

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Education and Career Development, to which was referred House Bill No. 1423, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 4, line 18, delete "IC 20-26-5-34" and insert "IC
- 2 20-26-5-34.2".
- 3 Page 4, line 20, delete "34." and insert "**34.2.**".
- 4 Page 4, line 39, after "0.2." insert "**(a)**".
- 5 Page 4, line 40, after "overt," insert "**unwanted,**".
- 6 Page 4, line 41, after "communications" insert "**or images**".
- 7 Page 5, line 1, delete "behaviors" and insert "behaviors, **that are**".
- 8 Page 5, between lines 13 and 14, begin a new paragraph and insert:
- 9 "**(b) The term may not be interpreted to impose any burden or**
- 10 **sanction on, or include in the definition of the term, the following:**
- 11 **(1) Participating in a religious event.**
- 12 **(2) Acting in an emergency involving the protection of a**
- 13 **person or property from an imminent threat of serious bodily**
- 14 **injury or substantial danger.**
- 15 **(3) Participating in an activity consisting of the exercise of a**
- 16 **student's rights protected under the First Amendment to the**
- 17 **United States Constitution or Article I, Section 31 of the**
- 18 **Constitution of the State of Indiana, or both.**
- 19 **(4) Participating in an activity conducted by a nonprofit or**
- 20 **governmental entity that provides recreation, education,**
- 21 **training, or other care under the supervision of one (1) or**

- 1 **more adults.**
- 2 **(5) Participating in an activity undertaken at the prior written**
- 3 **direction of the student's parent.**
- 4 **(6) Engaging in interstate or international travel from a**
- 5 **location outside Indiana to another location outside Indiana."**
- 6 Page 5, line 36, after "bullying;" insert "**and**".
- 7 Page 5, line 41, delete "item" and insert "**subdivision**".
- 8 Page 6, line 2, strike "must apply".
- 9 Page 6, line 8, delete "wherever the bullying behaviors occur." and
- 10 insert "**may be applied regardless of the physical location in which**
- 11 **the bullying behavior occurred, whenever:**
- 12 **(1) the individual committing the bullying behavior and any**
- 13 **of the intended targets of the bullying behavior are students**
- 14 **attending a school within a school corporation; and**
- 15 **(2) disciplinary action is reasonably necessary to avoid**
- 16 **substantial interference with school discipline or prevent an**
- 17 **unreasonable threat to the rights of others to a safe and**
- 18 **peaceful learning environment."**
- 19 Page 6, between lines 20 and 21, begin a new paragraph and insert:
- 20 "**(e) A record made of an investigation, a disciplinary action, or**
- 21 **a follow-up action performed under rules adopted under this**
- 22 **section is not a public record under IC 5-14-3."**
- 23 Page 6, line 21, delete "(e)" and insert "**(f)**".
- 24 Page 7, line 14, after "corporation." insert "**However, nothing in**
- 25 **this subdivision may be construed to require all bullying incidents**
- 26 **to be reported to a law enforcement agency."**
- 27 Page 7, line 37, after "overt," insert "**unwanted,**".
- 28 Page 7, line 38, after "communications" insert "**or images**".
- 29 Page 7, line 40, delete "behaviors" and insert "**behaviors, that are**".
- (Reference is to HB 1423 as printed February 18, 2013.)

and when so amended that said bill do pass .

Committee Vote: Yeas 8, Nays 2.

Senator Kruse, Chairperson