

REFERENCE GUIDE OF INDIANA LAWS RELATED TO SCHOOL SAFETY

A Quick Reference Tool to Assist Educators

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SCHOOL SAFETY SPECIALIST

Indiana School Safety Specialist Academy

IC 5-2-10.1-9 School Safety Specialists – Duties

Sec. 9. (a) Each school corporation shall designate an individual to serve as the school safety specialist for the school corporation.

(b) The school safety specialist shall be chosen by the superintendent of the school corporation with the approval of the governing body.

(c) The school safety specialist shall perform the following duties:

(1) Serve on the county school safety commission, if a county school safety commission is established under section 10 of this chapter.

(2) Participate each year in a number of days of school safety training that the council determines.

(3) With the assistance of the county school safety commission, if a county school safety commission is established under section 10 of this chapter, develop a safety plan for each school in the school corporation.

(4) Coordinate the safety plans of each school in the school corporation as required under rules adopted by the Indiana state board of education.

(5) Act as a resource for other individuals in the school corporation on issues related to school discipline, safety, and security.

School Safety Plan – Requirements

(d) A school safety plan must meet the following:

(1) Must meet the requirements set forth in IC 20-26-18.2-2(b).

(2) Must be able to be provided to a member of the secured school safety board (as established by IC 10-21-1-3) if a member requests the plan.

(3) Must be filed with the county school safety commission under IC 5-2-10.1-10 if the county has established a county school safety commission.

School Safety Specialist Training and Certification

IC 5-2-10.1-11 School safety specialist training and certification program Sec. 11.

Requirements:

- (a) The school safety specialist training and certification program must be established.
- (b) The school safety specialist training program shall provide the following:
 - (1) Annual training sessions, which may be conducted through distance learning or at regional centers
 - (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 appropriate curriculum and 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 the following areas:
 - (A) Identifying, preventing, and intervening in bullying.
 - (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 (IC 20-19-3-14):
 - (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.

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DIVISION OF SCHOOL BUILDING, PHYSICAL SECURITY, AND SAFETY

Definition of IC 20-19-3-14

Sec. 14 (a) Division, as used in this section, refers to the partitioning of the school building, physical security, and safety established by subsection (c).

(b) Physical security, as used in this section, refers to security measures that are designed to deny unauthorized access to a building or facility. This includes, but is not limited to, loss or damage of school equipment and resources, as well as protecting individuals from harm.

Division Expectations for Physical Security and Safety:

(c) The division of school building physical security and safety is established within the department.

(d) The division shall do the following:

(1) Establish and maintain guidelines for using professional architectural and engineering services to integrate physical security improvements in the construction, renovations, repairs, or alterations of a school facility. The division shall also encourage good safety practices to be applied in the construction, renovations, repairs, or alterations to the school grounds.

(2) Ensure that the department's responsibilities with regards to the school safety specialist training and certification program established in IC 5-2-10.1-11 are carried out.

(3) Establish and maintain guidelines for establishing emergency response protocols in cooperation with other state agencies.

(4) Ensure the department's responsibilities under IC 5-2-10.1-12 are completed.

(5) Coordinate recovery assistance and department response to a school for the event of a manmade or natural disaster.

(6) Provide information and guidance to school corporations or schools to establish mutual aid disaster assistance agreements.

(7) Collect and study information to study and collect information to integrate lessons learned from previous school disasters throughout the country into the curriculum of the school safety specialist training and certification program established in IC 5-2-10.1-11 and guidelines established by the division under this subsection.

(e) The division may, upon request by a school corporation, perform the following:

(1) Review a school safety plan

(2) Provide an onsite safety review for a school

- (3) Provide guidance or assistance relating to school safety matters to the school corporation.

Division Website Expectations

(f) The division shall maintain a secure Internet web site to provide school officials and public safety officials access to information that is considered classified under IC 5-14-3-4(b)(1), IC 5-14-3-4(b)(18), and IC 5-14-3-4(b)(19). The division shall also maintain other sensitive information that may assist school officials and public safety officials in improving school safety or responding to a manmade or natural disaster.

(g) The division shall maintain a public Internet web site that contains the following:

- (1) The guidelines established by the division under subsection (d)
- (2) Best practices pertaining to school safety
- (3) Any other information the division determines may be necessary to carry out the division's duties or responsibilities under this section.

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COUNTY SCHOOL SAFETY COMMISSIONS

Duties and Responsibilities

IC 5-2-10.1-10: County school safety commissions; members and duties.

Sec. 10. (a): A county may establish a county school safety commission.

Commission Member Requirements

(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 in 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 specializing in the prosecution of juveniles.

(9) Individuals selected by the commission.

Meeting Requirements

(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.

(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:

Focus of Meetings

(A) Focus on the prevention of juvenile offenses and improvement of reporting 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 which 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. These topics should do the following:

(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.

Requirements for Commission Decision-Making

(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.

Commission School Safety Plans

(g) A commission shall receive the school safety plans described in IC 20-26-18.2-2(c) for the schools and school corporations located in the county. The commission may share the school safety plans with law enforcement agencies.

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SAFE SCHOOL COMMITTEES

IC 5-2-10.1-12

Safe school committees – school plans Sec. 12. (a)

- Each school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic, continuous school improvement and achievement plan under IC 20-31-5.
- Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.
- (b) The department of education, the school corporation's school safety specialist, and upon request, school resource officer (as described in IC 20-26-18.2-1), shall provide materials and guidelines to schools. These materials and resources are to assist the safe school committees in developing plans and policies. These constituents and assets are to address the following topics:
 - Unsafe Conditions
 - Crime Prevention
 - School Violence
 - Bullying
 - Criminal Gang Activity
 - Pertinent Safety Issues
 - (2) Professional Development for faculty and staff (1)
 - (3) Methods to encourage involvement between the community (A) and students (B)
 - Methods to develop relationships between students, school faculty (B)
 - Use of problem solving teams amongst faculty, staff, and students (C)

- The guidelines developed under subsection (b) must include age appropriate, research based information that assists school corporations and safe school committees. Key considerations that must be taken into account are as follows:
 - (1) Developing and implementing bullying prevention programs
 - (2) Establishing investigation and reporting procedures related to bullying
 - (3) Adopting discipline rules that comply with IC 20-33-8-13.5.

- (e) In addition to developing guidelines under subsection (b), the Department of Education (e) In addition to the guidelines developed under subsection (b), the Department of Education must establish categories of bullying in order to classify incident types when creating reports under IC 20-20-8-8 and IC 20-34-6-1.

Safe School Committee – Building Floor Plans

- (c) All safe school committees are required to provide a copy of floor plans for each building (b) on school grounds to the law enforcement agency and fire department in their county’s jurisdiction. These floor plans must clearly indicate each exit, interior rooms, hallways, and locations of any hazardous materials located in the building (d).

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BULLYING DEFINITIONS AND DISCIPLINE RULES

IC 20-33-8-0.2 "Bullying" Sec. 0.2

A Definition of Bullying

Bullying – Defined as overt, unwanted, repeated acts or gestures of hostility, conducted with the intent to harass, ridicule, demean, intimidate, or harm the student.

Bullying can include both verbal and written communications. Additionally, this form of harassment can use images which may be transmitted either digitally or electronically, physical acts, or signs of public aggression, against the targeted student.

Consequences of Repeated Exposure to Bullying:

- Creation of a hostile school environment
- (1) Fear of harm to the student’s person or property
- (2) Detrimental effect on the student’s physical and mental health
- (3) Detrimental effect on academic performance
- (4) Potential to substantially interfere with the student’s ability to participate in or benefit from the services, activities, and privileges provided by the school.

A Definition of Bullying – Caveats

The term for bullying cannot be interpreted to impose any burden or sanction on, or include in the definition any of the following:

- Participating in a religious event (1)
- Acting in an emergency involving the protection of a person or property from imminent threat of serious bodily damage or substantial danger (2).
- Participating in an activity which exercises the student’s rights. These rights are protected under the First Amendment of the United States Constitution and Article I, Section 31, of the Constitution of the State of Indiana (3).
- Participating in an activity conducted by a nonprofit governmental entity providing training, education, recreation, or care under the supervision of one or more adults.
- Participating in an activity undertaken with prior written consent of the student’s parent.
- Engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.

Bullying Prevention – Materials and Instruction Guidelines for Schools

Material Guidelines for Bullying:

IC 20-26-5-34.2

- **Sec. 34.2:** A school corporation shall provide training to the school corporation’s employees and volunteers who have direct, ongoing contact with students, concerning the school’s bullying prevention and reporting policy adopted under IC 20-33-8-13.5.

IC 20-30-5-5.5

Sec.5.5 (a): No later than October 15 of each year, each public school shall provide age appropriate, research based instruction, as provided under IC 5-2-10.1-12(d)(1), focusing on bullying prevention for all students in grades 1 through 12.

- (b) The department, in consultation with school safety specialists and school counselors, shall prepare outlines or materials for the instruction described in subsection (a) and incorporate the instruction in grades 1 through 12.
- (c) Instruction on bullying prevention may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of bullying prevention and intervention.

Discipline – Addressing and Preventing Bullying in Schools:

IC 20-33-8-13.5

Per IC 20-33-8-13.5, (a) discipline rules prohibit bullying under Sec. 13.5. Discipline rules adopted by the governing body of a school under Section 12 must meet the following criteria:

- (1) Prohibit bullying
- (2) Include (A) provisions for education of students, parents, and faculty on bullying.

- Incorporate provisions for parental involvement (A).
- Intervention provisions for students affected by bullying (A).
- (B) Detailed procedures for expediting investigations of bullying.

Provisions that must be met in requested procedures for investigations of bullying:

- (i) Appropriate responses to bullying behaviors
- (ii) Provisions for anonymous and personal reporting of bullying to a teacher or other school staff.
- (iii) Timetables for reporting bullying incidents to the parent of the targeted student and bully, in an expedited manner.
- (iv) Timetables for reporting bullying incidents to school counselors, school administrators, school superintendent, or law enforcement, if it is determined that reporting the incident to law enforcement is necessary.
- Disciplinary provisions for false reporting.
- Disciplinary provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident (v)
- Detailed procedures outlining the use of follow-up services.

Follow up services are determined as follows:

- (i) Support services for the victim
- (ii) Bullying education for the bully in question

Disciplinary Application

- (b) The discipline rules described in subsection (a) may be applied regardless of where the bullying behavior occurred.
- (1) The individual committing the bullying behavior, or any of the intended targets of the bullying, are students attending a school within a school corporation.
- The disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent unreasonable threat to the rights of others to a safe and peaceful learning environment.
- All discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software accessed via a computer, computer system, or computer network (d).

Note: This section may not be construed as a cause of action against a person or school corporation based on allegations of non-compliance to this section. Non-compliance with this section may not be used as evidence against a school corporation in a cause of action.

Investigation of a Disciplinary Action

- Under IC 5-14-3, a record made of an investigation, disciplinary action, or follow-up action performed under the rules adopted in this section are not public record.

Department Compliance

- The department shall periodically review each policy adopted under this section to ensure compliance.

SUSPENSION AND EXPULSION

IC 20-33-8-14 – Grounds for Suspension or Expulsion

Grounds for Student Suspension or Expulsion

Sec. 14 (a): The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter, and as stated by the school corporation rules:

- Student misconduct (1)
- Substantial disobedience (2)

The grounds for suspension or expulsion apply when a student meets the following criteria:

- The student is present on school grounds immediately before, during, or after school hours, or at any time when the school is being utilized by a school group (1).
- Off school grounds at a school function, activity, or event (2).
- (3) Traveling to or from school, a school activity, function, or event (IC20-33-8-15).

UNLAWFUL ACTIVITY BY A STUDENT

Sec. 15 – Additional Grounds for Suspension or Expulsion

Sec. 15: In addition to the grounds specified in section 14 of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if this action falls into the following categories:

- (1) The unlawful activity is reasonably considered to be an interference with school purposes or educational function.
- (2) The student's removal is necessary to restore order or protect persons on the school property.

Note: Unlawful activity includes events which occur during holidays, weekends, school breaks, and summer period when a student may not be attending classes or other school functions.

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WEAPONS

IC 20-33-8-16: Possession of Firearms, Deadly Weapons, or Destructive Devices

Definition of a Deadly Weapon

- As used in this section, the meaning of the word “firearm” is set forth in IC 35-47-1-5.
- As used in this section, the meaning of the word “deadly weapon” is set forth in IC 35-41-1-8. This definition does not include firearms or destructive devices.
- As used in this section, the meaning of the word “destructive device” is set forth in IC 35-47.5-2-4.

Disciplinary Action – Possession of a Firearm, Deadly Weapon, or Destructive Device by a Student

Criteria for Student Discipline

Students that choose to bring a firearm, deadly weapon, or destructive devices to a school or school property face disciplinary action. The criteria for student discipline as it pertains to destructive devices, deadly weapons, and firearms are as follows:

- The student has been identified as bringing a destructive device or firearm to school or a school property (d).
- The student has been identified as being in possession of a firearm or destructive device at a school or school property.

Disciplinary Consequences

- Notwithstanding section 20 of this chapter, the student identified as bringing a firearm or destructive device on school property is to be expelled for at least one calendar year. The return of the student will occur at the beginning of the first school semester after the end of the one year expulsion period.
- Notwithstanding section 20 of this chapter, the student identified as being in possession of a firearm or destructive device on school property must be expelled for one calendar year at least. The student may return at the beginning of the first school semester at the end of the one year expulsion period.

Disciplinary Exceptions:

The school superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for the student expelled under this section.

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POSSESSION OF A DEADLY WEAPON

Possession of a Deadly Weapon on School Property

- Students in possession of a deadly weapon on school property may not be expelled for more than one calendar year (g).

SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNEE

Responsibilities of a School Superintendent or Superintendent's Designee

- A superintendent, or superintendent's designee, shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in the behavior described in subsection (d).
- The superintendent may give similar notice if the student engages in behavior described in subsection (f).
- Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.
- A student with disabilities, as defined in IC 20-35-7-7, possessing a firearm on school property, is subject to procedural safeguards under 20 U.S.C. 1415.

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VIOLATIONS: CLASSES OF MISDEMEANORS AND FELONIES

IC 35-47-2-23 Violations

Misdemeanor Violation Classification:

- Sec. 23 (a) A person who violates section 3, 4, 5, 14, 15, or 16 of this chapter commits a Class B misdemeanor.
 - Sec. 23 (c) A person who violates section 1 of this chapter commits a Class A misdemeanor.
 - The above offense is a Class C felony if the following criteria are met:
 - (A) On or in school property
 - (B) Within 1000 feet of school property
 - (C) On a school bus.
 - If the person (A) has a prior conviction of any offense under (i) this subsection, (ii) subsection (d), or (b) has been convicted of a felony within 15 years of the date of the offense.

Felony Classification:

- Sec. 23 (b) A person who violates section 7, 17, or 18 of this chapter commits a Class C felony.

Caveats:

- The person who violates Sec. 22 of this chapter commits a Class A misdemeanor.

- (d) The offense is a Class D felony if the person has a prior conviction of any offense under this subsection or subsection (c), or has been convicted of a felony within fifteen years of the date of the offense IC 35-47-9-1.

WHO MAY LEGALLY POSSESS A FIREARM (SCHOOL PROPERTY)

Possession of Firearms – Restrictions and Exemptions

Entities Exempt from this Chapter:

Sec. 1 This chapter does not apply to the following entities:

- **(1) (A) Law enforcement officers:**
 - (A) Federal
 - (B) State
 - (C) Local
- **(2) A person who may legally possess a firearm and been authorized by one of the following:**
 - (A) A school board, as defined by IC 20-26-9-4
 - (B) The body that administers a charter school established under IC 20-24 to carry a firearm in or on school property.
- **(3) Except as provided in subsection (b) or (c), a person who meets the following:**
 - (A) may legally possess a firearm
 - (B) Possesses the firearm in a motor vehicle
- **(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1.**
- **(5) Except as provided in subsection (b) or (c), a person who meets the following:**
 - May legally possess a firearm (A).
 - Possesses the firearm in the following condition:
 - (i) Locked in the trunk of the person’s motor vehicle
 - (ii) Kept in the glove compartment of the person’s locked motor vehicle – or, alternatively – (iii) stored out of plain sight in the individual’s locked motor vehicle.

Exceptions:

Except as provided in subsection (A)(3) and (A)(5), the exemption to individuals does not include a person who meets the below criteria:

- **(1) Enrolled as a student in any high school, except if the person is a high school student and a member of the shooting sports team.**
 - The student in question must have the school principal’s approval beforehand to keep their firearm concealed in the person’s motor vehicle on the days the student is competing or practicing as a member of the shooting sports team.
- **(2) A former student of the school, if the person is no longer enrolled in the school due to disciplinary action within the previous 24 months.**

Definition of a Motor Vehicle as Pertaining to Possession of Firearms

(C) For purposes of subsection (A)(3) and (A)(5), a motor vehicle does not include any vehicle owned, leased, or controlled by a school or school district, unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.

IC 35-47-9-2: Possession of firearms on a school property, school function, or a school bus

Sec. 2 (A): A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (C).

Chargeable Offenses:

Subsection (C): A person who knowingly or intentionally possesses a firearm in the following capacity is classified as committing either a felony or misdemeanor of the following nature:

- Carrying a firearm (1) within school property or (2) a school bus is classified as a Level 6 felony.
- A person who is legally permitted to possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school lot commits a Class A misdemeanor (C).

Defense to Prosecution:

(B) It is a defense to a prosecution under subsection (A) when the following criteria are met:

- (1) The person in question is legally permitted to possess the firearm.
- (2) The legally possessed firearm in question is stored in the following manner:
 - (A) The firearm is locked in the trunk of the individual's motor vehicle.
 - (B) The firearm is kept in the glove compartment of the party's locked motor vehicle.
 - (C) The firearm is stored out of plain sight in the person's locked motor vehicle.

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KNIFE DEFINED

IC 35-47-5-2.5 – Possession of a Knife on School Property

Sec. 2.5. (A) As used in this section, knife refers to an instrument that meets the following standards:

- Consisting of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds (1).
- Intended as a weapon (2).

Included under this term are the following: dagger, dirk, poniard, stiletto, switchblade knife, or gravity knife (B).

Legal Ramifications:

- A person who recklessly, knowingly, or intentionally possesses a knife on the following commits a Class B misdemeanor:
 - (1) School property, as defined in IC 35-41-1-24.7
 - (2) A school bus, as defined in IC 20-27-2-8
 - (3) A special purpose bus, as defined in IC 20-27-2-10

Misdemeanor and Felony Addendums:

- If the person who possesses the knife holds a previous, unrelated conviction under this section, the offense is a Class A misdemeanor.
- If bodily injury or serious bodily injury occurs to another person the offense is categorized as a Class D felony.

Exceptions:

This section does not apply to the following individuals possessing a knife who meet these particular conditions (D):

- (1)(A) If the knife is provided to the individual by the school corporation.
- (A) If possession of the knife is authorized by the school corporation.
- (B) The person is utilizing the knife in a manner authorized by the school corporation.
- (2) If the knife is secured in a motor vehicle.

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AUTISM TRAINING

IC 20-26-5-31 – Policy, Education, and Training

School Corporation Training Responsibility:

- Sec. 31 (a): If a school corporation, including a school city, as defined by IC 20-25-2-12, establishes a school corporation police department, the governing body of the school corporation shall adopt a policy that requires every individual appointed as a school corporation police officer to complete training and education. This education must be approved by the state board and enable the school corporation police officer to appropriately deal with individuals possessing autism or Asperger’s syndrome.

School Corporation Officer Training:

- This subsection applies to both regular and special police officers assigned as security police officers for the school corporation under IC 36-8-3-7 (D).
- The governing body of the school corporation to which the police officer is assigned shall ensure that the police officer receives training and education. The training and education must be approved by the state board that will enable the police officer to appropriately deal with individuals possessing autism or Asperger’s syndrome.

SCHOOL CORPORATION POLICE DEPARTMENTS

IC 20-26-16 – School Corporation Police Departments

IC 20-26-16-1 Application

Sec. 1. This chapter applies to a school corporation, including a school city, as defined in IC 20-25-2-12. As added by P.L.132-2007, SEC.7

Criteria for Training and Establishment of a School Corporation Police Department

IC 20-26-16-2 Authority to establish police department

- Sec. 2. The governing body of a school corporation may establish a school corporation police department under this chapter. As added by P.L.132-2007, SEC.7.

IC 20-26-16-3 Authority to appoint officers, possess uniforms, and provide vehicles

- Sec. 3. The governing body of a school corporation may do the following for the school corporation police department:
 - (1) Appoint school corporation police officers.
 - (2) Prescribe the duties and direct the conduct of school corporation police officers.
 - (3) Prescribe distinctive uniforms.
 - (4) Provide emergency vehicles. As added by P.L.132-2007, SEC.7.

IC 20-26-16-4 Standardized training requirements for all school corporation police officers

- Sec. 4. An individual appointed as a school corporation police officer must successfully complete at least:
 - A pre-basic training course established under IC 5-2-1-9(F)
 - Complete (2) the minimum basic training and educational requirements adopted by the law enforcement training board, under IC 5-2-1-9, as necessary for employment as a law enforcement officer. As added by P.L.132-2007, SEC.7.

IC 20-26-16-5 Training for school corporation police officers

- Sec. 5. (a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:
 - (1) A pre-basic training course established under IC 5-2-1-9(F).
 - (2) The minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

Restrictions of a School Corporation Police Officer:

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation police officer may not perform any of the following actions:

- (1) Make an arrest
- (2) Conduct a search or a seizure of a person or property
- (3) Carry a firearm; unless the school corporation police officer successfully completes a pre-basic training course under IC 5-2-1-9(f). As added by P.L.132-2007, SEC.7.

IC 20-26-16-6 School corporation police officers; oath; powers, duties, and jurisdiction

Sec. 6. (a) A school corporation police officer appointed under this chapter must meet the following standards:

- (1) Must be a law enforcement officer, as defined in IC 5-2-1-2(1).
- (2) Must take an appropriate oath of office in a form and manner prescribed by the governing body.
- (3) A school corporation police officer is appointed at the governing body's pleasure
- (4) The school corporation police officer performs the duties that the governing body assigns.

School Corporation Police Officer Powers

- (B) School corporation police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense.
- School corporation police officers have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body. However, any powers may be expressly forbidden to them by the governing body employing them.
- School corporation police officers shall enforce and assist the educators and administrators of their school corporation in the enforcement of the rules.
- Assist and cooperate with other law enforcement agencies and officers (C).
- School corporation police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the school corporation, including the streets passing through and adjacent to the property.
- Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved. As added by P.L.132-2007, SEC.7.

IC 20-26-16-7 Existing school corporation police departments Sec. 7.

A school corporation police department established before July 1, 2007, shall be considered, after June 30, 2007, a school corporation police department established under this chapter.

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IC 20-33-7-3 INFORMATION SHARING

IC 20-33-7-3 Report of Educational Records without Parental Consent

Juvenile Justice Agency

Sec. 3 (a) As used in this section, "juvenile justice agency" has the meaning set forth in IC 10-13-4-5.

Educational Record Disclosure

- A school corporation or other entity, to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply, may disclose or report on the education records of a child.
- A school corporation or other entity, to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C 1232g) apply, may disclose or

report personally identifiable information contained in the education records, without the consent of the child's parent under the following conditions:

- (1) The disclosure or reporting of education records is to a state or local juvenile justice agency.
- (2) The disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released.
- (3) The juvenile justice agency receiving the information certifies, in writing, to the entity providing the information that the agency or individual receiving the information has agreed not to disclose it to a third party, other than another juvenile justice agency, without the consent of the child's parent.

Suspension, Pertaining to Disclosure and Reporting of Education Records

Grounds for Requesting Records:

- (c) For the purposes of subsection (b)(2), the disclosure or reporting of educational records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication. This will apply if the juvenile justice agency seeking the information provides sufficient evidence to enable the keeper of the education records to determine that the juvenile justice agency seeks the material in order to identify and intervene with the child as a juvenile at risk of delinquency, rather than obtain data solely related to the supervision of the child as an adjudicated delinquent child (d).
- A school corporation, to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply, may disclose or report on the education records of a child. This may include personally identifiable data contained in the education records without the consent of the child's parent, if the child has been suspended or expelled and referred to the court, in accordance with an agreement for court assisted resolution of suspension and expulsion cases under IC 20-33-8.5.

Restrictions:

- The request for the educational records of a child by the court must be for the purpose of assisting the child before adjudication.
- A school corporation, or other entity, to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply are as follows:
 - (1) Discloses or reports on the educational records of a child, including personally identifiable information contained in the education records, in violation of this section.
 - (2) Makes a good faith effort to comply with this section; is immune from civil liability in this case.

(As added by P.L. 1-2005, Sec. 17. Amended by P.L. 242-2005, Sec. 21.)

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INTERROGATION OF A STUDENT

IC 20-33-11 Interrogation of a Student
IC 20-33-11-1 Application of definitions Sec. 1.

Note: The definitions in IC 20-33-8 apply to this chapter. As added by P.L.67-2007, SEC.1.

IC 20-33-11-2 Compliance Sec. 2:

A school, including a public or nonpublic school, shall comply with this chapter. As added by P.L.67-2007, Sec.1.

PARENTAL NOTIFICATION OF STUDENT INTERROGATIONS

IC 20-33-11-3 Parental Notification of Student Interrogations

Sec. 3. (a) This section applies if a school does not have a policy that requires a student's parent to be notified if the student is interrogated on school property by a law enforcement officer.

Grounds for Notifying Parents:

- (b) If a student who is at least eighteen (18) years of age is interrogated by a law enforcement officer in the following manner:
 - (1) Within school property
 - (2) In regards to an investigation in which the student may be a suspect

The school principal must make an effort to immediately notify the student's parent of the interrogation, or if immediate notification is not possible, the school principal must notify the student's parent no later than twelve (12) hours after the interrogation occurs. This subsection does not require the presence of a student's parent at the interrogation if the student is eighteen (18) years of age or older. As added by P.L.67-2007, Sec.1.

Schools with Policies Regarding Student Interrogations:

IC 20-33-11-4 Schools with policies regarding student interrogations Sec. 4.

- If a school has a policy that requires a student's parent to be notified by a designated school employee if the student is interrogated on school property by a law enforcement officer, the school policy must apply to all students, regardless of the age of the student.

NOTIFICATION OF THE ARREST OF A CHILD

IC 31-37-4-3 Version B

Amendment to Previous Versions:

Note: This version of section has been amended by P.L.158-2013, Sec.326, effective 7-1-2014. Please see preceding versions of this section amended by P.L.172-2013, SEC.8.

Application of this Section:

Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

- (1) Murder (IC 35-42-1-1).

- (2) Attempted murder (IC 35-41-5-1).
- (3) Voluntary manslaughter (IC 35-42-1-3).
- (4) Involuntary manslaughter (IC 35-42-1-4).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Aggravated battery (IC 35-42-2-1.5).
- (7) Battery (IC 35-42-2-1).
- (8) Kidnapping (IC 35-42-3-2).
- (9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1)
- (13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
- (14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).
- (15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5 felony.
- (16) Trafficking with an inmate as a Level 5 felony (IC 35-44.1-3-5).
- (17) Causing death when operating a vehicle (IC 9-30-5-5).
- (18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level 3 felony.
- (19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or Level 4 felony.
- (20) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
- (21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3 felony.
- (22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
- (23) A violation of IC 35-47.5 (controlled explosives) as a Level 2 felony, Level 3 felony, or Level 4 felony.
- (24) A controlled substances offense under IC 35-48.
- (25) A criminal gang offense under IC 35-45-9.

Responsibility of Law Enforcement Agency Taking the Child into Custody:

- (b) If a child is taken into custody under this chapter for a crime, or act, listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled of the following:
- (1) That the child was taken into custody
 - (2) The reason why the child was taken into custody.

Responsibility of the School to Notify the Family:

- (c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

Law Enforcement Agency – Confidentiality:

- (d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

(As added by P.L.67-2007, SEC.2. Amended by P.L.3-2008, SEC.240; P.L.125-2012, SEC.404; P.L.126-2012, SEC.42; P.L.158-2013, SEC.326.
IC 31-39-2-13.8)

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INFORMATION SHARING WITH THE JUVENILE COURT

Sec. 13.8. (a) The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if:

- (1) The superintendent, or the superintendent's designee;
- (2) The chief administrative officer of a nonpublic school, or the chief administrative officer's designee
- (3) The individual with administrative control within a charter school, or the individual's designee

Submits a written request that meets the requirements of subsection (b).

Written request requirements:

- (b) A written request must establish that the juvenile court records described in subsection (a) are necessary for the school to do the following:
 - (1) Serve the educational needs of the child whose records are being released
 - (2) To protect the safety or health of a student, employee, or volunteer at the school.
- (c) A juvenile court that releases juvenile court records under this section shall provide notice to the child and child's parent, guardian, or custodian, that the child's juvenile records have been disclosed to the school.
- (d) A juvenile court that releases juvenile court records under this section shall issue an order requiring the school to keep the juvenile court records confidential.

Confidentiality Order Exceptions:

- A confidentiality order issued under this subsection does not prohibit a school that receives juvenile court records from forwarding the juvenile records to:
 - Another school
 - Another person; if a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person.
 - An entity listed in IC 31-39-9-1.

Note: A school or a person that receives juvenile court records under this subsection must keep the juvenile court records confidential.

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IC 31-39-9 EXCHANGE OF INFORMATION CONCERNING DELINQUENT CHILDREN

IC 31-39-9-1 Exchange of information regarding delinquent children

Exchange of records

Sec. 1. The following entities and agencies may exchange records of a child who is a child in need of services or has been determined to be a delinquent child under IC 31-37-1-2, if the information or records are not confidential under state or federal law:

- (1) A court
- (2) A law enforcement agency

- (3) The Department of Corrections
- (4) The Department of Child Services
- (5) The Office of the Secretary of Family and Social Services
- (6) A primary or secondary school, including nonpublic and public school
- (7) The Department of Child Services Ombudsman, established by IC 4-13-19-3

IC 35-50-8 Student Delinquency and Criminal Conviction Information

Sec. 1. (a): If an individual is enrolled in a primary or secondary school, including a public or nonpublic school, and (1) is convicted of one of the following:

- Class A felony (A)
- Class B felony (B)
- Class C felony (C)
- At least two (2) Class D felonies (D)
- (2) The student in question has been adjudicated as a delinquent child for:
 - (A) an act that would be any of the following:
 - (i) a Class A felony
 - (ii) a Class B felony
 - (iii) a Class C felony
 - (B) Acts that would equate to at least two (2) Class D felonies, if committed by an adult.

The judge who presided over the trial, accepted the plea agreement, or adjudicated the child a delinquent child shall give written notification of the conviction or adjudication to the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is enrolled in a public school, the superintendent of the school district in which the individual is enrolled.

Notification to the school or school district:

- (b) Notification under subsection (a) must occur within seven (7) days after the conclusion of the trial, the date a plea agreement is accepted, or the date the child is adjudicated a delinquent child.

School and school district notification requirements:

- (c) The notification sent to a school or school district under subsection (a) must include only the following:
 - (1) The felony for which the individual was convicted, or that the individual would have committed, if the individual were an adult.
 - (2) The individual's sentence or juvenile law disposition.

Note:

(d) If the court later modifies the individual's sentence or juvenile law disposition after giving notice under this section, the court shall notify the school or the school district in which the individual is enrolled of the sentence or disposition modification.

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ATTENDANCE RECORDS REVIEW AND ENFORCEMENT

IC 20-33-2-20 Attendance records

Sec. 20. (a): An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

Record Policies:

(b) In a public school, the record shall be open at all times for inspection by the following persons:

- Attendance officers (1)
- School officials (2)
- Agents of the Department of Labor (3)

Record Inquiries

- Every teacher shall answer fully all lawful inquiries made by an attendance officer, a school official, or agent of the Department of Labor.
- (c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon request of the following:
 - State superintendent (1)
 - Superintendent of the school corporation in which the nonpublic school is located (2)

IC 20-33-2-26 Enforcement of Sec. 26 (a)

It is the duty of the following persons to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section:

- Superintendent (1)
 - Attendance officer (2)
 - State attendance official (3)
-
- The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.
 - An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses (b).
 - An affidavit under this section shall be filed in the circuit court of the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section (c).

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LOCKER SEARCHES

IC 20-33-8-32

Locker Searches Sec. 32. (a):

A school corporation must provide each student and student's parent with a copy of the rules of the governing body on searches of students' lockers and locker contents.

Understanding of student locker usage and ownership:

A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in:

- The locker (1)
- The locker's contents (2)

School locker searches – Authorized personnel

- In accordance with the rules of the governing body, a principal may search the following (C):
 - A student's locker (1)
 - The locker's contents at any time (2)
- A law enforcement agency having jurisdiction over the geographic area possessing a school facility containing a student's locker may assist a school administrator in searching a student's locker and locker's content. This may be done at the request of the school principal (1) and in accordance with the rules of the governing body of the school corporation (2).

DUTY TO REPORT SUBSTANCE USE AND THREATS

IC 20-33-9-5 Controlled substance violations; reports by school employees

Sec. 5: If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed:

- A violation described in section of this chapter

Or:

- (2) A delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

(As added by P.L. 1-2005, SEC. 17. IC 20-33-9-6)

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CONTROLLED SUBSTANCE VIOLATIONS

Controlled substance violations: Reports by members of administrative staff

Sec 6: A member of the administrative staff who, based on personal knowledge, or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter, or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult, on or within one thousand (1,000) feet of the school property, of the school corporation employing the member, shall immediately report the following in writing to a law enforcement officer:

- A general description of the violation (1)
- The name or a general description of each violator known to the member (2)
- The date, time, and place of the violation (3)
- The name, or a general description, of each person whom the member knows witnessed any part of the violation (4).
- A general description and the location of any property that the member knows was involved in the violation (5).

(As added by P.L. 1-20005, Sec.17)

Reporting Violations:

IC 20-33-9-10 Duty to Report a Threat

Sec. 10: In addition to any other duty to report arising under this article, any individual who has reason to believe that a school employee:

- Has received a threat (1)
- Is the victim of intimidation (2)
- Is the victim of battery (3)

Or:

- Is the victim of harassment (4)

Shall report that information as required by this chapter.

IC 20-33-9-11 Procedure to Make Report

Sec. 11:

- (A): If an individual required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment.
- (B) An individual who receives a report under subsection (A) shall immediately make a report or cause a report to be made under section 13 of this chapter.

IC 20-33-9-12 Relief of Obligation to Report

Sec. 12: This chapter does not relieve an individual of the obligation to report a threat, intimidation, a battery, or harassment on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

IC 20-33-9-13 Oral Report to Local Law Enforcement Agency

Sec. 13: An individual who has a duty under sections 10 through 12 of this chapter to report that a school employee may have received a threat, or may be the victim of intimidation, battery, or harassment shall immediately make an oral report to the local law enforcement agency.

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IMMUNITY FROM LIABILITY

IC 20-33-9-14 Liability provisions and responsibility

Sec. 14: Except as provided in section 15 of this chapter, an individual, other than a person accused of making a threat against a school employee, intimidating a school employee, committing a battery against a school employee, or harassing a school employee, who:

- (1) Makes, or causes to be made, a report under this chapter;
- Or:
- (2) Participates in any judicial proceeding or other proceeding: (A) resulting from a report under this chapter; or (B) relating to the subject matter of the report; is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

CAVEATS:

IC 20-33-9-15 Liability

Sec. 15: An individual who has acted maliciously or in bad faith is not immune from civil or criminal liability under this chapter.

IC 20-33-9-16 Good faith

Sec. 16. An individual making a report under sections 10 through 14 of this chapter, or assisting in any requirement of sections 10 through 14 of this chapter, is presumed to have acted in good faith.

SEX OFFENDERS

IC 35-42-4-10 Unlawful employment near children

Definition of the term “Offender Against Children”:

Sec. 10 (A): As used in this section, "offender against children" means a person who is an offender against children under IC 35-42-4-11. (B)

Definition of the term “Sexually Violent Predator”:

As used in this section, "sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5. Please see below definition:

- (c) A sexually violent predator or an offender against children who knowingly or intentionally works for compensation or as a volunteer in the following capacity:
 - (1) On school property
 - (2) At a youth program centerOr:
 - (3) At a public park

Commits unlawful employment near children by a sexual predator, classified as a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under IC 11-8-8.

IC 35-42-4-11 Sex Offender Residency Restrictions

Definition of the term “Offender against children”

Sec. 11. (A): As used in this section, and except as provided in subsection (D), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been found in the following capacity:

- Found to be a sexually violent predator under IC 35-38-1-7.5
- Or:
- (2) Convicted of one (1) or more of the following offenses:
 - Child molesting (IC 35-42-4-3)
 - Child exploitation (IC 35-42-4-4(b))
 - Child solicitation (IC 35-42-4-6)
 - Child seduction (IC 35-42-4-7)
 - Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian
 - Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).
 - An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

Restrictions – Offenders against children

A person is an offender against children by operation of law if the person meets the conditions [described in subdivision \(1\) or \(2\)](#) at any time.

Definition of the term “reside” as it applies to this section:

(b) As used in this section, "reside" means to spend more than three (3) nights in:

- A residence (1)

Or:

- If the person does not reside in a residence, a particular location in any thirty (30) day period. (C) An offender against children who knowingly or intentionally:
 - (1) Resides within one thousand (1,000) feet of (A) school property, not including property of an institution providing post-secondary education.
 - (B) A youth program center

Or

- (C) A public park
- (2) The establishment of a residence within one (1) mile of the residence of the victim of the offender's sex offense.

Any offender against children who commits the above actions commits a sex offender residency offense Class D felony.

Exemptions

(D) This subsection does not apply to an offender against children who has two or more unrelated convictions for an offense described in subsection (A).

Removal of the offender against children status

A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under

this subsection not earlier than ten (10) years after the person is released from incarceration, probation, or parole, whichever occurs last. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

IC 35-42-4-14 Sex offender restrictions

Sec. 14. (a) As used in this section, “serious sex offender” refers to a person required to register as a sex offender under IC 11-8-8, meeting any of the following criteria:

- Found to be a sexually violent predator under IC 35-38-1-7.5
- Convicted of one (1) or more of the following offenses:
 - Child molesting (IC 35-42-4-3).
 - Child exploitation (IC 35-42-4-4(b)).
 - Possession of child pornography (IC 35-42-4-4(c)).
 - Vicarious sexual gratification (IC 35-42-4-5(a) and IC 35-42-4-5(b)).
 - Performing sexual conduct in the presence of a minor (IC 35-42-4-5(c)).
 - Child solicitation (IC 35-42-4-6).
 - Child seduction (IC 35-42-4-7).
 - Sexual misconduct with a minor (IC 35-42-4-9).
 - A conspiracy or an attempt to commit an offense described in clauses (A) through (H).
 - An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (I).

A serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony.

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BACKGROUND CHECKS

IC 20-26-2-1.5

Definition of expanded criminal history check

Sec. 1.5 “Expanded criminal history check” refers to a criminal history background check of an individual that includes:

- A background check by a consumer reporting agency regulated under 15 U.S.C 1681 et seq. that does not include a written, oral, or other communication of information concerning the individual’s credit score, creditworthiness, credit standing, or credit capacity, but does include:
 - (A) Verification of the applicant’s identity
 - (B) A search of all names associated with the applicant
 - (C) A search of all records maintained by all counties in Indiana in which the individual who is the subject of the background check has resided.

- (D) A search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check has resided in another state.
- (E) A search of United States District Court records from the districts in which the applicant has resided.
- (F) A check of sex offender registries in every state or the national sex offender registry maintained by the United States Department of Justice. Additionally, perform a (G) multistate criminal data base search or (2) (A) a national criminal history background check (as defined in IC 10-13-3-12).
- (2)(B) Perform a check of sex offender registries in all fifty (50) states or the National Sex Offender Registry maintained by the United States Department of Justice.

IC 20-26-5-10 CRIMINAL HISTORY INFORMATION POLICY

Adoption, Administration, Requirements, and Costs

Policy for Criminal history information:

Sec. 10 (A): A school corporation, including a charter school and an accredited nonpublic school, shall adopt a policy concerning criminal history information for individuals who:

- Apply for (1)
 - (A) Employment with the school or
 - (B) Employment with an entity with which the school corporation contracts for services.
- Seek to enter into a contract to provide services to the school corporation (2)
- Are employed by an entity that seeks to enter into a contract to provide services to the school corporation
- If the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment (3)

Administration of Policy

- A school corporation, including a charter school and an accredited nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies (B).
- A policy adopted under this section must require that the school corporation, charter school, or accredited nonpublic school conduct an expanded criminal history check concerning each applicant for non-certificated employment or certificated employment before, or not later than, three (3) months after the applicant's employment by the school corporation, charter school, or accredited nonpublic school.

Criteria for expanded criminal history check:

- Each individual hired for non-certificated employment or certificated employment may be required to provide a written consent for the school corporation, charter school, or accredited nonpublic school to request an expanded criminal history check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation.

- The School Corporation, charter school, or accredited nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history check.
- Each applicant for non-certificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's expanded criminal history check. The failure to answer questions asked under this section are grounds for termination of the employee's employment.
- The applicant is responsible for all costs associated with obtaining the expanded criminal history check. An applicant may not be required by a school corporation, charter school, or accredited nonpublic school to obtain an expanded criminal history check more than one (1) time during a five (5) year period. (c) Information obtained under this section must be used in accordance with law.

(As added by P.L.1-2005, Sec.10. Amended by P.L.121-2009, Sec.8.)

IC 20-26-5-11 Use of Information – Notice of conviction for certain offenses

Sec. 11. (a) This section applies to the following entities:

- A school corporation (1)
- An entity (2) (A) with whom the school corporation contracts for services (B) involving personnel who are likely to have direct, ongoing contact with children within the scope of the employees' employment.
- A school corporation or entity may use information obtained under section 10 of this chapter concerning an individual's conviction (B) for one of the following offenses as grounds to not employ or contract with the individual:
 - (1) Murder (IC 35-42-1-1)
 - (2) Causing suicide (IC 35-42-1-2)
 - (3) Assisting suicide (IC 35-42-1-2.5)
 - (4) Voluntary manslaughter (IC 35-42-1-3)
 - (5) Reckless homicide (IC 35-42-1-5)
 - (6) Battery (IC 35-42-2-1); unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole.
 - (7) Aggravated battery (IC 35-42-2-1.5)
 - (8) Kidnapping (IC 35-42-3-2)
 - (9) Criminal confinement (IC 35-42-3-3)
 - (10) A sex offense under IC 35-42-4
 - (11) Carjacking (IC 35-42-5-2)
 - (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole.
 - (13) Incest (IC 35-46-1-3)
 - (14) Neglect of a dependent as a Class B felony (IC 35-46-1-4(B) (2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole.
 - (15) Child selling (IC 35-46-1-4(d))
 - (16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

- (17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole.
- (18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole.
- (19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole.
- (20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole.
- (21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction. (c) An individual employed by a school corporation or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

(As added by P.L.1-2005, Sec.10)

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GANGS

IC 35-45-9-1 Definition of a criminal gang

Sec. 1: As used in this chapter, "criminal gang" refers to a group with at least three members that specifically (1) either: promotes, sponsors, assists in (A), (B) participates in, or (2) requires as a condition of membership or continued membership, the commission of a felony or act that would be a felony if committed by an adult. This also refers to the offense of battery (IC 35-42-2-1).

IC 20-19-3-12

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:

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

Policy Model Guidelines:

- (B) No 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 meet the following information content standards:
 - Educate students and parents on the extent to which criminal gang activity exists.

- Educate students and parents regarding the negative societal impact that criminal gangs have on the community (2).
 - Educated students and parents on methods to discourage participation in criminal gangs (3).
 - Educate students and parents on methods of providing intervention to a child suspected of participating in criminal gang activity (4).
- (D) The model criminal gang policy developed under subsection (A)(2) must include the following:
 - 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” (3).
 - Model procedures for (4):
 - Reporting suspected criminal gang activity
 - Prompt investigation of suspected criminal gang activity;
 - Provide information about the types of support services, including family support services, available for a student suspected of participating in criminal gang activity (5).
 - Recommendations concerning criminal gang prevention and intervention services and programs for students that maximize community participation and the use of federal funding (6).

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CRIMINAL GANG MEASURES

IC 20-26-18 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): No 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 the following individuals:

- Parents (1)
- School employees (2)
- Local Law Enforcement Officials (3)
- The County Prosecuting Attorney (4)
- The County Public Defender (5)
- Organizations that have expertise in criminal gang education, prevention, or intervention (6)
- A Juvenile Court judge (7)
- A school behavioral health or community mental health professional (8)
- Any other person or entity the governing body of the school corporation determines to be appropriate (9).

(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 in the following locations:

- The School's Internet Website
- School Student Handbooks
- In any location the school corporation determines to be appropriate.

Sec. 4:

A school corporation shall establish the following educational programs in its effort to address criminal gang activity:

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

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:

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

Sec. 6:

(A): No 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:

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

IC 20-33-9-10.5 Reporting

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.

Sec. 9:

- (A) The state police department shall perform a county by county assessment to:
 - locate and map criminal gang activity (1)
 - Identify and document any existing intervention and prevention services relating to criminal gang activity (2).

Reporting Guidelines:

The report may not disclose information or sources of information that are 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.

IC 35-45-9-5 Criminal gang recruitment

Sec. 5:

- (A): Except as provided in subsection (B), an individual who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal gang commits criminal gang recruitment, a Class D felony.
- (B): The offense under subsection (A) is a Class C felony if (1) the solicitation, recruitment, enticement, or intimidation occurs within one thousand (1,000) feet of school property. This also

applies if the individual (2) who is solicited, recruited, enticed, or intimidated is less than eighteen (18) years of age.

DRILLS

IC 20-34-3-20

Sec. 20:

(A): The governing body of a school corporation shall require each school in the governing body's jurisdiction to conduct periodic emergency preparedness drills during the school year in compliance with rules adopted under IC 4-22-2 by the state board.

(B): Each school and attendance center shall conduct at least:

- One tornado preparedness drill (1)
- One manmade occurrence disaster drill during each semester (2)

(C) Notwithstanding rules established by the state fire marshal under IC 12-17-12-19, a drill conducted under subsection (b) may be conducted, instead of a periodic or monthly fire evacuation drill requirement established by the state fire marshal. However, a drill that is conducted under subsection (B) may not be made:

- Instead of more than two periodic or monthly fire evacuation drills in a particular school semester (1).
- In two consecutive months (2).

(D) The governing body of a school corporation may direct schools to conduct emergency preparedness drills in addition to those required under subsection (B).

(E) The governing body of a school corporation shall require each principal to file a certified statement that all drills have been conducted as required under this section.

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ITEMS EXCEPTED FROM PUBLIC DISCLOSURE

IC 5-14-3-4:

- Records exempted from disclosure requirements
- Time limitations
- Destruction of records

Sect. 4:

(A): The following public records are exempted from this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute, or is ordered by a court under the rules of discovery:

- School safety and security measures, plans, and systems; including emergency preparedness plans developed under 511 IAC 6.1-2-2.5 (18).

INDIANA STATE BOARD OF EDUCATION RULES

511 IAC 6.1-2-2.5 Safe Schools and Emergency Preparedness Planning

Authority:

IC 20-19-2-8; IC 20-31-4-17

Affected:

IC 20-31-4-1

Sec. 2.5:

(A): Each school corporation shall, in consultation with local public safety agencies, develop a written emergency preparedness plan for the school corporation and each school in the corporation. An emergency preparedness plan shall, at a minimum, contain the following emergency preparedness planning components:

Sec. 2.5.

(A) Emergency Preparedness Planning Components:

- Appropriate warning systems (1)
- Procedures for notifying other agencies and organizations (2).
- Posting of evacuation routes (3).
- Emergency preparedness instruction for staff and students (4).
- Public information procedures (5).
- Steps that will be taken prior to a decision to evacuate buildings or dismiss classes (6).
- Provisions to protect the safety and well-being of staff, students, and the public in case of the following events (7):
 - Fire (A)
 - Natural disaster, such as a tornado, flood, or earthquake (B)
 - Adverse weather conditions, such as winter storms or extreme heat (C)
 - Nuclear contamination, such as power plant or transport vehicle spills (D)

- Exposure to chemicals, such as pesticides, industrial spills and contaminants, laboratory chemicals, and cleaning agents (E)
- Manmade occurrences, such as student disturbance, weapon, weapon of mass destruction, contamination of water supply or air supply, hostage, and kidnapping incidents (F).

(B): Within sixty (60) days after the beginning date of each school year, the superintendent shall certify to the department that the emergency preparedness plans for the school corporation and each school in the school corporation have been reviewed and revised, if necessary.

(B): Within sixty (60) days of opening a new or significantly remodeled school, the superintendent shall certify to the department that a new plan has been developed or that the existing plan has been reviewed and revised, if necessary.

(C): Emergency preparedness plans shall be available for inspection by the department.

511 IAC 7-36-6 FACILITIES

Authority:

IC 20-19-2-8; IC 20-19-2-16

Affected:

IC 20-19-2; IC 20-34-3-20; IC 20-35

Instructional Space

Sec. 6:

(A): The public agency shall provide instructional space for students with disabilities that is:

- No less than the per student instructional space for general education students of the same chronological age in the same building (1).
- Comparable to the general space and instructional environment of the general education students in the same building (2).
- Sufficient to accommodate a student's (3):
 - Special Equipment;
 - Assistive Devices
 - Curricular Needs.

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(B): Each public agency, when developing written emergency preparedness plans in accordance with 511 IAC 6.1-2-2.5, shall include the following:

- Provisions for warning and evacuating students whose disabilities require special warning or evacuation procedures.
- Special warning and evacuation provisions shall:
 - Address individual needs of students (1)
 - Be reviewed on an annual and as needed basis (2)
 - Be implemented during tornado (shelter) preparedness drills, fire drills, and manmade occurrence disaster drills as required by IC 20-34-3-20 (3).

(Indiana State Board of Education; 511 IAC 7-36-6; filed Jul 14, 2008, 1:24 p.m.: 20080813-IR-511080112FRA)

511 IAC 4-1.5-7 CRISIS INTERVENTION PLANS

Authority:

IC 20-19-2-8; IC 20-31-4-17

Affected:

IC 20-31-4-6

Crisis Intervention Plans:

Sec. 7:

Each school corporation shall, in concert with the emergency preparedness plan developed under 511 IAC 6.1-2-2.5, develop a crisis intervention plan for the school corporation and for each school in the school corporation. The plan, which should be developed by student services personnel in conjunction with school administrators and community crisis intervention personnel, shall include crisis management and intervention provisions.

STUDENT SAFETY REPORTING

IC 20-34-6-1 – School corporation and department reports

Sec. 1:

(A): By July 1 of each year, every school corporation shall submit a report to the department detailing the following information for the current school year for each school in the school corporation and entire school corporation:

- The number of arrests of students on school corporation property, including arrests made by law enforcement officers, security guards, school safety specialists, and other school corporation employees, and any citizen arrests (1).
- The offenses for which students were arrested on school corporation property (2).

- The number of contacts with law enforcement personnel from a school corporation employee that have resulted in arrests of students not on school corporation property (3).
- Statistics concerning the age, race, and gender of students arrested on school (4).
- Corporation property and categorization of the statistics by offenses.
- Whether the school corporation has established and employs a school corporation police department under IC 20-26-16, and if so, report (5):
 - The number of officers in the school corporation police department (A)
 - (B) The training the officers must complete (B)
- If the school corporation employs private security guards to enforce rules or laws on school property, a detailed explanation of the use of private security guards by the school corporation (6).
- If the school corporation has an agreement with a local law enforcement agency regarding procedures to arrest students on school property, a detailed explanation of the use of the local law enforcement agency by the school corporation (7).
- The number of reported bullying incidents involving a student of the school corporation by category. However, nothing in this subdivision may be construed to require all bullying incidents to be reported to a law enforcement agency (8).

(B): By August 1 of each year, the department shall provide a report to the following entities:

- The legislative council (1)
- The education roundtable established by IC 20-19-4-2 (2)
- The board for the coordination of programs serving vulnerable individuals established by IC 4-23-30.2-8 (3)
- The criminal justice institute (4)

This document will provide a summary of the reports submitted to the department under subsection (A). The report to the legislative council must be in an electronic format under IC 5-14-6. (C). By August 1 of each year, the department must post the reports described in subsections (A) and (B) on the department's Internet web site.

(As added by P.L.74-2010, Sec. 3)

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SCHOOL RESOURCE OFFICERS

IC 20-26-18.2

Sec. 1:

Definition of a School Resource Officer

(A): As used in this chapter, “school resource officer” means an individual who completed the following:

- Completed the training described in subsection (B) (1).
- Assigned to one or more school corporations or charter schools to perform the following (2):
 - Assist the school safety specialist with the development and implementation of the school safety specialist as provided in section two of this chapter (2).
 - Assigned to one or more school corporations or charter schools to: (A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 of this chapter.

(B) Carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding, to ensure the following:

- Protect against outside threats to the physical safety of students (i)
- Prevent unauthorized access to school property (ii)
- Secure schools against violence and natural disasters (iii)

School Resource Officer Employment and Appointment Guidelines:

School Resource Officer Employment Requirements

The following standards must be met to be employed as a school resource officer (3):

(A) Be employed by a law enforcement agency

(B) Appointed as a police reserve officer, as described in IC 36-8-3-20, or as a special deputy, as described in IC 36-8-10-10.6, if the police reserve officer or special deputy:

- Is subject to the direction of the sheriff or appointing law enforcement agency (i)
- Is required to obey the rules and orders of the sheriff’s department or appointing law enforcement agency (ii).
- Is required to complete all training required of regular full-time law enforcement officers employed by the sheriff’s department or appointing law enforcement agency (iii).
- May be removed by the sheriff or appointing law enforcement agency at any time, with or without cause (iv).

Appointment of a School Resource Officer

Appointment of a school corporation police officer under IC 20-26-16-3 (C) – Criteria for Appointment

Before being appointed as a school resource officer an individual must possess the following:

- Successfully completed the minimum training requirements established for law enforcement officer under IC 5-2-1-9 (1) (B).
- Received at least forty hours of school resource officer training through the following entities (2):
 - The Indiana law enforcement training board established by IC 5-2-1-3 (A)
 - The National Association of School Resource Officers (B)
 - Another school resource officer training program approved by the Indiana Law Enforcement Training Board (C).
- Training described in subsection (B)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of the following (C):
 - School Campuses (1)
 - School Building Security Needs and Characteristics (2)

Capacity of Employment:

Sec. 2: Manner in which a school resource officer may be employed

A school resource officer may be employed in the following manner (A):

- By one or more school corporations, or charter schools, through a contact between a local law enforcement agency and the school corporation, school corporations, charter school, or charter schools (1).
- By one or more school corporations or charter schools (2).
- By a local law enforcement agency that assigns the school resource officer to one or more school corporations, or charter schools, through a memorandum of understanding between the local law enforcement agency and the school corporation, school corporations, charter school, or charter schools (3).
- Through a contact between an Indiana business that employs individuals who meet the qualifications of a school resource officer and school, school corporation, charter school, or charter school qualifications (4).
- (B) A contract or memorandum of understanding must be entered under subsection (A) stating the nature and scope of the school resource officer's duties and responsibilities.

Nature of a School Resource Officer's Duties and Responsibilities:

A school resource officer's duties and responsibilities include the duty to assist the school corporation's school safety specialist with the development and implementation of a school safety plan that does the following:

- Protects against outside threats to the physical safety of students (1).
- Prevents unauthorized access to school property (2).
- Secures schools against violence and natural disasters (3).

(C) A school resource officer shall consult with local law enforcement officials and first responders when assisting the school corporation's school safety specialist in the development of the school safety plan.

School Resource Officer Authority:

Sec. 3. (A) A school resource officer may;

- Make an arrest (1)
- Conduct a search or seizure of a person or property using the reasonable suspicion standard (2).
- Carry a firearm on or off school property (3).
- Exercise other police powers with respect to the enforcement of Indiana laws (4).

School Resource Officer Jurisdiction:

(B) A school resource officer has jurisdiction in every county where the school corporation or charter school engaging the officer operates a school or where the school corporation or charter school's students reside. 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.

LEGALITY

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