

Special Session 120th General Assembly (2018)(ss)

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 Session of the General Assembly.

HOUSE ENROLLED ACT No. 1230(ss)

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 5-2-10.1-11, AS AMENDED BY P.L.25-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) The school safety specialist training and certification program is established.

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

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

for school safety specialists and county school safety commissions.

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

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

- (A) identifying, preventing, and intervening in bullying; **and**
- (B) identifying, preventing, and intervening in criminal organization activity; **and**

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(C) identifying, preventing, and intervening in actions by a person who is present on school property with the intent to harm another person.

- (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:
- (1) Establish a school safety specialist certificate.
 - (2) Review the qualifications of each candidate for certification named by the department of education.
 - (3) Present a certificate to each school safety specialist that the institute determines to be eligible for certification.

SECTION 2. IC 5-2-10.1-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 13. A charter school (as defined in IC 20-24-1-4) or an accredited nonpublic school may do one (1) or more of the following:**

- (1) Designate an individual to serve as the school safety specialist for the school and comply with section 9 of this chapter.**
- (2) Establish a school safety plan in accordance with this chapter.**
- (3) Establish a safe school committee as described under section 12 of this chapter.**

SECTION 3. IC 10-21-1-5, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A school corporation or charter 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 security needs.
 - (2) The estimated cost of the program to the school corporation or charter school.
 - (3) The extent to which the school corporation or charter 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 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

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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.

SECTION 4. IC 10-21-1-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. If a school corporation or charter school (or a coalition of public schools applying jointly) indicates on an application under section 5 of this chapter that the school corporation or charter school (or coalition of public schools applying jointly) requests, in addition to the matching grant under this chapter, an advance under IC 20-49-10, the board shall review the application and may make recommendations to the state board to approve or deny an advance in the manner prescribed in IC 20-49-10-6.**

SECTION 5. IC 10-21-1-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. On or before December 1, 2018, and periodically thereafter, the board shall conduct a review and submit a report to the legislative council in an electronic format under IC 5-14-6. The report:**

- (1) must provide an overview of the current status of school safety across the state; and**
- (2) may make recommendations to improve the safety of elementary and secondary school students.**

SECTION 6. IC 20-19-3-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 11.5. (a) As used in this section, "cyberbullying" refers to bullying (as defined in IC 20-33-8-0.2) that occurs through the use of data or computer software that is accessed through a:**

- (1) computer;**
- (2) computer system;**
- (3) computer network; or**
- (4) cellular telephone or other wireless or cellular communications device.**

(b) The department shall maintain a link on the department's Internet web site that provides parents and school officials with resources or best practices regarding the prevention and reporting of bullying and cyberbullying. The resources must include

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guidance on how to report to law enforcement agencies instances of bullying and cyberbullying that occur off campus. The department shall also include guidelines developed by the department under IC 5-2-10.1-12(d).

(c) The department shall consult with law enforcement agencies, school officials, and organizations that have expertise in the prevention or reporting of bullying or cyberbullying for purposes of developing or providing the resources or best practices described in subsection (b).

(d) The following entities shall maintain a link on their Internet web sites to the Internet web site described in subsection (b):

- (1) The state board.
- (2) A school corporation.

SECTION 7. IC 20-19-3-11.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 11.7. (a) The department shall maintain a link on the department's Internet web site that provides parents and school officials with resources or best practices regarding the identification and reporting of human trafficking. The resources must include:**

- (1) guidance on how to report to law enforcement agencies instances of human trafficking; and
- (2) information that may assist school officials in complying with inservice training requirements under IC 20-28-3-7.

(b) The department shall consult with law enforcement agencies, school officials, and organizations that have expertise in the prevention of human trafficking for purposes of developing or providing the resources or best practices described in subsection (a).

SECTION 8. IC 20-28-3-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 7. (a) Each school corporation and accredited nonpublic school shall require all school employees likely to have direct, ongoing contact with children within the scope of the employee's employment to attend or participate in at least one (1) hour of inservice training every two (2) school years pertaining to the identification and reporting of human trafficking.**

(b) The format of the inservice training required under this section may include:

- (1) an in-person presentation;
- (2) an electronic or technology based medium, including self-review modules available on an online system;

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- (3) an individual program of study of designated materials; or**
- (4) any other method approved by the governing body, or the equivalent authority for an accredited nonpublic school, that is consistent with current professional development standards.**

(c) The inservice training required under this section shall count toward the requirements for professional development required by the governing body or the equivalent authority for an accredited nonpublic school.

SECTION 9. IC 20-33-8-13.5, AS AMENDED BY P.L.285-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

- (1) prohibit bullying; and
- (2) include:
 - (A) provisions concerning education, parental involvement, and intervention;
 - (B) a detailed procedure for the expedited investigation of incidents of bullying that includes:
 - (i) appropriate responses to bullying behaviors, wherever the behaviors occur;
 - (ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
 - (iii) timetables for reporting of bullying incidents to the parents of both the targeted student and the bully, in an expedited manner;
 - (iv) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;
 - (v) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and
 - (vi) discipline provisions for false reporting of bullying; and
 - (C) a detailed procedure outlining the use of follow-up services that includes:
 - (i) support services for the victim; and
 - (ii) bullying education for the bully.

(b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:

- (1) the individual committing the bullying behavior and any of the

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intended targets of the bullying behavior are students attending a school within a school corporation; and

(2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:

(1) computer;

(2) computer system; ~~or~~

(3) computer network; ~~or~~

(4) cellular telephone or other wireless or cellular communications device.

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

(e) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.

(f) The department shall periodically review each policy adopted under this section to ensure the policy's compliance with this section.

SECTION 10. IC 20-34-3-23 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 23. (a) Each charter school and accredited nonpublic school shall adopt a local school safety and emergency plan that includes:**

(1) safety and emergency training and educational opportunities for school employees; and

(2) periodic safety and emergency preparedness and evacuation drills.

(b) Each charter school and accredited nonpublic school shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

SECTION 11. IC 20-46-7-7, AS ADDED BY P.L.2-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A school corporation

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receiving an advancement:

- (1) under IC 20-49-2 may annually levy a tax for the fund as provided in IC 20-49-2-16;
- (2) for a school building construction program may annually levy a tax for the fund as provided in IC 20-49-4-21; ~~or~~
- (3) for an educational technology program may annually levy a tax for the fund as provided in IC 20-49-4-22; ~~or~~
- (4) under IC 20-49-10 may annually levy a tax for the fund as provided in IC 20-49-10-10.**

SECTION 12. IC 20-49-3-8, AS AMENDED BY P.L.118-2016, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The fund may be used to make advances:

- (1) to school corporations, including school corporation career and technical education schools described in IC 20-37-1-1, under IC 20-49-4 and IC 20-49-5;
- (2) under IC 20-49-6; ~~and~~
- (3) to charter and innovation network schools under IC 20-49-9; ~~and~~
- (4) to a school corporation or charter school (or a coalition of public schools applying jointly) under IC 20-49-10.**

Unless the context clearly requires otherwise, a reference to a school corporation in this chapter includes a school corporation career and technical education school described in IC 20-37-1-1. However, an advance to a school corporation career and technical education school described in IC 20-37-1-1 is not considered an advance to a school corporation for purposes of determining if the school corporation career and technical education school described in IC 20-37-1-1 qualifies for an advance.

SECTION 13. IC 20-49-10 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 10. Advancement From Common School Fund; Improvements in School Security

Sec. 1. As used in this chapter, "advance" refers to an advance from the fund under this chapter.

Sec. 2. As used in this chapter, "charter school" refers to a school established under IC 20-24. However, the term does not include a virtual charter school or an adult high school (as defined in IC 20-24-1-2.3).

Sec. 3. As used in this chapter, "fund" refers to the common school fund in the custody of the treasurer of state.

Sec. 4. (a) The school corporation and charter school safety

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advance program is established. The purpose of the program is to make advances to school corporations or charter schools (or one (1) or more coalitions of public schools applying jointly) for equipment purchases or capital improvements necessary to improve school security.

(b) The state board, in consultation with the secured school safety board established by IC 10-21-1-3, shall administer the program.

(c) The total amount of advances that the state board may make under this chapter during the state biennium beginning July 1, 2017, and ending June 30, 2019, may not exceed thirty-five million dollars (\$35,000,000).

Sec. 5. (a) Advances made under this chapter may be used to purchase equipment or make capital improvements needed to:

- (1) restrict access to schools;
- (2) expedite the notification of first responders; or
- (3) improve school security.

(b) The maximum amount of an advance that a school corporation or charter school may receive under this chapter may not exceed five hundred thousand dollars (\$500,000).

(c) The maximum amount of the advance that the state board may approve under section 6(c) of this chapter is the lesser of:

- (1) the maximum amount of an advance that may be awarded as established by subsection (b); or
- (2) the amount needed to cover costs approved by the secured school safety board that are in excess of the amount awarded by the secured school safety board under IC 10-21-1-4 and the amount committed as a match by the school corporation or charter school (or coalition of public schools filing jointly) that applied for the grant under IC 10-21-1-5.

Sec. 6. (a) An application to the secured school safety board for a matching grant under IC 10-21-1 may serve as an application for an advance under this chapter.

(b) To apply for an advance, a school corporation or charter school (or a coalition of public schools applying jointly) shall submit an application to the secured school safety board under IC 10-21-1. If the secured school safety board approves a matching grant to the school corporation or charter school (or coalition of public schools filing jointly) under IC 10-21-1-4 and the school corporation or charter school (or coalition of public schools filing jointly) requests an advance under this chapter, the secured school safety board may recommend to the state board the approval of an



advance under this chapter.

(c) If an advance is recommended by the secured school safety board and the state board finds that the school corporation or charter school (or coalition of public schools filing jointly):

- (1) qualifies for an advance under this chapter; and
- (2) will use the advance for purposes described in section 5 of this chapter;

the state board may make the advance to the school corporation or charter school (or coalition of public schools filing jointly).

Sec. 7. The following apply to an advance under this chapter:

- (1) A school corporation or charter school (or coalition of public schools filing jointly) must pay interest on the advance. The state board of finance shall periodically establish the rate or rates of interest payable on advances made under this chapter as long as the established interest rate or rates are not less than one percent (1%) and do not exceed four percent (4%).
- (2) The state board may provide that the advances made under this chapter are prepayable at any time.
- (3) The term of the advance may not exceed ten (10) years after the date of the advance.
- (4) A school corporation or charter school (or a coalition of public schools applying jointly) must enter into an advance agreement with the state board before receiving an advance from the fund. The terms of the agreement must include a provision allowing the state board to withhold funds due to a school corporation or charter school to which an advance is made until the advance is paid.

Sec. 8. To ensure timely payment of an advance according to the terms of the advance under section 7 of this chapter, the state board may withhold funds due to the school corporation or charter school to which the advance is made in the amount necessary to pay the advance.

Sec. 9. If the state board withholds funds under this chapter, the state board first shall withhold funds from the distribution of state tuition support to the school corporation or charter school to which the advance is made. If the state tuition support distribution is unavailable or inadequate, the state board may withhold funds from any other distribution of state funds to the school corporation or charter school.

Sec. 10. A school corporation to which an advance is made under this chapter may annually levy a property tax in the debt

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service fund to replace the amount withheld under this chapter in the current year from the distribution of state tuition support. The amount received from the tax must be transferred from the debt service fund to the general fund (before January 1, 2019) or the education fund (after December 31, 2018).

Sec. 11. An advance under this chapter to a school corporation or charter school is not an obligation of the school corporation or charter school within the meaning of a constitutional limitation on or prohibition against indebtedness.

Sec. 12. A charter school may provide the state board with an adequate security interest for the repayment of an advance made to the charter school under this chapter, in the form and amount determined by the Indiana department of administration. If the school operator sells its equity interest in the school facility, the state board shall redetermine the adequacy of its security interest and may hold a public hearing to determine whether any tax dollar equity funded with the advance should be paid to the state. The state board may not approve the disbursement of an advance made under this chapter to a charter school until the charter school provides the state board with an adequate security interest for the repayment of the advance in the manner prescribed by this section.

Sec. 13. (a) The state board, in consultation with the secured school safety board, may adopt:

- (1) rules under IC 4-22-2; or
- (2) emergency rules under IC 4-22-2-37.1;

necessary to implement this chapter.

(b) An emergency rule adopted by the state board under this section expires on the earlier of the following dates:

- (1) The expiration date stated in the emergency rule.
- (2) The date the emergency rule is amended or repealed by a later rule adopted under IC 4-22-2.

SECTION 14. IC 22-11-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in ~~subsection~~ **subsections (b) and (d)** and section 2.5 of this chapter, an owner of a public building shall not permit an exit to be locked or obstructed in any manner that denies the public a continuous and unobstructed means of egress while lawfully occupied by anyone who is not an officer or an employee.

(b) The commission may adopt rules under IC 4-22-2 that:

- (1) allow the owner of a public building to equip an exit with a special egress control device;
- (2) limit the circumstances under which a special egress control

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device may be used; and

(3) allow an exit that was in compliance with the rules of the commission when the exit was constructed to be equipped with a special egress control device.

(c) An owner of a public building shall not permit a fire alarm to be disconnected or otherwise rendered inoperative, except in cases of routine maintenance or for repair.

(d) A school that has one (1) or more employees may barricade or block a door for a period not to exceed three (3) minutes in the event of an unplanned fire alarm activation in order for a designated school official to investigate the alarm. The school must initiate evacuation and safety procedures after the three (3) minute period expires. However, the period may be extended in the event that an active shooter has been verified to be on the school's property.

SECTION 15. [EFFECTIVE JULY 1, 2018] (a) The definitions in IC 20 apply throughout this SECTION.

(b) The following definitions apply throughout this SECTION:

(1) "Credential" means a professional certificate or license issued to an individual by an agency of Indiana.

(2) "Educational and career services" means services that assist students in determining future educational plans or careers.

(3) "Health services" means programs and services that promote and protect the health, safety, and well-being of students to ensure a healthy environment that nurtures academic growth. The term includes mental health services.

(4) "Student assistance services" means services that prevent or alleviate problems that interfere with student learning.

(5) "Student services" means:

(A) educational and career services;

(B) student assistance services; and

(C) health services.

(6) "Student services provider" means an individual who:

(A) provides educational and career services, student assistance services, or health services; and

(B) holds credentials in the area of:

(i) school counseling, for educational and career services;

(ii) school counseling, school psychology, or school social work (master's level), for student assistance services; or

(iii) registered nursing, for health services.

(c) The department shall conduct a statewide needs assessment

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survey that collects data concerning:

- (1) the status of the student services provider workforce;
- (2) the relevant roles and functions being performed by student services providers;
- (3) the percentages of time spent by student services providers in addressing various student needs;
- (4) how schools are addressing trauma occurring in the student population;
- (5) how the social and emotional needs of students are being addressed; and
- (6) the steps that schools take to promote a positive school environment;

in public elementary, middle, and high schools in Indiana, including charter schools.

(d) The survey described in subsection (c) may be in an electronic format.

(e) Before January 1, 2019, the department shall report the department's findings to the general assembly in an electronic format under IC 5-14-6. The department shall post the report on its Internet web site.

(f) This SECTION expires July 1, 2019.

SECTION 16. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20 apply throughout this SECTION.

(b) Not later than August 1, 2019, an audit should be conducted for each school corporation that includes a review of each school's safety plan and an onsite review of the school corporation. The division (as defined in IC 20-19-3-14(a)) is primarily responsible for overseeing the audits. However, the division may request the voluntary assistance of the department of homeland security established by IC 10-19-2-1, the state police department, and any appropriate state or local law enforcement agency necessary to complete the audits required by this subsection and subsection (c). The audit shall include recommendations to the school corporation of the audit's findings.

(c) Not later than August 1, 2019, each charter school authorizer, in consultation with the division (as defined in IC 20-19-3-14(a)), shall conduct an audit of the charter school's safety plan for each charter school authorized by the authorizer to ensure that the safety plan complies with the requirements established by IC 20-34-3-23, as added by this act.

(d) With the approval of the governor and the budget agency, the amount appropriated by HEA 1001-2017 for the Indiana safe

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schools fund (IC 5-2-10.1-2) for the state fiscal year beginning July 1, 2018, and ending June 30, 2019, may be augmented from the state general fund in an amount specified by the budget agency, but not to exceed one million dollars (\$1,000,000). The Indiana criminal justice institute shall transfer an amount equal to the amount augmented by the budget agency from the Indiana safe schools fund (IC 5-2-10.1-2), to the department for the purpose of providing training to school safety specialists and conducting the audits described in subsection (b). The amount of the transfer specified in this subsection is in addition to the seven hundred fifty thousand dollars (\$750,000) required to be transferred to the department under HEA 1001-2017, for the state fiscal year beginning July 1, 2018, and ending June 30, 2019.

(e) This SECTION expires July 1, 2020.

SECTION 17. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20 apply throughout this SECTION.

(b) On or before August 1, 2018, the state fire marshal appointed under IC 22-14-2-2, in consultation with the department, shall send written guidance to each school that has one (1) or more employees. The guidance must describe how a school may apply current fire safety requirements for an unplanned fire alarm activation in order to provide security to students and school staff in the event of a potential manmade disaster situation. The written guidance may be sent to a school in an electronic format.

(c) This SECTION expires January 1, 2019.

SECTION 18. [EFFECTIVE UPON PASSAGE] (a) With the approval of the governor and the budget agency, the amount appropriated by HEA 1001-2017 for the Indiana secured school fund established by IC 10-21-1-2 may be augmented from the state general fund in an amount specified by the budget agency, but not to exceed five million dollars (\$5,000,000).

(b) This SECTION expires July 1, 2019.

SECTION 19. An emergency is declared for this act.

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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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