



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1072 be amended to read as follows:

- 1           Page 5, between lines 29 and 30, begin a new paragraph and insert:
- 2           "SECTION 1. IC 20-24-8-5, AS AMENDED BY P.L.147-2020,
- 3           SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4           JULY 1, 2022]: Sec. 5. The following statutes and rules and guidelines
- 5           adopted under the following statutes apply to a charter school:
- 6           (1) IC 5-11-1-9 (required audits by the state board of accounts).
- 7           (2) IC 20-39-1-1 (unified accounting system).
- 8           (3) IC 20-35 (special education).
- 9           (4) IC 20-26-5-10 (criminal history).
- 10          (5) IC 20-26-5-6 (subject to laws requiring regulation by state
- 11          agencies).
- 12          (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- 13          (7) IC 20-28-10-14 (teacher freedom of association).
- 14          (8) IC 20-28-10-17 (school counselor immunity).
- 15          (9) For conversion charter schools only if the conversion charter
- 16          school elects to collectively bargain under IC 20-24-6-3(b),
- 17          IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and
- 18          IC 20-28-10.
- 19          (10) IC 20-33-2 (compulsory school attendance).
- 20          (11) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student
- 21          due process and judicial review).

- 1 (12) IC 20-33-8-16 (firearms and deadly weapons).  
 2 (13) IC 20-34-3 (health and safety measures).  
 3 (14) IC 20-33-9 (reporting of student violations of law).  
 4 (15) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative  
 5 observances).  
 6 (16) IC 20-31-3, IC 20-32-4, IC 20-32-5 (for a school year ending  
 7 before July 1, 2018), IC 20-32-5.1 (for a school year beginning  
 8 after June 30, 2018), IC 20-32-8, and IC 20-32-8.5, as provided  
 9 in IC 20-32-8.5-2(b) (academic standards, accreditation,  
 10 assessment, and remediation).  
 11 (17) IC 20-33-7 (parental access to education records).  
 12 (18) IC 20-31 (accountability for school performance and  
 13 improvement).  
 14 (19) IC 20-30-5-19 (personal financial responsibility instruction).  
 15 (20) IC 20-26-5-37.3, before its expiration (career and technical  
 16 education reporting).  
 17 (21) IC 22-2-18, before its expiration on June 30, 2021  
 18 (limitations on employment of minors).  
 19 **(22) IC 20-33-8-13.5 (discipline rules prohibiting bullying)."**  
 20 Page 13, between lines 7 and 8, begin a new paragraph and insert:  
 21 "SECTION 2. IC 20-33-8-13.5, AS AMENDED BY  
 22 P.L.211-2018(ss), SECTION 9, IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 13.5. (a) Discipline  
 24 rules adopted by the governing body of a school corporation under  
 25 section 12 of this chapter must:  
 26 (1) prohibit bullying; and  
 27 (2) include:  
 28 (A) provisions concerning education, parental involvement,  
 29 and intervention;  
 30 (B) a detailed procedure for the expedited investigation of  
 31 incidents of bullying that includes:  
 32 (i) appropriate responses to bullying behaviors, wherever the  
 33 behaviors occur;  
 34 (ii) provisions for anonymous and personal reporting of  
 35 bullying to a teacher or other school staff;  
 36 (iii) timetables for reporting of bullying incidents to the  
 37 parents of both the targeted student and the bully, in an  
 38 expedited manner;  
 39 (iv) timetables for reporting of bullying incidents to school  
 40 counselors, school administrators, the superintendent, or law  
 41 enforcement, if it is determined that reporting the bullying  
 42 incident to law enforcement is necessary;  
 43 (v) discipline provisions for teachers, school staff, or school  
 44 administrators who fail to initiate or conduct an  
 45 investigation of a bullying incident; and  
 46 (vi) discipline provisions for false reporting of bullying; and

- 1 (C) a detailed procedure outlining the use of follow-up
- 2 services that includes:
- 3 (i) support services for the victim; and
- 4 (ii) bullying education for the bully.
- 5 (b) The discipline rules described in subsection (a) may be applied
- 6 regardless of the physical location in which the bullying behavior
- 7 occurred, whenever:
- 8 (1) the individual committing the bullying behavior and any of the
- 9 intended targets of the bullying behavior are students attending a
- 10 school within a school corporation; and
- 11 (2) disciplinary action is reasonably necessary to avoid substantial
- 12 interference with school discipline or prevent an unreasonable
- 13 threat to the rights of others to a safe and peaceful learning
- 14 environment.
- 15 (c) The discipline rules described in subsection (a) must prohibit
- 16 bullying through the use of data or computer software that is accessed
- 17 through a:
- 18 (1) computer;
- 19 (2) computer system;
- 20 (3) computer network; or
- 21 (4) cellular telephone or other wireless or cellular
- 22 communications device.
- 23 (d) This section may not be construed to give rise to a cause of
- 24 action against a person or school corporation based on an allegation of
- 25 noncompliance with this section. Noncompliance with this section may
- 26 not be used as evidence against a school corporation in a cause of
- 27 action.
- 28 (e) A record made of an investigation, a disciplinary action, or a
- 29 follow-up action performed under rules adopted under this section is
- 30 not a public record under IC 5-14-3.
- 31 (f) The department shall periodically review each policy adopted
- 32 under this section to ensure the policy's compliance with this section.
- 33 **(g) A state accredited nonpublic school that accepts any funding**
- 34 **or financial assistance from the state is required to adopt discipline**
- 35 **rules consistent with this section."**
- 36 Page 23, between lines 27 and 28, begin a new paragraph and insert:
- 37 "SECTION 3. IC 20-51-4-1, AS AMENDED BY P.L.106-2016,
- 38 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2022]: Sec. 1. (a) Except as provided under subsections (b)
- 40 through (h), it is the intent of the general assembly to honor the
- 41 autonomy of nonpublic schools that choose to become eligible schools
- 42 under this chapter. A nonpublic eligible school is not an agent of the
- 43 state or federal government, and therefore:
- 44 (1) the department or any other state agency may not in any way
- 45 regulate the educational program of a nonpublic eligible school
- 46 that accepts a choice scholarship under this chapter, including the

- 1 regulation of curriculum content, religious instruction or  
 2 activities, classroom teaching, teacher and staff hiring  
 3 requirements, and other activities carried out by the eligible  
 4 school;
- 5 (2) the creation of the choice scholarship program does not  
 6 expand the regulatory authority of the state, the state's officers, or  
 7 a school corporation to impose additional regulation of nonpublic  
 8 schools beyond those necessary to enforce the requirements of the  
 9 choice scholarship program in place on July 1, 2011; and
- 10 (3) a nonpublic eligible school shall be given the freedom to  
 11 provide for the educational needs of students without  
 12 governmental control.
- 13 (b) This section applies to the following writings, documents, and  
 14 records:
- 15 (1) The Constitution of the United States.  
 16 (2) The national motto.  
 17 (3) The national anthem.  
 18 (4) The Pledge of Allegiance.  
 19 (5) The Constitution of the State of Indiana.  
 20 (6) The Declaration of Independence.  
 21 (7) The Mayflower Compact.  
 22 (8) The Federalist Papers.  
 23 (9) "Common Sense" by Thomas Paine.  
 24 (10) The writings, speeches, documents, and proclamations of the  
 25 founding fathers and presidents of the United States.  
 26 (11) United States Supreme Court decisions.  
 27 (12) Executive orders of the presidents of the United States.  
 28 (13) Frederick Douglass's speech at Rochester, New York, on July  
 29 5, 1852, entitled "What to the Slave is the Fourth of July?".  
 30 (14) "Appeal" by David Walker.  
 31 (15) Chief Seattle's letter to the United States government in 1852  
 32 in response to the United States government's inquiry regarding  
 33 the purchase of tribal lands.
- 34 (c) An eligible school may allow a principal or teacher in the  
 35 eligible school to read or post in the school building or classroom or at  
 36 a school event any excerpt or part of a writing, document, or record  
 37 listed in subsection (b).
- 38 (d) An eligible school may not permit the content based censorship  
 39 of American history or heritage based on religious references in a  
 40 writing, document, or record listed in subsection (b).
- 41 (e) A library, a media center, or an equivalent facility that an  
 42 eligible school maintains for student use must contain in the facility's  
 43 permanent collection at least one (1) copy of each writing or document  
 44 listed in subsection (b)(1) through (b)(9).
- 45 (f) An eligible school shall do the following:  
 46 (1) Allow a student to include a reference to a writing, document,

- 1 or record listed in subsection (b) in a report or other work product.  
 2 (2) May not punish the student in any way, including a reduction  
 3 in grade, for using the reference.  
 4 (3) Display the United States flag in each classroom.  
 5 (4) Provide a daily opportunity for students to voluntarily recite  
 6 the Pledge of Allegiance in each classroom or on school grounds.  
 7 A student is exempt from participation in the Pledge of  
 8 Allegiance and may not be required to participate in the Pledge of  
 9 Allegiance if:  
 10 (A) the student chooses to not participate; or  
 11 (B) the student's parent chooses to have the student not  
 12 participate.  
 13 (5) Provide instruction on the constitutions of:  
 14 (A) Indiana; and  
 15 (B) the United States.  
 16 (6) For an eligible school that enrolls students in grades 6 through  
 17 12, provide within the two (2) weeks preceding a general election  
 18 five (5) full recitation periods of class discussion concerning:  
 19 (A) the system of government in Indiana and in the United  
 20 States;  
 21 (B) methods of voting;  
 22 (C) party structures;  
 23 (D) election laws; and  
 24 (E) the responsibilities of citizen participation in government  
 25 and in elections.  
 26 (7) Require that each teacher employed by the eligible school  
 27 present instruction with special emphasis on:  
 28 (A) honesty;  
 29 (B) morality;  
 30 (C) courtesy;  
 31 (D) obedience to law;  
 32 (E) respect for the national flag and the Constitution of the  
 33 State of Indiana and the Constitution of the United States;  
 34 (F) respect for parents and the home;  
 35 (G) the dignity and necessity of honest labor; and  
 36 (H) other lessons of a steadying influence that tend to promote  
 37 and develop an upright and desirable citizenry.  
 38 (8) Provide good citizenship instruction that stresses the nature  
 39 and importance of the following:  
 40 (A) Being honest and truthful.  
 41 (B) Respecting authority.  
 42 (C) Respecting the property of others.  
 43 (D) Always doing the student's personal best.  
 44 (E) Not stealing.  
 45 (F) Possessing the skills (including methods of conflict  
 46 resolution) necessary to live peaceably in society and not

- 1 resorting to violence to settle disputes.  
 2 (G) Taking personal responsibility for obligations to family  
 3 and community.  
 4 (H) Taking personal responsibility for earning a livelihood.  
 5 (I) Treating others the way the student would want to be  
 6 treated.  
 7 (J) Respecting the national flag, the Constitution of the United  
 8 States, and the Constitution of the State of Indiana.  
 9 (K) Respecting the student's parents and home.  
 10 (L) Respecting the student's self.  
 11 (M) Respecting the rights of others to have their own views  
 12 and religious beliefs.
- 13 (9) Provide instruction in the following studies:  
 14 (A) Language arts, including:  
 15 (i) English;  
 16 (ii) grammar;  
 17 (iii) composition;  
 18 (iv) speech; and  
 19 (v) second languages.  
 20 (B) Mathematics.  
 21 (C) Social studies and citizenship, including the:  
 22 (i) constitutions;  
 23 (ii) governmental systems; and  
 24 (iii) histories;  
 25 of Indiana and the United States, including a study of the  
 26 Holocaust and the role religious extremism played in the  
 27 events of September 11, 2001, in each high school United  
 28 States history course.  
 29 (D) Sciences.  
 30 (E) Fine arts, including music and art.  
 31 (F) Health education, physical fitness, safety, and the effects  
 32 of alcohol, tobacco, drugs, and other substances on the human  
 33 body.
- 34 (g) An eligible school shall not teach the violent overthrow of the  
 35 government of the United States.
- 36 **(h) An eligible school shall adopt discipline rules that prohibit**  
 37 **bullying in the manner provided in IC 20-33-8-13.5.**

- 1        ~~(h)~~ **(i)** Nothing in this section shall be construed to limit the
- 2 requirements of IC 20-30-5."
- 3        Renumber all SECTIONS consecutively.  
      (Reference is to HB 1072 as printed January 24, 2022.)

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Representative Porter