

HOUSE BILL No. 1298

DIGEST OF INTRODUCED BILL

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

Synopsis: Prohibiting bullying in schools. Requires that the governing body of a school corporation: (1) give priority to the targeted student of an act of bullying to ensure the safety of the targeted student; (2) require school corporations to report the act of bullying to the targeted student's parents within three business days and the alleged perpetrator's parents within five business days after the incident is reported; (3) include provisions in the school corporation's discipline rules that require the school corporation to approve transfers to another school in the school corporation for the targeted student of an act of bullying; and (4) ensure that parents may review any audiovisual materials that contain graphic sexual or violent content used in an anti-bullying or suicide prevention program.

Effective: July 1, 2021.

Smith V

January 14, 2021, read first time and referred to Committee on Education.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1298

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, 2021]: 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 give priority to the targeted student**
17 **of bullying when the bullying is reported, to ensure the**



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



1 communications device.

2 **(d) The discipline rules described in subsection (a) must include**
3 **policies to ensure that parents may review any audiovisual**
4 **materials that contain graphic sexual or violent content used in any**
5 **anti-bullying or suicide prevention program.**

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

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

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

