



February 18, 2013

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## HOUSE BILL No. 1423

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DIGEST OF HB 1423 (Updated February 18, 2013 1:17 pm - DI 116)

**Citations Affected:** IC 5-2; IC 20-20; IC 20-26; IC 20-30; IC 20-33; IC 20-34; IC 21-39.

**Synopsis:** Antibullying. Requires the department of education, in consultation with school safety specialists and school counselors, to develop guidelines to assist school corporations and safe school committees in establishing bullying prevention programs, investigation and reporting procedures, and discipline rules. Requires each school corporation to include the number and nature of bullying incidents that occur within the school corporation on the school corporation's annual performance report. Requires each school corporation to provide training to school employees and volunteers concerning the school corporation's bullying prevention program, and to provide annual bullying prevention education to students. Modifies the definition of "bullying". Requires each school corporation to include detailed procedures for investigation and reporting of bullying behaviors in the school corporation's discipline rules. Requires each school corporation to include detailed procedures outlining the use of follow-up services for support services for the victim and bullying education for the bully 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 on the property owned, used, or occupied by the state educational institution, the regulation must include a policy prohibiting bullying.

**Effective:** July 1, 2013.

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### Porter, Behning, Battles, Burton

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January 22, 2013, read first time and referred to Committee on Education.  
February 18, 2013, reported — Do Pass.

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HB 1423—LS 7180/DI 116+



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February 18, 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.

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## HOUSE BILL No. 1423

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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, 2013]: 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 **and policy** for the school that  
11 addresses the 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).

HB 1423—LS 7180/DI 116+



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;**

17 **(2) establishing investigation and reporting procedures**  
18 **related to bullying; and**

19 **(3) adopting discipline rules that comply with IC 20-33-8-13.5.**

20 SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.3-2008,  
21 SECTION 115, IS AMENDED TO READ AS FOLLOWS  
22 [EFFECTIVE JULY 1, 2013]: Sec. 8. The report must include the  
23 following information:

24 (1) Student enrollment.

25 (2) Graduation rate (as defined in IC 20-26-13-6).

26 (3) Attendance rate.

27 (4) The following test scores, including the number and  
28 percentage of students meeting academic standards:

29 (A) ISTEP program test scores.

30 (B) Scores for assessments under IC 20-32-5-21, if  
31 appropriate.

32 (C) For a freeway school, scores on a locally adopted  
33 assessment program, if appropriate.

34 (5) Average class size.

35 (6) The number and percentage of students in the following  
36 groups or programs:

37 (A) Alternative education, if offered.

38 (B) Career and technical education.

39 (C) Special education.

40 (D) High ability.

41 (E) Remediation.

42 (F) Limited English language proficiency.

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

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- 1 (17) The number of students expelled, including the number  
 2 participating in other recognized education programs during their  
 3 expulsion.  
 4 (18) Chronic absenteeism, which includes the number of students  
 5 who have been absent more than ten (10) days from school within  
 6 a school year without being excused.  
 7 (19) The number of students who have dropped out of school,  
 8 including the reasons for dropping out.  
 9 (20) The number of student work permits revoked.  
 10 (21) The number of student driver's licenses revoked.  
 11 (22) The number of students who have not advanced to grade 10  
 12 due to a lack of completed credits.  
 13 (23) The number of students suspended for any reason.  
 14 (24) The number of students receiving an international  
 15 baccalaureate diploma.  
 16 (25) Other indicators of performance as recommended by the  
 17 education roundtable under IC 20-19-4.
- 18 SECTION 3. IC 20-26-5-34 IS ADDED TO THE INDIANA CODE  
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 20 1, 2013]: **Sec. 34. A school corporation shall provide training to the  
 21 school corporation's employees and volunteers who have direct,  
 22 ongoing contact with students concerning the school's bullying  
 23 prevention and reporting policy adopted under IC 20-33-8-13.5.**
- 24 SECTION 4. IC 20-30-5-5.5 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 26 1, 2013]: **Sec. 5.5. (a) Not later than October 15 of each year, each  
 27 public school shall provide age appropriate instruction focusing on  
 28 bullying prevention for all students in grades 1 through 12.**
- 29 **(b) The department, in consultation with school safety  
 30 specialists and school counselors, shall prepare outlines or  
 31 materials for the instruction described in subsection (a) and  
 32 incorporate the instruction in grades 1 through 12.**
- 33 **(c) Instruction on bullying prevention may be delivered by a  
 34 school safety specialist, school counselor, or any other person with  
 35 training and expertise in the area of bullying prevention and  
 36 intervention.**
- 37 SECTION 5. IC 20-33-8-0.2, AS ADDED BY P.L.106-2005,  
 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2013]: **Sec. 0.2. As used in this chapter, "bullying" means  
 40 overt, repeated acts or gestures, including (†) verbal or written  
 41 communications transmitted in any manner (including digitally or  
 42 electronically), (‡) physical acts committed, aggression, or (‡) any**

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1 other behaviors committed by a student or group of students against  
 2 another student with the intent to harass, ridicule, humiliate, intimidate,  
 3 or harm the ~~other~~ **targeted student and create for the targeted**  
 4 **student an objectively hostile school environment that:**

- 5 **(1) places the targeted student in reasonable fear of harm to**  
 6 **the targeted student's person or property;**  
 7 **(2) has a substantially detrimental effect on the targeted**  
 8 **student's physical or mental health;**  
 9 **(3) has the effect of substantially interfering with the targeted**  
 10 **student's academic performance; or**  
 11 **(4) has the effect of substantially interfering with the targeted**  
 12 **student's ability to participate in or benefit from the services,**  
 13 **activities, and privileges provided by the school.**

14 SECTION 6. IC 20-33-8-13.5, AS AMENDED BY P.L.180-2011,  
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2013]: Sec. 13.5. (a) Discipline rules adopted by the  
 17 governing body of a school corporation under section 12 of this chapter  
 18 must:

- 19 (1) prohibit bullying; and  
 20 (2) include:  
 21 (A) provisions concerning education, parental involvement,  
 22 reporting, investigation, and intervention;  
 23 **(B) a detailed procedure for the prompt investigation of**  
 24 **incidents of bullying that includes:**  
 25 **(i) appropriate responses to bullying behaviors,**  
 26 **wherever the behaviors occur;**  
 27 **(ii) provisions for anonymous and personal reporting of**  
 28 **bullying incidents to a teacher or other school staff;**  
 29 **(iii) timetables for reporting of bullying incidents to the**  
 30 **parents of both the targeted student and the bully, school**  
 31 **administrators, the school superintendent, or law**  
 32 **enforcement, if applicable;**  
 33 **(iv) discipline provisions for teachers, school staff, or**  
 34 **school administrators who fail to initiate or conduct an**  
 35 **investigation of a bullying incident; and**  
 36 **(v) discipline provisions for false reporting of bullying;**  
 37 **(C) a detailed procedure outlining the use of follow-up**  
 38 **services that includes:**  
 39 **(i) support services for the victim; and**  
 40 **(ii) bullying education for the bully.**

41 **Parental notification under item (2)(B)(iii) must occur within**  
 42 **twenty-four (24) hours after a school administrator receives a**

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1 **report of a bullying incident.**

2 (b) The discipline rules described in subsection (a) must apply ~~when~~  
 3 ~~a student is: (1) on school grounds immediately before or during school~~  
 4 ~~hours; immediately after school hours; or at any other time when the~~  
 5 ~~school is being used by a school group; (2) off school grounds at a~~  
 6 ~~school activity, function, or event; (3) traveling to or from school or a~~  
 7 ~~school activity, function, or event; or (4) using property or equipment~~  
 8 ~~provided by the school. wherever the bullying behaviors occur.~~

9 (c) The discipline rules described in subsection (a) must prohibit  
 10 bullying through the use of data or computer software that is accessed  
 11 through a:

- 12 (1) computer;  
 13 (2) computer system; or  
 14 (3) computer network.

15 ~~of a school corporation.~~

16 (d) This section may not be construed to give rise to a cause of  
 17 action against a person or school corporation based on an allegation of  
 18 noncompliance with this section. Noncompliance with this section may  
 19 not be used as evidence against a school corporation in a cause of  
 20 action.

21 **(e) The department shall periodically review each policy**  
 22 **adopted under this section to ensure the policy's compliance with**  
 23 **this section.**

24 SECTION 7. IC 20-34-6-1, AS ADDED BY P.L.74-2010,  
 25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2013]: Sec. 1. (a) By July 1 of each year, each school  
 27 corporation shall submit a report to the department detailing the  
 28 following information for the current school year for each school in the  
 29 school corporation and for the entire school corporation:

- 30 (1) The number of arrests of students on school corporation  
 31 property, including arrests made by law enforcement officers,  
 32 security guards, school safety specialists, and other school  
 33 corporation employees, and any citizen arrests.  
 34 (2) The offenses for which students were arrested on school  
 35 corporation property.  
 36 (3) The number of contacts with law enforcement personnel from  
 37 a school corporation employee that have resulted in arrests of  
 38 students not on school corporation property.  
 39 (4) Statistics concerning the age, race, and gender of students  
 40 arrested on school corporation property and categorizing the  
 41 statistics by offenses.  
 42 (5) Whether the school corporation has established and employs

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1 a school corporation police department under IC 20-26-16, and if  
2 so, report:

3 (A) the number of officers in the school corporation police  
4 department; and

5 (B) the training the officers must complete.

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

9 (7) If the school corporation has an agreement with a local law  
10 enforcement agency regarding procedures to arrest students on  
11 school property, a detailed explanation of the use of the local law  
12 enforcement agency by the school corporation.

13 **(8) The number and nature of reported bullying incidents**  
14 **involving a student of the school corporation.**

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

17 (1) the legislative council;

18 (2) the education roundtable established by IC 20-19-4-2;

19 (3) the board for the coordination of programs serving vulnerable  
20 individuals established by IC 4-23-30.2-8; and

21 (4) the criminal justice institute;

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

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

28 SECTION 8. IC 21-39-2-2.1 IS ADDED TO THE INDIANA CODE  
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
30 1, 2013]: **Sec. 2.1. (a) This section applies to the board of trustees**  
31 **of the following state educational institutions:**

32 **(1) Ball State University.**

33 **(2) Indiana University.**

34 **(3) Indiana State University.**

35 **(4) Purdue University.**

36 **(5) University of Southern Indiana.**

37 **(b) As used in this section, "bullying" means overt, repeated**  
38 **acts or gestures, including verbal or written communications**  
39 **transmitted in any manner (including digitally or electronically),**  
40 **physical acts committed, aggression, or any other behaviors**  
41 **committed by a student or group of students against another**  
42 **student with the intent to harass, ridicule, humiliate, intimidate, or**



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1       **harm the other student and create for the targeted student, while**  
2       **the targeted student is on the property owned, used, or occupied by**  
3       **the state educational institution, an objectively hostile environment**  
4       **that:**  
5               **(1) places the targeted student in reasonable fear of harm to**  
6               **the targeted student's person or property;**  
7               **(2) has a substantially detrimental effect on the targeted**  
8               **student's physical or mental health;**  
9               **(3) has the effect of substantially interfering with the targeted**  
10              **student's academic performance; or**  
11              **(4) has the effect of substantially interfering with the targeted**  
12              **student's ability to participate in or benefit from the services,**  
13              **activities, and privileges provided by the state educational**  
14              **institution.**  
15              **(c) If the board of trustees of a state educational institution**  
16              **elects to govern, by regulation or another means, the conduct of**  
17              **students, faculty, employees, and others on the property owned,**  
18              **used, or occupied by the state educational institution, the**  
19              **regulation must include a policy prohibiting bullying.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1423, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BEHNING, Chair

Committee Vote: yeas 9, nays 0.

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