

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.

SENATE ENROLLED ACT No. 352

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 JULY 1, 2013]: Sec. 2. (a) The Indiana safe schools fund is established to do the following:

- (1) Promote school safety through the:
 - (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) 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;

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bullying.

(6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers concerning:

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

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

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

- (1) annual training sessions, which may be conducted through distance learning or at regional centers; and
- (2) information concerning best practices and available resources;

for school safety specialists and county school safety commissions.

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

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

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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 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 2.8. "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.6-2012, SECTION 123, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2013]: 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 20-19-3-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2013]: **Sec. 12. (a) The department, in collaboration with the Indiana criminal justice institute, the department of child services, the center for evaluation and education policy at Indiana University, the state police department, 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 evidence based 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, 2015, 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 information:

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- (1) to educate students and parents on the extent to which criminal gang activity exists;
 - (2) regarding the negative societal impact that criminal gangs have on the community;
 - (3) on methods to discourage participation in criminal gangs; and
 - (4) on methods of providing intervention to a child suspected of participating in criminal gang activity.
- (d) The model criminal gang policy developed under subsection (a)(2) must include:
- (1) a statement prohibiting criminal gang activity in schools;
 - (2) a statement prohibiting reprisal or retaliation against an individual who reports suspected criminal gang activity;
 - (3) definitions of "criminal gang" as set forth in IC 35-45-9-1 and "criminal gang activity";
 - (4) model procedures for:
 - (A) reporting suspected criminal gang activity; and
 - (B) the prompt investigation of suspected criminal gang activity;
 - (5) information about the types of support services, including family support services, available for a student suspected of participating in criminal gang activity; and
 - (6) recommendations concerning criminal gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

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

Chapter 18. Criminal Gang Measures

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

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

- (1) parents;
- (2) school employees;
- (3) local law enforcement officials;
- (4) the county prosecuting attorney;
- (5) the county public defender;



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- (6) organizations that have expertise in criminal gang education, prevention, or intervention;
- (7) a juvenile court judge;
- (8) a school behavioral health or community mental health professional; and
- (9) any other person or entity the governing body of the school corporation determines to be appropriate.

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

(c) Not later than September 1, 2016, 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 Internet 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 evidence based 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. To foster the continuing coordination of gang prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal gang intervention services to students. If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the 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

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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.

Sec. 6. (a) Not later than June 1, 2017, 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. 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.

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

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

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

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

(b) A school employee 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 9. [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.

The report may not disclose information or sources of information

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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.

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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