Reprinted
February 22, 2013

SENATE BILL No. 1

DIGEST OF SB 1 (Updated February 21, 2013 1:49 pm - DI 73)

Citations Affected: IC 5-2; IC 10-19; IC 20-26.

Synopsis: School resource officers. Specifies how a school resource officer program may be established and sets forth duties and responsibilities for school resource officers. Provides that a person, before being appointed as a school resource officer, must successfully complete the training requirements for law enforcement officers and receive 40 hours of certified school resource officer training. Establishes the Indiana secured school fund under the administration of the department of homeland security to provide matching grants to enable school corporations and charter schools to establish programs to: (1) employ school resource officers; (2) conduct threat assessments of school buildings; or (3) purchase safety equipment and technology. Creates the secured school safety board to approve or disapprove applications for matching grants from the fund and to develop best practices for school resource officers. Provides that a matching grant from the fund may not exceed the lesser of: (1) 50% of the total costs of the funded program; or (2) $50,000 per year. Specifies that, to be awarded a matching grant, a school (including a coalition of schools applying jointly) must have an ADM of at least 1,000, and that a school may receive only one matching grant each year. Eliminates the authority to use money in the safe schools fund for certain purposes.

Effective: Upon passage.

Miller Pete, Charbonneau, Arnold J, Nugent, Wyss, Hume, Miller Patricia, Landske

January 10, 2013, read first time and referred to Committee on Appropriations.
February 18, 2013, amended, reported favorably — Do Pass.
February 21, 2013, read second time, amended, ordered engrossed.

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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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SENATE BILL No. 1

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.106-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana safe schools fund is established to do the following:

(1) Promote school safety through the:

(A) use of dogs trained to detect drugs and illegal substances; and

~~(A) purchase of equipment for the detection of firearms and other weapons;~~

~~(B) use of dogs trained to detect firearms, drugs, explosives, and illegal substances; and~~

~~(C)~~ **(B)** purchase of other equipment and materials used to enhance the safety of schools.

(2) Combat truancy.

(3) Provide matching grants to schools for school safe haven programs.

(4) Provide grants for school safety and safety plans.

(5) Provide educational outreach and training to school personnel concerning:
(A) the identification of;
(B) the prevention of; and
(C) intervention in;
bullying.

(b) The fund consists of amounts deposited:
(1) under IC 33-37-9-4; and
(2) from any other public or private source.

(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:
(1) A grant for a safety plan.
(2) A safe haven grant requested under section 10 of this chapter.
(3) A safe haven grant requested under section 7 of this chapter.

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

SECTION 2. IC 5-2-10.1-10, AS AMENDED BY P.L.2-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A county may establish a county school safety commission.

(b) The members of the commission are as follows:
(1) The school safety specialist for each school corporation located in whole or in part in the county.
(2) The judge of the court having juvenile jurisdiction in the county or the judge's designee.
(3) The sheriff of the county or the sheriff's designee.
(4) The chief officer of every other law enforcement agency in the county, or the chief officer's designee.
(5) A representative of the juvenile probation system, appointed by the judge described under subdivision (2).
(6) Representatives of community agencies that work with children within the county.
(7) A representative of the Indiana state police district that serves the county.
(8) A representative of the Prosecuting Attorneys Council of Indiana who specializes in the prosecution of juveniles.
(9) Other appropriate individuals selected by the commission.

(c) If a commission is established, the school safety specialist of the school corporation having the largest ADM (as defined in IC 20-18-2-2) in the county shall convene the initial meeting of the commission.

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(d) The members shall annually elect a chairperson.

(e) A commission shall perform the following duties:

(1) Perform a cumulative analysis of school safety needs within the county.

(2) Coordinate and make recommendations for the following:

(A) Prevention of juvenile offenses and improving the reporting of juvenile offenses within the schools.

(B) Proposals for identifying and assessing children who are at high risk of becoming juvenile offenders.

(C) Methods to meet the educational needs of children who have been detained as juvenile offenders.

(D) Methods to improve communications among agencies that work with children.

(E) Methods to improve security and emergency preparedness.

(F) Additional equipment or personnel that are necessary to carry out safety plans.

(G) Any other topic the commission considers necessary to improve school safety within the school corporations within the commission's jurisdiction.

(3) Provide assistance to the school safety specialists on the commission in developing and requesting grants for safety plans.

(4) Provide assistance to the school safety specialists on the commission and the participating school corporations in developing and requesting grants for school safe haven programs under section 7 of this chapter.

(5) Assist each participating school corporation in carrying out the school corporation's safety plans.

(6) Provide assistance to a school resource officer in developing and implementing the comprehensive local school safety plan (as described in IC 20-26-18-2).

(f) The affirmative votes of a majority of the voting members of the commission are required for the commission to take action on a measure.

SECTION 3. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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, **and, upon request, a school resource officer (as**

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described in IC 20-26-18-1) 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, 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, **and to the department of homeland security established by IC 10-19-2-1.**

SECTION 4. IC 10-19-11 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 11. School Safety

Sec. 1. The following definitions apply throughout this chapter:

(1) "ADM" refers to average daily membership determined under IC 20-43-4-2.

(2) "Board" refers to the secured school safety board established by section 3 of this chapter.

(3) "Fund" refers to the Indiana secured school fund established by section 2 of this chapter.

(4) "Local plan" means the comprehensive local school safety plan described in IC 20-26-18-2.

(5) "School corporation or charter school" includes:

(A) a coalition of school corporations;

(B) a coalition of charter schools; or

(C) a coalition of both school corporations and charter schools;

that intend to jointly employ a school resource officer or to jointly apply for a matching grant under this chapter, unless the context clearly indicates otherwise.

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(6) "School resource officer" has the meaning set forth in IC 20-26-18-1.

Sec. 2. (a) The Indiana secured school fund is established to provide matching grants to enable school corporations and charter schools to establish programs under which a school corporation or charter school (or a coalition of schools) will:

(1) employ a school resource officer or enter into a contract or a memorandum of understanding with a:

(A) local law enforcement agency;

(B) private entity; or

(C) nonprofit corporation;

to employ a school resource officer;

(2) conduct a threat assessment of the buildings within a school corporation or operated by a charter school; or

(3) purchase equipment and technology to:

(A) restrict access to school property; or

(B) expedite notification of first responders.

(b) The fund shall be administered by the department.

(c) The fund consists of:

(1) appropriations from the general assembly;

(2) grants from the safe schools fund established by IC 5-2-10.1-2;

(3) federal grants; and

(4) amounts deposited from any other public or private source.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 3. (a) The secured school safety board is established to:

(1) approve or disapprove applications for matching grants to fund programs described in section 2(a) of this chapter;

(2) evaluate local plans submitted by school resource officers; and

(3) develop best practices for a school resource officer to employ in order to successfully carry out the officer's responsibilities under IC 20-26-18-1(a)(2).

(b) The board consists of five (5) members appointed as follows:

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(1) The executive director or the executive director's designee. The executive director or designee will serve as the chairperson of the board.

(2) The attorney general or attorney general's designee.

(3) The superintendent of the state police department or the superintendent's designee.

(4) A local law enforcement officer appointed by the governor.

(5) The state superintendent of public instruction or the superintendent's designee.

(c) The board shall establish criteria to be used in evaluating applications for matching grants from the fund. These criteria must:

(1) be consistent with the fund's goals; and

(2) provide for an equitable distribution of grants to school corporations and charter schools located throughout Indiana.

Sec. 4. (a) The board may award a matching grant to enable a school corporation or charter school (or a coalition of schools applying jointly) to establish a program to employ a school resource officer, conduct a threat assessment, or purchase equipment to restrict access to the school or expedite the notification of first responders in accordance with section 2(a) of this chapter.

(b) A matching grant awarded to a school corporation or charter school under this section may not exceed the lesser of:

(1) fifty percent (50%) of the total costs of the program; or

(2) fifty thousand dollars ($50,000) per year;

for a two (2) year period beginning on or after May 1, 2013.

(c) A school corporation or charter school may receive only one (1) matching grant under this section each year.

Sec. 5. (a) A school corporation or charter school may annually apply to the board for a matching grant from the fund for a program described in section 2(a) of this chapter. A school corporation or charter school may apply to the board for a matching grant from the fund only if the school corporation or charter school (or coalition of schools applying jointly) has an ADM of at least one thousand (1,000).

(b) The application must include the following:

(1) A concise description of the school corporation's or charter school's security needs.

(2) The estimated cost of the program to the school corporation or charter school.

(3) The extent to which the school corporation or charter

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school has access to and support from a nearby law enforcement agency, if applicable.

(4) The ADM of the school corporation or charter school (or the combined ADM of the coalition of schools applying jointly).

(5) Any other information required by the board.

Sec. 6. A school corporation or charter school that is awarded a matching grant under this chapter is not required to repay or reimburse the board or fund the amount of the matching grant.

Sec. 7. The department shall report before October 1 of each year to the budget committee concerning matching grants awarded under this chapter during the previous fiscal year.

SECTION 5. IC 20-26-18 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 18. School Resource Officers

Sec. 1. (a) As used in this chapter, "school resource officer" means an individual who:

(1) has completed the training described in subsection (b); and

(2) is employed by or assigned to one (1) or more school corporations or charter schools to:

(A) develop and implement the comprehensive local school safety plan under section 2 of this chapter; and

(B) carry out any additional responsibilities assigned to the school resource officer in the employment agreement, contract, or memorandum of understanding to:

(i) protect against outside threats to the physical safety of students;

(ii) prevent unauthorized access to school property; and

(iii) secure schools against violence and natural disasters.

(b) Before being appointed as a school resource officer, an individual must have:

(1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and

(2) received at least forty (40) hours of certified school resource officer training through:

(A) the Indiana law enforcement training board established by IC 5-2-1-3;

(B) the National Association of School Resource Officers;

(C) a certified school resource officer instructor; or

(D) another organization that offers certified instruction to

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school resource officers.

(c) Certified training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

(1) school campuses; and

(2) school building security needs and characteristics.

Sec. 2. (a) A school resource officer may be employed:

(1) by one (1) or more school corporations or charter schools through a contract between a local law enforcement agency and the school corporation or school corporations or the charter school or charter schools;

(2) solely by one (1) or more school corporations or charter schools;

(3) solely by a local law enforcement agency that assigns the school resource officer to one (1) or more school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the school corporation or school corporations or the charter school or charter schools; or

(4) through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and the school corporation or school corporations or the charter school or charter schools.

(b) A contract or memorandum of understanding entered into under subsection (a) must state the nature and scope of a school resource officer's duties and responsibilities. A school resource officer's duties and responsibilities include the duty to develop and implement a comprehensive local school safety plan that will do the following:

(1) Protect against outside threats to the physical safety of students.

(2) Prevent unauthorized access to school property.

(3) Secure schools against violence and natural disasters.

(c) A school resource officer shall consult with local law enforcement officials and first responders in developing the comprehensive local school safety plan.

(d) A school resource officer shall provide a copy of the comprehensive local school safety plan to the secured school safety board (as established by IC 10-19-11-3) for evaluation.

(e) On or before August 1 of each year, each school resource officer, using a format required by the department, shall prepare and file with the department an evaluation report concerning the

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implementation of the comprehensive local school safety plan at each school at which the school resource officer is employed or to which the school resource officer is assigned.

Sec. 3. (a) A school resource officer may:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property;

(3) carry a firearm; and

(4) exercise other police powers with respect to the enforcement of Indiana laws.

(b) A school resource officer has jurisdiction in every county where the school corporation or charter school employing the officer operates a school. This subsection does not restrict the jurisdiction that a school resource officer may possess due to the officer's employment by a law enforcement agency.

SECTION 6. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 1, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 1, line 5, after "the" insert ":
(A)".

Page 1, line 6, after "substances" delete "." and insert "**; and**".

Page 1, line 11, after "(C)" insert "**(B)**".

Page 1, line 11, reset in roman "purchase of other equipment and materials used to".

Page 1, reset in roman line 12.

Page 2, delete lines 17 through 40.

Page 6, line 28, delete "An employee of a local school corporation or charter" and insert "**The superintendent of the state police department or the superintendent's designee.**".

Page 6, delete line 29.

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed February 19, 2013.)

MILLER PETE

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