
HOUSE BILL No. 1259

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-10.1-12; IC 20-20-8-8; IC 20-30-5-5.5; IC 20-33-8; IC 20-34-6-1; IC 21-39-2-2.1.

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

Effective: July 1, 2012.

Porter

January 9, 2012, read first time and referred to Committee on Education.

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Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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HOUSE BILL No. 1259



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

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

1 SECTION 1. IC 5-2-10.1-12, AS AMENDED BY P.L.132-2007,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2012]: Sec. 12. (a) Each school within a school corporation
4 shall establish a safe school committee. The committee may be a
5 subcommittee of the committee that develops the strategic and
6 continuous school improvement and achievement plan under
7 IC 20-31-5.

8 (b) The department of education and the school corporation's school
9 safety specialist shall provide materials **and guidelines** to assist a safe
10 school committee in developing a plan for the school that addresses the
11 following issues:

12 (1) Unsafe conditions, crime prevention, school violence,
13 bullying, and other issues that prevent the maintenance of a safe
14 school.

15 (2) Professional development needs for faculty and staff to
16 implement methods that decrease problems identified under
17 subdivision (1).



1 (3) Methods to encourage:

2 (A) involvement by the community and students;

3 (B) development of relationships between students and school
4 faculty and staff; and

5 (C) use of problem solving teams.

6 (c) As a part of the plan developed under subsection (b), each safe
7 school committee shall provide a copy of the floor plans for each
8 building located on the school's property that clearly indicates each
9 exit, the interior rooms and hallways, and the location of any hazardous
10 materials located in the building to the law enforcement agency and the
11 fire department that have jurisdiction over the school.

12 **(d) The guidelines developed under subsection (b) must include**
13 **information that assists school corporations and safe school**
14 **committees in:**

15 **(1) developing and implementing bullying prevention**
16 **programs; and**

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

19 SECTION 2. IC 20-20-8-8, AS AMENDED BY P.L.3-2008,
20 SECTION 115, IS AMENDED TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2012]: Sec. 8. The report must include the
22 following information:

23 (1) Student enrollment.

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

25 (3) Attendance rate.

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

28 (A) ISTEP program test scores.

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

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

33 (5) Average class size.

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

36 (A) Alternative education, if offered.

37 (B) Career and technical education.

38 (C) Special education.

39 (D) High ability.

40 (E) Remediation.

41 (F) Limited English language proficiency.

42 (G) Students receiving free or reduced price lunch under the

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

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- 1 participating in other recognized education programs during their
 2 expulsion.
 3 (18) Chronic absenteeism, which includes the number of students
 4 who have been absent more than ten (10) days from school within
 5 a school year without being excused.
 6 (19) The number of students who have dropped out of school,
 7 including the reasons for dropping out.
 8 (20) The number of student work permits revoked.
 9 (21) The number of student driver's licenses revoked.
 10 (22) The number of students who have not advanced to grade 10
 11 due to a lack of completed credits.
 12 (23) The number of students suspended for any reason.
 13 (24) The number of students receiving an international
 14 baccalaureate diploma.
 15 (25) Other indicators of performance as recommended by the
 16 education roundtable under IC 20-19-4.

17 SECTION 3. IC 20-30-5-5.5 IS ADDED TO THE INDIANA CODE
 18 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 19 1, 2012]: **Sec. 5.5. (a) Not later than October 15 of each year, each
 20 public school shall provide age appropriate instruction focusing on
 21 bullying prevention for all students in grades 1 through 12.**

22 **(b) The department, in consultation with school safety
 23 specialists and school counselors, shall prepare outlines or
 24 materials for the instruction described in subsection (a) and
 25 incorporate the instruction in grades 1 through 12.**

26 **(c) Instruction on bullying prevention may be delivered by a
 27 school safety specialist, school counselor, or any other person with
 28 training and expertise in the area of bullying prevention and
 29 intervention.**

30 SECTION 4. IC 20-33-8-0.2, AS ADDED BY P.L.106-2005,
 31 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2012]: Sec. 0.2. As used in this chapter, "bullying" means
 33 overt, repeated acts or gestures, including (†) verbal or written
 34 communications transmitted **in any manner (including digitally or
 35 electronically)**, (‡) physical acts committed, or (⊖) any other behaviors
 36 committed by a student or group of students against another student
 37 with the intent to harass, ridicule, humiliate, intimidate, or harm the
 38 other student **and create for the other student an objectively hostile
 39 school environment that:**

- 40 **(1) places the student in reasonable fear of harm to the
 41 student's person or property;**
 42 **(2) has a substantially detrimental effect on the student's**

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- 1 **physical or mental health;**
- 2 **(3) has the effect of substantially interfering with the student's**
- 3 **academic performance; or**
- 4 **(4) has the effect of substantially interfering with the student's**
- 5 **ability to participate in or benefit from the services, activities,**
- 6 **and privileges provided by the school.**

7 SECTION 5. IC 20-33-8-13.5, AS AMENDED BY P.L.180-2011,
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2012]: Sec. 13.5. (a) Discipline rules adopted by the
 10 governing body of a school corporation under section 12 of this chapter
 11 must:

- 12 (1) prohibit bullying; and
- 13 (2) include:
 - 14 (A) provisions concerning education, parental involvement,
 - 15 reporting, investigation, and intervention;
 - 16 **(B) a detailed procedure for the prompt investigation of**
 - 17 **incidents of bullying that includes:**
 - 18 (i) **appropriate responses to bullying behaviors that**
 - 19 **occur on school property, on a school bus, or at a school**
 - 20 **sponsored activity;**
 - 21 (ii) **provisions for anonymous and personal reporting of**
 - 22 **bullying incidents to a teacher or other school staff;**
 - 23 (iii) **timetables for reporting of bullying incidents to**
 - 24 **parents, school administrators, the school**
 - 25 **superintendent, or law enforcement, if applicable; and**
 - 26 (iv) **discipline provisions for teachers, school staff, or**
 - 27 **school administrators who fail to initiate or conduct an**
 - 28 **investigation of a bullying incident; and**
 - 29 **(C) a detailed procedure outlining the use of follow-up**
 - 30 **services that includes:**
 - 31 (i) **support services for the victim; and**
 - 32 (ii) **bullying education for the bully.**

33 (b) The discipline rules described in subsection (a) must apply when
 34 a student is:

- 35 (1) on school grounds immediately before or during school hours,
- 36 immediately after school hours, or at any other time when the
- 37 school is being used by a school group;
- 38 (2) off school grounds at a school activity, function, or event;
- 39 (3) traveling to or from school or a school activity, function, or
- 40 event; or
- 41 (4) using property or equipment provided by the school.

42 (c) The discipline rules described in subsection (a) must prohibit

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1 bullying through the use of data or computer software that is accessed
2 through a:

- 3 (1) computer;
- 4 (2) computer system; or
- 5 (3) computer network;

6 of a school corporation.

7 (d) This section may not be construed to give rise to a cause of
8 action against a person or school corporation based on an allegation of
9 noncompliance with this section. Noncompliance with this section may
10 not be used as evidence against a school corporation in a cause of
11 action.

12 SECTION 6. IC 20-34-6-1, AS ADDED BY P.L.74-2010,
13 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2012]: Sec. 1. (a) By July 1 of each year, each school
15 corporation shall submit a report to the department detailing the
16 following information for the current school year for each school in the
17 school corporation and for the entire school corporation:

18 (1) The number of arrests of students on school corporation
19 property, including arrests made by law enforcement officers,
20 security guards, school safety specialists, and other school
21 corporation employees, and any citizen arrests.

22 (2) The offenses for which students were arrested on school
23 corporation property.

24 (3) The number of contacts with law enforcement personnel from
25 a school corporation employee that have resulted in arrests of
26 students not on school corporation property.

27 (4) Statistics concerning the age, race, and gender of students
28 arrested on school corporation property and categorizing the
29 statistics by offenses.

30 (5) Whether the school corporation has established and employs
31 a school corporation police department under IC 20-26-16, and if
32 so, report:

33 (A) the number of officers in the school corporation police
34 department; and

35 (B) the training the officers must complete.

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

39 (7) If the school corporation has an agreement with a local law
40 enforcement agency regarding procedures to arrest students on
41 school property, a detailed explanation of the use of the local law
42 enforcement agency by the school corporation.

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1 **(8) The number and nature of reported bullying incidents**
 2 **involving a student of the school that occur when a student is:**

3 **(A) on school grounds immediately before or after school**
 4 **hours, during school hours, or at any other time when the**
 5 **school is being used by a school group;**

6 **(B) off school grounds at a school activity, function, or**
 7 **event;**

8 **(C) traveling to or from school or a school activity,**
 9 **function, or event; or**

10 **(D) using property or equipment provided by the school.**

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

13 (1) the legislative council;

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

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

17 (4) the criminal justice institute;

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

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

24 SECTION 7. IC 21-39-2-2.1 IS ADDED TO THE INDIANA CODE
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2012]: **Sec. 2.1. (a) This section applies to the board of trustees**
 27 **of the following state educational institutions:**

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

29 **(2) Indiana University.**

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

31 **(4) Purdue University.**

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

33 **(b) As used in this section, "bullying" means overt, repeated**
 34 **acts or gestures, including verbal or written communications**
 35 **transmitted in any manner (including digitally or electronically),**
 36 **physical acts committed, or any other behaviors committed by a**
 37 **student or group of students against another student with the**
 38 **intent to harass, ridicule, humiliate, intimidate, or harm the other**
 39 **student and create for the other student, while the student is on the**
 40 **property owned, used, or occupied by the state educational**
 41 **institution, an objectively hostile environment that:**

42 **(1) places the student in reasonable fear of harm to the**

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1 student's person or property;
2 (2) has a substantially detrimental effect on the student's
3 physical or mental health;
4 (3) has the effect of substantially interfering with the student's
5 academic performance; or
6 (4) has the effect of substantially interfering with the student's
7 ability to participate in or benefit from the services, activities,
8 and privileges provided by the state educational institution.
9 (c) If a board of trustees of a state educational institution elects
10 to govern, by regulation or another means, the conduct of students,
11 faculty, employees, and others on the property owned, used, or
12 occupied by the state educational institution, the regulation must
13 include a policy prohibiting bullying.

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