

# HOUSE BILL No. 1265

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-33-8-13.5.

**Synopsis:** Prohibiting bullying in schools. Requires the governing body of a school corporation to: (1) require a school corporation to prioritize the safety of a targeted student of an act of bullying; (2) require a school corporation to report an act of bullying to the parents of a targeted student within three business days and the parents of an alleged perpetrator within five business days after the incident is reported; (3) require a school corporation to approve the transfer of a targeted student of an act of bullying to another school in the school corporation; and (4) allow certain parents to review audiovisual materials that contain graphic sexual or violent content used in a bullying prevention or suicide prevention program.

**Effective:** July 1, 2022.

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## Smith V

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January 10, 2022, read first time and referred to Committee on Education.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

## HOUSE BILL No. 1265

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 20-33-8-13.5, AS AMENDED BY  
2 P.L.211-2018(ss), SECTION 9, IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13.5. (a) Discipline  
4 rules adopted by the governing body of a school corporation under  
5 section 12 of this chapter must:  
6 (1) prohibit bullying; and  
7 (2) include:  
8 (A) provisions concerning education, parental involvement,  
9 and intervention;  
10 (B) a detailed procedure for the expedited investigation of  
11 incidents of bullying that includes:  
12 (i) appropriate responses to bullying behaviors, wherever the  
13 behaviors occur;  
14 (ii) provisions for anonymous and personal reporting of  
15 bullying to a teacher or other school staff;  
16 **(iii) provisions that require a school to prioritize the**  
17 **safety of the targeted student;**



- 1           ~~(iii)~~ **(iv)** timetables for reporting of bullying incidents ~~to the~~  
2           ~~parents of both the targeted student and the bully, in an~~  
3           ~~expedited manner; that require an act of bullying to be~~  
4           ~~reported to the parents of the targeted student within~~  
5           ~~three (3) business days and the parents of the alleged~~  
6           ~~perpetrator within five (5) business days after the~~  
7           ~~incident is reported;~~  
8           ~~(iv)~~ **(v)** timetables for reporting of bullying incidents to  
9           school counselors, school administrators, the superintendent,  
10           or law enforcement, if it is determined that reporting the  
11           bullying incident to law enforcement is necessary;  
12           ~~(v)~~ **(vi)** discipline provisions for teachers, school staff, or  
13           school administrators who fail to initiate or conduct an  
14           investigation of a bullying incident; ~~and~~  
15           **(vii) provisions that require the school corporation to**  
16           **approve the transfer of a targeted student to another**  
17           **school in the same school corporation; and**  
18           ~~(vi)~~ **(viii)** discipline provisions for false reporting of  
19           bullying; and  
20           (C) a detailed procedure outlining the use of follow-up  
21           services that includes:  
22                (i) support services for the ~~victim~~ **targeted student;** and  
23                (ii) bullying education for the ~~bully~~ **alleged perpetrator.**  
24           (b) The discipline rules described in subsection (a) may be applied  
25           regardless of the physical location in which the bullying behavior  
26           occurred, whenever:  
27                (1) the individual committing the bullying behavior and any of the  
28                intended targets of the bullying behavior are students attending a  
29                school within a school corporation; and  
30                (2) disciplinary action is reasonably necessary to avoid substantial  
31                interference with school discipline or prevent an unreasonable  
32                threat to the rights of others to a safe and peaceful learning  
33                environment.  
34           (c) The discipline rules described in subsection (a) must prohibit  
35           bullying through the use of data or computer software that is accessed  
36           through a:  
37                (1) computer;  
38                (2) computer system;  
39                (3) computer network; or  
40                (4) cellular telephone or other wireless or cellular  
41                communications device.  
42           **(d) The discipline rules described in subsection (a) must include**



1 **policies to allow a parent of a child in the school corporation to**  
2 **review any audiovisual materials that contain graphic sexual or**  
3 **violent content used in any bullying prevention or suicide**  
4 **prevention program.**

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

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

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

