

# HOUSE BILL No. 1185

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-24-8-5; IC 20-33-8-13.5; IC 20-51-4-1.

**Synopsis:** Bullying. Requires a charter school to adopt discipline rules to prohibit bullying. Requires a school that accepts choice scholarships to adopt discipline rules to prohibit bullying. Requires a state accredited nonpublic school that accepts funding or financial assistance from the state to adopt discipline rules that prohibit bullying.

**Effective:** July 1, 2021.

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January 7, 2021, read first time and referred to Committee on Education.

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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. 1185

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 20-24-8-5, AS AMENDED BY P.L.147-2020,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 5. The following statutes and rules and guidelines  
4 adopted under the following statutes apply to a charter school:  
5 (1) IC 5-11-1-9 (required audits by the state board of accounts).  
6 (2) IC 20-39-1-1 (unified accounting system).  
7 (3) IC 20-35 (special education).  
8 (4) IC 20-26-5-10 (criminal history).  
9 (5) IC 20-26-5-6 (subject to laws requiring regulation by state  
10 agencies).  
11 (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).  
12 (7) IC 20-28-10-14 (teacher freedom of association).  
13 (8) IC 20-28-10-17 (school counselor immunity).  
14 (9) For conversion charter schools only if the conversion charter  
15 school elects to collectively bargain under IC 20-24-6-3(b),  
16 IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and  
17 IC 20-28-10.



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



- 1 enforcement, if it is determined that reporting the bullying  
 2 incident to law enforcement is necessary;
- 3 (v) discipline provisions for teachers, school staff, or school  
 4 administrators who fail to initiate or conduct an  
 5 investigation of a bullying incident; and
- 6 (vi) discipline provisions for false reporting of bullying; and
- 7 (C) a detailed procedure outlining the use of follow-up  
 8 services that includes:
- 9 (i) support services for the victim; and  
 10 (ii) bullying education for the bully.
- 11 (b) The discipline rules described in subsection (a) may be applied  
 12 regardless of the physical location in which the bullying behavior  
 13 occurred, whenever:
- 14 (1) the individual committing the bullying behavior and any of the  
 15 intended targets of the bullying behavior are students attending a  
 16 school within a school corporation; and
- 17 (2) disciplinary action is reasonably necessary to avoid substantial  
 18 interference with school discipline or prevent an unreasonable  
 19 threat to the rights of others to a safe and peaceful learning  
 20 environment.
- 21 (c) The discipline rules described in subsection (a) must prohibit  
 22 bullying through the use of data or computer software that is accessed  
 23 through a:
- 24 (1) computer;  
 25 (2) computer system;  
 26 (3) computer network; or  
 27 (4) cellular telephone or other wireless or cellular  
 28 communications device.
- 29 (d) This section may not be construed to give rise to a cause of  
 30 action against a person or school corporation based on an allegation of  
 31 noncompliance with this section. Noncompliance with this section may  
 32 not be used as evidence against a school corporation in a cause of  
 33 action.
- 34 (e) A record made of an investigation, a disciplinary action, or a  
 35 follow-up action performed under rules adopted under this section is  
 36 not a public record under IC 5-14-3.
- 37 (f) The department shall periodically review each policy adopted  
 38 under this section to ensure the policy's compliance with this section.
- 39 **(g) A state accredited nonpublic school that accepts any funding**  
 40 **or financial assistance from the state is required to adopt discipline**  
 41 **rules consistent with this section.**
- 42 SECTION 3. IC 20-51-4-1, AS AMENDED BY P.L.106-2016,



1 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 2 JULY 1, 2021]: Sec. 1. (a) Except as provided under subsections (b)  
 3 through (h), it is the intent of the general assembly to honor the  
 4 autonomy of nonpublic schools that choose to become eligible schools  
 5 under this chapter. A nonpublic eligible school is not an agent of the  
 6 state or federal government, and therefore:

7 (1) the department or any other state agency may not in any way  
 8 regulate the educational program of a nonpublic eligible school  
 9 that accepts a choice scholarship under this chapter, including the  
 10 regulation of curriculum content, religious instruction or  
 11 activities, classroom teaching, teacher and staff hiring  
 12 requirements, and other activities carried out by the eligible  
 13 school;

14 (2) the creation of the choice scholarship program does not  
 15 expand the regulatory authority of the state, the state's officers, or  
 16 a school corporation to impose additional regulation of nonpublic  
 17 schools beyond those necessary to enforce the requirements of the  
 18 choice scholarship program in place on July 1, 2011; and

19 (3) a nonpublic eligible school shall be given the freedom to  
 20 provide for the educational needs of students without  
 21 governmental control.

22 (b) This section applies to the following writings, documents, and  
 23 records:

24 (1) The Constitution of the United States.

25 (2) The national motto.

26 (3) The national anthem.

27 (4) The Pledge of Allegiance.

28 (5) The Constitution of the State of Indiana.

29 (6) The Declaration of Independence.

30 (7) The Mayflower Compact.

31 (8) The Federalist Papers.

32 (9) "Common Sense" by Thomas Paine.

33 (10) The writings, speeches, documents, and proclamations of the  
 34 founding fathers and presidents of the United States.

35 (11) United States Supreme Court decisions.

36 (12) Executive orders of the presidents of the United States.

37 (13) Frederick Douglass's speech at Rochester, New York, on July  
 38 5, 1852, entitled "What to the Slave is the Fourth of July?".

39 (14) "Appeal" by David Walker.

40 (15) Chief Seattle's letter to the United States government in 1852  
 41 in response to the United States government's inquiry regarding  
 42 the purchase of tribal lands.



1 (c) An eligible school may allow a principal or teacher in the  
 2 eligible school to read or post in the school building or classroom or at  
 3 a school event any excerpt or part of a writing, document, or record  
 4 listed in subsection (b).

5 (d) An eligible school may not permit the content based censorship  
 6 of American history or heritage based on religious references in a  
 7 writing, document, or record listed in subsection (b).

8 (e) A library, a media center, or an equivalent facility that an  
 9 eligible school maintains for student use must contain in the facility's  
 10 permanent collection at least one (1) copy of each writing or document  
 11 listed in subsection (b)(1) through (b)(9).

12 (f) An eligible school shall do the following:

13 (1) Allow a student to include a reference to a writing, document,  
 14 or record listed in subsection (b) in a report or other work product.

15 (2) May not punish the student in any way, including a reduction  
 16 in grade, for using the reference.

17 (3) Display the United States flag in each classroom.

18 (4) Provide a daily opportunity for students to voluntarily recite  
 19 the Pledge of Allegiance in each classroom or on school grounds.

20 A student is exempt from participation in the Pledge of  
 21 Allegiance and may not be required to participate in the Pledge of  
 22 Allegiance if:

23 (A) the student chooses to not participate; or

24 (B) the student's parent chooses to have the student not  
 25 participate.

26 (5) Provide instruction on the constitutions of:

27 (A) Indiana; and

28 (B) the United States.

29 (6) For an eligible school that enrolls students in grades 6 through  
 30 12, provide within the two (2) weeks preceding a general election  
 31 five (5) full recitation periods of class discussion concerning:

32 (A) the system of government in Indiana and in the United  
 33 States;

34 (B) methods of voting;

35 (C) party structures;

36 (D) election laws; and

37 (E) the responsibilities of citizen participation in government  
 38 and in elections.

39 (7) Require that each teacher employed by the eligible school  
 40 present instruction with special emphasis on:

41 (A) honesty;

42 (B) morality;



- 1 (C) courtesy;  
 2 (D) obedience to law;  
 3 (E) respect for the national flag and the Constitution of the  
 4 State of Indiana and the Constitution of the United States;  
 5 (F) respect for parents and the home;  
 6 (G) the dignity and necessity of honest labor; and  
 7 (H) other lessons of a steady influence that tend to promote  
 8 and develop an upright and desirable citizenry.  
 9 (8) Provide good citizenship instruction that stresses the nature  
 10 and importance of the following:  
 11 (A) Being honest and truthful.  
 12 (B) Respecting authority.  
 13 (C) Respecting the property of others.  
 14 (D) Always doing the student's personal best.  
 15 (E) Not stealing.  
 16 (F) Possessing the skills (including methods of conflict  
 17 resolution) necessary to live peaceably in society and not  
 18 resorting to violence to settle disputes.  
 19 (G) Taking personal responsibility for obligations to family  
 20 and community.  
 21 (H) Taking personal responsibility for earning a livelihood.  
 22 (I) Treating others the way the student would want to be  
 23 treated.  
 24 (J) Respecting the national flag, the Constitution of the United  
 25 States, and the Constitution of the State of Indiana.  
 26 (K) Respecting the student's parents and home.  
 27 (L) Respecting the student's self.  
 28 (M) Respecting the rights of others to have their own views  
 29 and religious beliefs.  
 30 (9) Provide instruction in the following studies:  
 31 (A) Language arts, including:  
 32 (i) English;  
 33 (ii) grammar;  
 34 (iii) composition;  
 35 (iv) speech; and  
 36 (v) second languages.  
 37 (B) Mathematics.  
 38 (C) Social studies and citizenship, including the:  
 39 (i) constitutions;  
 40 (ii) governmental systems; and  
 41 (iii) histories;  
 42 of Indiana and the United States, including a study of the



- 1 Holocaust and the role religious extremism played in the  
2 events of September 11, 2001, in each high school United  
3 States history course.  
4 (D) Sciences.  
5 (E) Fine arts, including music and art.  
6 (F) Health education, physical fitness, safety, and the effects  
7 of alcohol, tobacco, drugs, and other substances on the human  
8 body.  
9 (g) An eligible school shall not teach the violent overthrow of the  
10 government of the United States.  
11 **(h) An eligible school shall adopt discipline rules that prohibit**  
12 **bullying in the manner provided in IC 20-33-8-13.5.**  
13 ~~(h)~~ **(i)** Nothing in this section shall be construed to limit the  
14 requirements of IC 20-30-5.

