisory group of school safety specialists from
36 around the state to make recommendations concerning the
37 curriculum and standards for school safety specialist training.
38 (2) Develop an appropriate curriculum and the standards for the
39 school safety specialist training and certification program. The
40 department of education may consult with national school safety
41 experts in developing the curriculum and standards. The
42 curriculum developed under this subdivision must include

C
O
P
Y



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

training in:
(A) identifying, preventing, and intervening in bullying; and
(B) identifying, preventing, and intervening in criminal gang activity.

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

- (d) The institute shall do the following:
(1) Establish a school safety specialist certificate.
(2) Review the qualifications of each candidate for certification named by the department of education.
(3) Present a certificate to each school safety specialist that the institute determines to be eligible for certification.

SECTION 3. 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 to assist a safe school committee in developing a plan for the school that addresses the following issues:

- (1) Unsafe conditions, crime prevention, school violence, bullying, **criminal gang activity**, 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 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.

SECTION 4. IC 20-18-2-2.8 IS ADDED TO THE INDIANA CODE

C
o
p
y



1 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
2 1, 2013]: **Sec. 2.8. "Criminal gang" has the meaning set forth in**
3 **IC 35-45-9-1.**

4 SECTION 5. IC 20-18-2-16, AS AMENDED BY P.L.6-2012,
5 SECTION 123, IS AMENDED TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2013]: Sec. 16. (a) "School corporation", for
7 purposes of this title (except IC 20-20-33, IC 20-26-1 through
8 IC 20-26-5, IC 20-26-7, IC 20-28-11.5, IC 20-30-8, and IC 20-43),
9 means a public school corporation established by Indiana law. The term
10 includes a:

- 11 (1) school city;
- 12 (2) school town;
- 13 (3) school township;
- 14 (4) consolidated school corporation;
- 15 (5) metropolitan school district;
- 16 (6) township school corporation;
- 17 (7) county school corporation;
- 18 (8) united school corporation; or
- 19 (9) community school corporation.

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

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

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

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

28 SECTION 6. IC 20-19-3-12 IS ADDED TO THE INDIANA CODE
29 AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY
30 1, 2013]: **Sec. 12. (a) The department, in collaboration with the**
31 **Indiana criminal justice institute, the department of child services,**
32 **the center for evaluation and education policy at Indiana**
33 **University, the state police department, and any organization that**
34 **has expertise in providing criminal gang education, prevention, or**
35 **intervention that the department determines to be appropriate,**
36 **shall:**

- 37 (1) **identify or develop evidence based model educational**
38 **materials on criminal gang activity; and**
- 39 (2) **develop and maintain a model policy to address criminal**
40 **gangs and criminal gang activity in schools.**

41 (b) **Not later than July 1, 2015, the department shall make the**
42 **model policy developed under subsection (a)(2) available to assist**

C
o
p
y



1 schools in the development and implementation of a criminal gang
2 policy for the schools' school corporations under IC 20-26-18.

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

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

8 (2) regarding the negative societal impact that criminal gangs
9 have on the community;

10 (3) on methods to discourage participation in criminal gangs;
11 and

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

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

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

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

19 (3) definitions of "criminal gang" as set forth in IC 35-45-9-1
20 and "criminal gang activity";

21 (4) model procedures for:

22 (A) reporting suspected criminal gang activity; and

23 (B) the prompt investigation of suspected criminal gang
24 activity;

25 (5) information about the types of support services, including
26 family support services, available for a student suspected of
27 participating in criminal gang activity; and

28 (6) recommendations concerning criminal gang prevention
29 and intervention services and programs for students that
30 maximize community participation and the use of federal
31 funding.

32 SECTION 7. IC 20-26-18 IS ADDED TO THE INDIANA CODE
33 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2013]:

35 **Chapter 18. Criminal Gang Measures**

36 **Sec. 1. This chapter applies to every school corporation and to**
37 **a school city to which IC 20-25 applies.**

38 **Sec. 2. (a) Not later than June 1, 2016, the governing body of**
39 **each school corporation shall establish a written policy to address**
40 **criminal gangs and criminal gang activity in schools. The**
41 **governing body of a school corporation shall develop the policy in**
42 **consultation with:**



C
O
P
Y

- 1 (1) parents;
- 2 (2) school employees;
- 3 (3) local law enforcement officials;
- 4 (4) the county prosecuting attorney;
- 5 (5) the county public defender;
- 6 (6) organizations that have expertise in criminal gang
- 7 education, prevention, or intervention;
- 8 (7) a juvenile court judge;
- 9 (8) a school behavioral health or community mental health
- 10 professional; and
- 11 (9) any other person or entity the governing body of the school
- 12 corporation determines to be appropriate.

13 (b) The policy must meet all the requirements for the
 14 department's model criminal gang policy set forth in
 15 IC 20-19-3-12(d).

16 (c) Not later than September 1, 2016, each school corporation
 17 shall submit a copy of its criminal gang policy to the department.

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

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

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

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

34 **Sec. 5.** To foster the continuing coordination of gang prevention,
 35 intervention, and suppression efforts, the governing body of a
 36 school corporation may establish a program to provide criminal
 37 gang intervention services to students. If a school corporation
 38 chooses to develop a program under this section, the governing
 39 body shall establish an advisory committee that includes the
 40 following members:

- 41 (1) Parents.
- 42 (2) School employees.

C
O
P
Y



- 1 **(3) Local law enforcement officials.**
- 2 **(4) The county prosecuting attorney.**
- 3 **(5) The county public defender.**
- 4 **(6) A juvenile court judge.**
- 5 **(7) A school behavioral health or community mental health**
- 6 **professional.**
- 7 **(8) Representatives of organizations that have expertise in**
- 8 **criminal gang education, prevention, or intervention.**
- 9 **(9) Any other person or entity the governing body determines**
- 10 **is appropriate.**

11 **Sec. 6. (a) Not later than June 1, 2017, and before June 2 of each**
 12 **year thereafter, each school corporation shall submit to the**
 13 **department a written report, on forms developed by the**
 14 **department, outlining the activities undertaken as part of the**
 15 **school corporation's compliance with this chapter. The report must**
 16 **include school based data to monitor for disproportionality, with**
 17 **each school reporting the number of investigations disposed of**
 18 **internally and the number of cases referred to local law**
 19 **enforcement, disaggregated by race, ethnicity, age, and gender.**

20 **(b) Not later than November 1, 2017, and before November 2 of**
 21 **each year thereafter, the department shall submit a comprehensive**
 22 **report concerning criminal gang activity in schools to the governor**
 23 **and the general assembly. A report submitted to the general**
 24 **assembly under this subsection must be in an electronic format**
 25 **under IC 5-14-6. The report must include the following:**

- 26 **(1) A summary of the activities reported to the department**
- 27 **under subsection (a).**
- 28 **(2) Any recommendations or conclusions made by the**
- 29 **department to assist in the prevention of, education about,**
- 30 **and intervention in criminal gang activity in schools.**

31 **SECTION 8. IC 20-33-9-10.5 IS ADDED TO THE INDIANA**
 32 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 33 **[EFFECTIVE JULY 1, 2013]: Sec. 10.5. (a) This section does not**
 34 **apply to a charter school or an accredited nonpublic school.**

35 **(b) A school employee shall report any incidence of suspected**
 36 **criminal gang activity, criminal gang intimidation, or criminal**
 37 **gang recruitment to the principal and the school safety specialist.**

38 **(c) The principal and the school safety specialist may take**
 39 **appropriate action to maintain a safe and secure school**
 40 **environment, including providing appropriate intervention**
 41 **services.**

42 **SECTION 9. [EFFECTIVE JULY 1, 2013] (a) The state police**

C
O
P
Y



1 department shall perform a county by county assessment to:
2 (1) locate and map criminal gang activity; and
3 (2) identify and document any existing intervention and
4 prevention services relating to criminal gang activity.
5 The report may not disclose information or sources of information
6 that are considered confidential under federal or state law.
7 (b) The assessment required under subsection (a) shall be
8 completed and submitted to the department of education not later
9 than July 1, 2014, for the department's consideration in developing
10 model educational materials and policies under IC 20-19-3-12, as
11 added by this act.
12 (c) This SECTION expires July 2, 2014.

C
o
p
y



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 352, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 7, after "outreach" insert "**to school personnel**".

Page 2, line 8, delete "personnel" and insert "**safety specialists and school resource officers**".

Page 4, line 30, after "services," insert "**the center for evaluation and education policy at Indiana University, the state police department,**".

Page 4, line 34, after "develop" insert "**evidence based**".

Page 4, line 38, delete "2014," and insert "**2015,**".

Page 5, line 17, delete "that are consistent with the definition" and insert "**as set forth**".

Page 5, delete lines 19 through 23.

Page 5, line 24, delete "(5)" and insert "**(4)**".

Page 5, line 28, delete "(6)" and insert "**(5)**".

Page 5, line 31, delete "(7)" and insert "**(6)**".

Page 5, delete lines 35 through 42.

Page 6, delete lines 1 through 24.

Page 6, line 29, delete ",".

Page 6, line 30, delete "including a charter school (as defined in IC 20-24-1-4) and" and insert "**and to**".

Page 6, line 32, delete "2015," and insert "**2016,**".

Page 6, line 35, delete "may" and insert "**shall**".

Page 7, line 1, delete "and".

Page 7, between lines 1 and 2, begin a new line block indented and insert:

"(7) a juvenile court judge;

(8) a school behavioral health or community mental health professional; and"

Page 7, line 2, delete "(7)" and insert "**(9)**".

Page 7, line 19, after "An" insert "**evidence based**".

Page 7, line 25, delete "The" and insert "**To foster the continuing coordination of gang prevention, intervention, and suppression efforts, the**".

Page 7, line 27, after "students." insert "**If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the**

C
o
p
y



following members:

- (1) Parents.
- (2) School employees.
- (3) Local law enforcement officials.
- (4) The county prosecuting attorney.
- (5) The county public defender.
- (6) A juvenile court judge.
- (7) A school behavioral health or community mental health professional.
- (8) Representatives of organizations that have expertise in criminal gang education, prevention, or intervention.
- (9) Any other person or entity the governing body determines is appropriate."

Page 7, delete lines 28 through 35.

Page 7, line 36, delete "7." and insert "6."

Page 7, line 36, delete "2016," and insert "2017,".

Page 7, line 40, after "chapter." insert "**The report must include school based data to monitor for disproportionality, with each school reporting the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender.**".

Page 7, line 41, delete "2016," and insert "2017,".

Page 8, delete lines 10 through 37.

Page 8, line 40, delete "In addition to any other" and insert "**(a) This section does not apply to a charter school or an accredited nonpublic school.**".

Page 8, line 41, delete "duty to report arising under this article, a", begin a new paragraph and insert:

"(b) A".

Page 8, line 41, delete "who has" and insert "**shall report any incidence of suspected criminal gang activity, criminal gang intimidation, or criminal gang recruitment to the principal and the school safety specialist.**

(c) The principal and the school safety specialist may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services.

SECTION 10. [EFFECTIVE JULY 1, 2013] (a) The state police department shall perform a county by county assessment to:

- (1) locate and map criminal gang activity; and
- (2) identify and document any existing intervention and prevention services relating to criminal gang activity.



C
O
P
Y

The report may not disclose information or sources of information that are considered confidential under federal or state law.

(b) The assessment required under subsection (a) shall be completed and submitted to the department of education not later than July 1, 2014, for the department's consideration in developing model educational materials and policies under IC 20-19-3-12, as added by this act.

(c) This SECTION expires July 2, 2014."

Page 8, delete line 42.

Delete pages 9 through 10.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 352 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 11, Nays 1.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 352, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 42, delete "IC 20-18-2-2.7" and insert "IC 20-18-2-2.8".

Page 4, line 2, delete "2.7." and insert "**2.8.**".

Page 5, line 19, after "gang"" insert "**as set forth in IC 35-45-9-1**".

Page 5, line 20, delete "as set forth in IC 35-45-9-1;" and insert ";".

Page 6, line 16, delete "2015," and insert "**2016,**".

and when so amended that said bill do pass.

(Reference is to SB 352 as printed February 15, 2013.)

BEHNING, Chair

Committee Vote: yeas 11, nays 0.

C
O
P
Y

