



February 23, 2018

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# ENGROSSED HOUSE BILL No. 1230

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DIGEST OF HB 1230 (Updated February 21, 2018 3:14 pm - DI 125)

**Citations Affected:** IC 20-19; IC 20-28; IC 20-33; noncode.

**Synopsis:** School safety. Requires the department of education (department) to maintain a link on the department's Internet web site providing parents and school officials with resources or best practices regarding the prevention and reporting of bullying and cyberbullying. Requires the state board of education and school corporations to maintain an Internet link to the department's Internet web site on their Internet web sites. Requires the department to maintain a link on the department's Internet web site regarding the identification and reporting of human trafficking. Requires certain employees of a school corporation or an accredited nonpublic school to receive at least one hour of inservice training every two years pertaining to the identification and reporting of human trafficking. Provides that a  
(Continued next page)

**Effective:** July 1, 2018.

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## McNamara, Cook, Behning, Goodin

(SENATE SPONSORS — RAATZ, KRUSE, CRANE, STOOPS)

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January 11, 2018, read first time and referred to Committee on Education.

January 29, 2018, amended, reported — Do Pass.

January 31, 2018, read second time, amended, ordered engrossed.

February 1, 2018, engrossed. Read third time, passed. Yeas 91, nays 0.

SENATE ACTION

February 6, 2018, read first time and referred to Committee on Education and Career Development.

February 22, 2018, amended, reported favorably — Do Pass.

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EH 1230—LS 6345/DI 116



## Digest Continued

school corporation's disciplinary rules pertaining to bullying must prohibit bullying through the use of data or computer software that is accessed through a computer or through a cellular telephone or other wireless or cellular communications device. (Current law provides that a school corporation's disciplinary rules pertaining to bullying must prohibit bullying through the use of data or computer software that is accessed through a computer.) Requires the department to conduct a statewide needs assessment survey concerning student service providers and how schools are addressing the social and emotional needs of students.



February 23, 2018

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1230

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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 20-19-3-11.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2018]: **Sec. 11.5. (a) As used in this section,**  
4 **"cyberbullying" refers to bullying (as defined in IC 20-33-8-0.2)**  
5 **that occurs through the use of data or computer software that is**  
6 **accessed through a:**  
7 (1) **computer;**  
8 (2) **computer system;**  
9 (3) **computer network; or**  
10 (4) **cellular telephone or other wireless or cellular**  
11 **communications device.**  
12 (b) **The department shall maintain a link on the department's**  
13 **Internet web site that provides parents and school officials with**  
14 **resources or best practices regarding the prevention and reporting**  
15 **of bullying and cyberbullying. The resources must include**  
16 **guidance on how to report to law enforcement agencies instances**  
17 **of bullying and cyberbullying that occur off campus. The**

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1 department shall also include guidelines developed by the  
2 department under IC 5-2-10.1-12(d).

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

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

10 (1) The state board.

11 (2) A school corporation.

12 SECTION 2. IC 20-19-3-11.7 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE JULY 1, 2018]: **Sec. 11.7. (a) The department shall**  
15 **maintain a link on the department's Internet web site that provides**  
16 **parents and school officials with resources or best practices**  
17 **regarding the identification and reporting of human trafficking.**  
18 **The resources must include:**

19 (1) guidance on how to report to law enforcement agencies  
20 instances of human trafficking; and

21 (2) information that may assist school officials in complying  
22 with inservice training requirements under IC 20-28-3-7.

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

28 SECTION 3. IC 20-28-3-7 IS ADDED TO THE INDIANA CODE  
29 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
30 1, 2018]: **Sec. 7. (a) Each school corporation and accredited**  
31 **nonpublic school shall require all school employees likely to have**  
32 **direct, ongoing contact with children within the scope of the**  
33 **employee's employment to attend or participate in at least one (1)**  
34 **hour of inservice training every two (2) school years pertaining to**  
35 **the identification and reporting of human trafficking.**

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

38 (1) an in-person presentation;

39 (2) an electronic or technology based medium, including  
40 self-review modules available on an online system;

41 (3) an individual program of study of designated materials; or

42 (4) any other method approved by the governing body, or the



1           **equivalent authority for an accredited nonpublic school, that**  
 2           **is consistent with current professional development standards.**

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

7           SECTION 4. IC 20-33-8-13.5, AS AMENDED BY P.L.285-2013,  
 8           SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9           JULY 1, 2018]: Sec. 13.5. (a) Discipline rules adopted by the  
 10          governing body of a school corporation under section 12 of this chapter  
 11          must:

12          (1) prohibit bullying; and

13          (2) include:

14               (A) provisions concerning education, parental involvement,  
 15               and intervention;

16               (B) a detailed procedure for the expedited investigation of  
 17               incidents of bullying that includes:

18                   (i) appropriate responses to bullying behaviors, wherever the  
 19                   behaviors occur;

20                   (ii) provisions for anonymous and personal reporting of  
 21                   bullying to a teacher or other school staff;

22                   (iii) timetables for reporting of bullying incidents to the  
 23                   parents of both the targeted student and the bully, in an  
 24                   expedited manner;

25                   (iv) timetables for reporting of bullying incidents to school  
 26                   counselors, school administrators, the superintendent, or law  
 27                   enforcement, if it is determined that reporting the bullying  
 28                   incident to law enforcement is necessary;

29                   (v) discipline provisions for teachers, school staff, or school  
 30                   administrators who fail to initiate or conduct an  
 31                   investigation of a bullying incident; and

32                   (vi) discipline provisions for false reporting of bullying; and

33               (C) a detailed procedure outlining the use of follow-up  
 34               services that includes:

35                   (i) support services for the victim; and

36                   (ii) bullying education for the bully.

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

40               (1) the individual committing the bullying behavior and any of the  
 41               intended targets of the bullying behavior are students attending a  
 42               school within a school corporation; and



- 1 (2) disciplinary action is reasonably necessary to avoid substantial  
 2 interference with school discipline or prevent an unreasonable  
 3 threat to the rights of others to a safe and peaceful learning  
 4 environment.
- 5 (c) The discipline rules described in subsection (a) must prohibit  
 6 bullying through the use of data or computer software that is accessed  
 7 through a:
- 8 (1) computer;  
 9 (2) computer system; ~~or~~  
 10 (3) computer network; **or**  
 11 **(4) cellular telephone or other wireless or cellular**  
 12 **communications device.**
- 13 (d) This section may not be construed to give rise to a cause of  
 14 action against a person or school corporation based on an allegation of  
 15 noncompliance with this section. Noncompliance with this section may  
 16 not be used as evidence against a school corporation in a cause of  
 17 action.
- 18 (e) A record made of an investigation, a disciplinary action, or a  
 19 follow-up action performed under rules adopted under this section is  
 20 not a public record under IC 5-14-3.
- 21 (f) The department shall periodically review each policy adopted  
 22 under this section to ensure the policy's compliance with this section.
- 23 **SECTION 5. [EFFECTIVE JULY 1, 2018] (a) The definitions in**  
 24 **IC 20 apply throughout this SECTION.**
- 25 **(b) The following definitions apply throughout this SECTION:**
- 26 **(1) "Credential" means a professional certificate or license**  
 27 **issued to an individual by an agency of Indiana.**
- 28 **(2) "Educational and career services" means services that**  
 29 **assist students in identifying realistic and challenging futures**  
 30 **and provide support services to help students in realizing**  
 31 **those futures.**
- 32 **(3) "Health services" means programs and services that**  
 33 **promote and protect the health, safety, and well-being of**  
 34 **students to ensure a healthy environment that nurtures**  
 35 **academic growth. The term includes mental health services.**
- 36 **(4) "Student assistance services" means services that prevent**  
 37 **or alleviate problems that interfere with student learning.**
- 38 **(5) "Student services" means:**
- 39 **(A) educational and career services;**  
 40 **(B) student assistance services; and**  
 41 **(C) health services.**
- 42 **(6) "Student services provider" means an individual who:**



- 1 (A) provides educational and career services, student  
 2 assistance services, or health services; and  
 3 (B) holds credentials in the area of:  
 4 (i) school counseling, for educational and career services;  
 5 (ii) school counseling, school psychology, or school social  
 6 work (master's level), for student assistance services; or  
 7 (iii) registered nursing, for health services.  
 8 (c) The department shall conduct a statewide needs assessment  
 9 survey that collects data concerning:  
 10 (1) the status of the student services provider workforce;  
 11 (2) the relevant roles and functions being performed by  
 12 student services providers;  
 13 (3) the percentages of time spent by student services providers  
 14 in addressing various student needs;  
 15 (4) the level of unmet student needs;  
 16 (5) how schools are addressing trauma occurring in the  
 17 student population;  
 18 (6) how the social and emotional needs of students are being  
 19 addressed;  
 20 (7) the steps that schools take to promote a positive school  
 21 environment; and  
 22 (8) the recommended ratios of student services providers  
 23 within school workforces as determined by national student  
 24 services professional associations;  
 25 in public elementary, middle, and high schools in Indiana,  
 26 including charter schools.  
 27 (d) The survey described in subsection (c) may be in an  
 28 electronic format.  
 29 (e) Before January 1, 2019, the department shall report the  
 30 department's findings to the general assembly in an electronic  
 31 format under IC 5-14-6. The department shall post the report on  
 32 its Internet web site.  
 33 (f) This SECTION expires July 1, 2019.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 29, delete "each school year" and insert "**every two (2) school years**".

and when so amended that said bill do pass.

(Reference is to HB 1230 as introduced.)

BEHNING

Committee Vote: yeas 10, nays 0.

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 HOUSE MOTION

Mr. Speaker: I move that House Bill 1230 be amended to read as follows:

Page 1, line 10, delete "(4) cellular" and insert "**(4) cellular**".

Page 1, line 15, after "of" insert "**bullying or**".

Page 1, line 16, after "of" insert "**bullying or**".

Page 2, line 4, after "reporting of" insert "**bullying or**".

Page 2, between lines 6 and 7, begin a new paragraph and insert:

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

**(1) The state board.**

**(2) A school corporation."**

(Reference is to HB 1230 as printed January 29, 2018.)

SMITH V





## COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 15, delete "bullying or" and insert **"bullying and"**.

Page 1, line 17, delete "or cyberbullying" and insert **"and cyberbullying"**.

Page 2, line 8, delete "link of" and insert **"link on"**.

Page 2, line 42, delete "body" and insert **"body, or the equivalent authority for an accredited nonpublic school,"**.

Page 3, line 4, delete "body." and insert **"body, or the equivalent authority for an accredited nonpublic school."**

Page 4, after line 20, begin a new paragraph and insert:

**"SECTION 5. [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 identifying realistic and challenging futures and provide support services to help students in realizing those futures.**

**(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 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) the level of unmet student needs;**
- (5) how schools are addressing trauma occurring in the student population;**
- (6) how the social and emotional needs of students are being addressed;**
- (7) the steps that schools take to promote a positive school environment; and**
- (8) the recommended ratios of student services providers within school workforces as determined by national student services professional associations;**

**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."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1230 as reprinted February 1, 2018.)

KRUSE, Chairperson

Committee Vote: Yeas 11, Nays 0.

**EH 1230—LS 6345/DI 116**

