

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1004

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.25-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana safe schools fund is established to do the following:

- (1) Promote school safety through the:
 - (A) use of dogs trained to detect drugs and illegal substances; and
 - (B) purchase of other equipment and materials used to enhance the safety of schools.
- (2) Combat truancy.
- (3) Provide matching grants to schools for school safe haven programs.
- (4) Provide grants for school safety and safety plans. **However, a grant from the fund may not be used to employ a school resource officer (as defined in IC 20-26-18.2-1) or a law enforcement officer (as defined in IC 35-31.5-2-185).**
- (5) Provide educational outreach and training to school personnel concerning:
 - (A) the identification of;
 - (B) the prevention of; and
 - (C) intervention in;bullying.

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

- (A) the identification of;
- (B) the prevention of; and
- (C) intervention in;

criminal organization activities.

(7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning:

- (A) alternatives to suspension and expulsion; and
- (B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.

(b) The fund consists of amounts deposited:

- (1) under IC 33-37-9-4; and
- (2) from any other public or private source.

(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:

- (1) A grant for a safety plan.
- (2) A safe haven grant requested under section 10 of this chapter.
- (3) A safe haven grant requested under section 7 of this chapter.

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

SECTION 2. IC 10-21-1-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter does not apply to a virtual charter school or a virtual accredited nonpublic school.**

SECTION 3. IC 10-21-1-2, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana secured school fund is established to provide matching grants to enable school corporations, **and** charter schools, **and accredited nonpublic schools** to establish programs under which a school corporation, **or** charter school, **or accredited nonpublic school** (or a coalition of schools) may:

- (1) employ a school resource officer, **employ a law enforcement officer**, or enter into a contract or a memorandum of understanding with a:
 - (A) local law enforcement agency;
 - (B) private entity; or



- (C) nonprofit corporation; to employ a school resource officer **or a law enforcement officer;**
- (2) conduct a threat assessment of the buildings within a school corporation or **the buildings that are** operated by a charter school **or accredited nonpublic school; or**
- (3) purchase equipment and technology to:
 - (A) restrict access to school property; or
 - (B) expedite notification of first responders;
- (b) The fund shall be administered by the department of homeland security.
- (c) The fund consists of:
 - (1) appropriations from the general assembly;
 - (2) grants from the Indiana safe schools fund established by IC 5-2-10.1-2;
 - (3) federal grants; and
 - (4) amounts deposited from any other public or private source.
- (d) The expenses of administering the fund shall be paid from money in the fund.
- (e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.
- (f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 4. IC 10-21-1-3, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The secured school safety board is established to approve or disapprove applications for matching grants to fund programs described in section 2(a) of this chapter.

- (b) The board consists of seven (7) members appointed as follows:
 - (1) The executive director of the department of homeland security or the executive director's designee. The executive director of the department of homeland security or the executive director's designee serves as the chairperson of the board.
 - (2) The attorney general or the attorney general's designee.
 - (3) The superintendent of the state police department or the superintendent's designee.
 - (4) A local law enforcement officer appointed by the governor.
 - (5) The state superintendent of public instruction or the superintendent's designee.
 - (6) The director of the criminal justice institute or the director's



designee.

(7) An employee of a local school corporation or a charter school appointed by the governor.

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

- (1) be consistent with the fund's goals; and
- (2) provide for an equitable distribution of grants to school corporations, **and** charter schools, **and accredited nonpublic schools** located throughout Indiana.

SECTION 5. IC 10-21-1-4, AS AMENDED BY P.L.30-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board may award a matching grant to enable a school corporation, **or** charter school, **or accredited nonpublic school** (or a coalition of schools applying jointly) to establish a program to employ a school resource officer, **employ a law enforcement officer**, provide school resource officer training described in IC 20-26-18.2-1(b)(2), conduct a threat assessment, or purchase equipment to restrict access to the school or expedite the notification of first responders in accordance with section 2(a) of this chapter.

(b) A matching grant awarded to a school corporation, **or** charter school, **or accredited nonpublic school** (or a coalition of schools applying jointly) may not exceed the lesser of the following during a two (2) year period beginning on or after May 1, 2013:

- (1) The total cost of the program established by the school corporation, **or** charter school, **or accredited nonpublic school** (or the coalition of schools applying jointly).
- (2) **Except as provided in subsection (d)**, the following amounts:
 - (A) Fifty thousand dollars (\$50,000) per year, in the case of a school corporation or charter school that:
 - (i) has an ADM of at least one thousand (1,000); and
 - (ii) is not applying jointly with any other school corporation or charter school.
 - (B) Thirty-five thousand dollars (\$35,000) per year, in the case of a school corporation or charter school that:
 - (i) has an ADM of less than one thousand (1,000); and
 - (ii) is not applying jointly with any other school corporation or charter school.
 - (C) Fifty thousand dollars (\$50,000) per year, in the case of a coalition of schools applying jointly.
- (A) **Thirty-five thousand dollars (\$35,000) per year, in the case of a school corporation, charter school, or accredited**



nonpublic school that:

- (i) has an ADM of at least one (1) and less than one thousand one (1,001) students; and**
- (ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.**

(B) Fifty thousand dollars (\$50,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

- (i) has an ADM of more than one thousand (1,000) and less than five thousand one (5,001) students; and**
- (ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.**

(C) Seventy-five thousand dollars (\$75,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

- (i) has an ADM of more than five thousand (5,000) and less than fifteen thousand one (15,001) students; and**
- (ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.**

(D) One hundred thousand dollars (\$100,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

- (i) has an ADM of more than fifteen thousand (15,000); and**
- (ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.**

(E) One hundred thousand dollars (\$100,000) per year, in the case of a coalition of schools applying jointly.

(c) Except as provided in subsection (d), the match requirement for a grant under this chapter is based on the ADM, as follows:

- (1) For a school corporation, charter school, or accredited nonpublic school with an ADM of less than five hundred one (501) students, the grant match must be twenty-five percent (25%) of the grant amount described in subsection (b).**
- (2) For a school corporation, charter school, or accredited nonpublic school with an ADM of more than five hundred (500) and less than one thousand one (1,001) students, the grant match must be fifty percent (50%) of the grant amount**



described in subsection (b).

(3) For a school corporation, charter school, or accredited nonpublic school with an ADM of more than one thousand (1,000) students or a coalition of schools applying jointly, the grant match must be one hundred percent (100%) of the grant amount described in subsection (b).

(d) A school corporation, charter school, or accredited nonpublic school may be eligible to receive a grant of up to:

(1) one hundred thousand dollars (\$100,000) if:

(A) the school corporation, charter school, or accredited nonpublic school receives a grant match of one hundred percent (100%) of the requested grant amount; and

(B) the board approves the grant request; or

(2) for a school corporation, charter school, or accredited nonpublic school described subsection (c)(1) or (c)(2), a grant of up to fifty thousand dollars (\$50,000) if:

(A) the school corporation, charter school, or accredited nonpublic school receives a grant match of fifty percent (50%) of the requested grant amount; and

(B) the board approves the grant request.

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

(f) (f) The board may not award a grant to a school corporation, or charter school, or accredited nonpublic school under this chapter unless the school corporation, or charter school, or accredited nonpublic school is in a county that has a county school safety commission, as described in IC 5-2-10.1-10.

SECTION 6. IC 10-21-1-5, AS AMENDED BY P.L.211-2018(ss), SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 5. (a) A school corporation, or charter school, or accredited nonpublic school may annually apply to the board for a matching grant from the fund for a program described in section 2(a) of this chapter.

(b) The application must include the following:

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

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

(3) The extent to which the school corporation, or charter school, or accredited nonpublic school has access to and support from a nearby law enforcement agency, if applicable.



(4) The ADM of the school corporation or charter school **or the equivalent for an accredited nonpublic school** (or the combined ADM of the coalition of schools applying jointly).

(5) Any other information required by the board.

(6) A statement whether the school corporation or charter school has completed a local plan and has filed the plan with the county school safety commission for the county in which the school corporation or charter school is located.

(7) A statement whether the school corporation or charter school (or coalition of public schools applying jointly) requests an advance under IC 20-49-10 in addition to a matching grant under this chapter.

(c) Before July 1, 2021, each school corporation, charter school, or accredited nonpublic school shall certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has conducted a threat assessment for each school building used by the school corporation, charter school, or accredited nonpublic school before applying for a grant under this chapter.

SECTION 7. IC 10-21-1-6, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. A school corporation, **or** charter school, **or accredited nonpublic school** that is awarded a matching grant under this chapter is not required to repay or reimburse the board or fund the amount of the matching grant.

SECTION 8. IC 20-34-3-20, AS AMENDED BY P.L.103-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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:

- (1) one (1) tornado preparedness drill; and
- (2) one (1) manmade occurrence disaster drill;

during each semester.

(c) At least one (1) manmade occurrence disaster drill required under subsection (b) must be an active shooter drill and must be conducted within ninety (90) calendar days after the beginning of the school year.

(d) Each:

- (1) accredited nonpublic school; and**



(2) charter school;
must conduct at least one (1) active shooter drill during each school year.

(c) (e) 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 conducted under subsection (b) may not be made:

(1) instead of more than two (2) periodic or monthly fire evacuation drills in a particular school semester; and

(2) in two (2) consecutive months.

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

(e) (g) 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.

SECTION 9. An emergency is declared for this act.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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