

HOUSE BILL No. 1268

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-10.1; IC 9-13-2; IC 9-19; IC 10-21-1; IC 20-27-4-10; IC 34-30-2.1-91.5.

Synopsis: Seat belts on school buses. Requires a governing body, charter school, or accredited nonpublic school seeking to purchase a school bus or special purpose bus to: (1) request information concerning the cost of purchasing a school bus or special purpose bus equipped with 3-point lap and shoulder safety belts; and (2) hold a public meeting on the costs and benefits of purchasing a school bus or special purpose bus with 3-point lap and shoulder safety belts before voting on whether to purchase the bus. Allows a school corporation, charter school, or an accredited nonpublic school to use a portion of a grant from the safe schools fund or the secured school fund toward purchasing or equipping school buses and special purpose buses with safety equipment. Requires each occupant of a school bus or special purpose bus that has a 3-point lap and shoulder safety belt to have the 3-point lap and shoulder safety belt properly fastened about the occupant's body at all times when the bus is in motion. Provides for an exception to the laws concerning other types of passenger restraint systems.

Effective: July 1, 2023.

Bartlett

January 11, 2023, read first time and referred to Committee on Education.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1268

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 5-2-10.1-2, AS AMENDED BY P.L.211-2019,
- 2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2023]: Sec. 2. (a) The Indiana safe schools fund is established
- 4 to do the following:
- 5 (1) Promote school safety through the:
- 6 (A) use of dogs trained to detect drugs and illegal substances;
- 7 and
- 8 (B) purchase of other equipment and materials used to
- 9 enhance the safety of schools.
- 10 (2) Combat truancy.
- 11 (3) Provide matching grants to schools for school safe haven
- 12 programs.
- 13 (4) Provide grants for school safety and safety plans. However, a
- 14 grant from the fund may not be used to employ a school resource
- 15 officer (as defined in IC 20-26-18.2-1) or a law enforcement
- 16 officer (as defined in IC 35-31.5-2-185).
- 17 (5) Provide educational outreach and training to school personnel



- 1 concerning:
- 2 (A) the identification of;
- 3 (B) the prevention of; and
- 4 (C) intervention in;
- 5 bullying.
- 6 (6) Provide educational outreach to school personnel and training
- 7 to school safety specialists and school resource officers
- 8 concerning:
- 9 (A) the identification of;
- 10 (B) the prevention of; and
- 11 (C) intervention in;
- 12 criminal organization activities.
- 13 (7) Provide grants for school wide programs to improve school
- 14 climate and professional development and training for school
- 15 personnel concerning:
- 16 (A) alternatives to suspension and expulsion; and
- 17 (B) evidence based practices that contribute to a positive
- 18 school environment, including classroom management skills,
- 19 positive behavioral intervention and support, restorative
- 20 practices, and social emotional learning.
- 21 **(8) Promote student safety through the purchase or equipping**
- 22 **of school buses and special purpose buses with 3-point lap and**
- 23 **shoulder safety belts or other safety equipment for buses that**
- 24 **is proven to substantially improve school bus safety, as**
- 25 **determined by the state school bus committee established by**
- 26 **IC 20-27-3-1.**
- 27 (b) The fund consists of amounts deposited:
- 28 (1) under IC 33-37-9-4; and
- 29 (2) from any other public or private source.
- 30 (c) The institute shall determine grant recipients from the fund with
- 31 a priority on awarding grants in the following order:
- 32 (1) A grant for a safety plan.
- 33 (2) A safe haven grant requested under section 10 of this chapter.
- 34 (3) A safe haven grant requested under section 7 of this chapter.
- 35 (d) Except as provided in subsection (e), upon recommendation of
- 36 the council, the institute shall establish a method for determining the
- 37 maximum amount a grant recipient may receive under this section.
- 38 (e) A school corporation selected to participate in the school
- 39 intergenerational safety pilot project by the department under
- 40 IC 20-20-46-5 is eligible to receive a grant from the fund in an amount
- 41 described in IC 20-20-46-4 in addition to a grant requested by the
- 42 school corporation under section 6 of this chapter.



1 SECTION 2. IC 5-2-10.1-6, AS AMENDED BY P.L.40-2014,
 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2023]: Sec. 6. (a) A school corporation, school corporation
 4 career and technical education school described in IC 20-37-1-1, or
 5 charter school (as defined in IC 20-24-1-4) may receive a grant from
 6 the fund for programs, equipment, services, or activities included in a
 7 safety plan submitted with the application for funds to the institute.

8 (b) A safety plan submitted under this section must include
 9 provisions for zero (0) tolerance for alcohol, tobacco, drugs, and
 10 weapons on school property **and may include planned purchases or**
 11 **equipping of school buses and special purpose buses with 3-point**
 12 **lap and shoulder safety belts or, if recommended by the state**
 13 **school bus committee established by IC 20-27-3-1, other proven**
 14 **safety equipment.** If the institute approves the safety plan and
 15 application, the treasurer of state shall disburse from the fund to the
 16 applicant the amount of the grant certified to the treasurer of state by
 17 the institute.

18 (c) **An accredited nonpublic school may receive a grant from the**
 19 **fund only for planned purchases or equipping of school buses and**
 20 **special purpose buses with 3-point lap and shoulder safety belts or,**
 21 **if recommended by the state school bus committee established by**
 22 **IC 20-27-3-1, other proven safety equipment. An accredited**
 23 **nonpublic school may receive a grant under this subsection only if**
 24 **proposed expenditures are included in a safety plan submitted with**
 25 **the application for funds to the institute.**

26 SECTION 3. IC 9-13-2-161, AS AMENDED BY P.L.198-2016,
 27 SECTION 163, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2023]: Sec. 161. (a) "School bus" means, except
 29 as provided in ~~subsection~~ **subsections (b) and (c)**, a bus used to
 30 transport preschool, elementary, or secondary school children to and
 31 from:

- 32 (1) school;
- 33 (2) school athletic games or contests; or
- 34 (3) other school functions.

35 (b) "School bus", for purposes of IC 9-19, means a:

- 36 (1) bus;
- 37 (2) hack;
- 38 (3) conveyance;
- 39 (4) commercial motor vehicle; or
- 40 (5) motor vehicle;

41 **used to transport elementary school (as defined in IC 20-18-2-4) or**
 42 **high school (as defined in IC 20-18-2-7) students to and from school**



1 or to and from school athletic games or contests or other school
 2 functions. The term does not include a privately owned motor
 3 vehicle with a capacity of not more than five (5) passengers that is
 4 used for the purpose of transporting school children to and from
 5 school.

6 ~~(b)~~ (c) "School bus", for purposes of IC 9-21, means a motor vehicle
 7 owned by a public or governmental agency and operated for the
 8 transportation of children to or from school, including project
 9 headstart, or privately owned and operated for compensation for the
 10 transportation of children to and from school, including project
 11 headstart.

12 SECTION 4. IC 9-13-2-170.7, AS ADDED BY P.L.107-2006,
 13 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2023]: Sec. 170.7. (a) "Special purpose bus" ~~has the meaning~~
 15 ~~set forth in IC 20-27-2-10:~~ means, except as provided in subsection
 16 (b), a motor vehicle:

17 (1) that is designed and constructed for the accommodation of
 18 more than ten (10) passengers;

19 (2) that:

20 (A) meets the federal school bus safety requirements under
 21 49 U.S.C. 30125, except the:

22 (i) stop signal arm required under federal motor vehicle
 23 safety standard (FMVSS) no. 131; and

24 (ii) flashing lamps required under federal motor vehicle
 25 safety standard (FMVSS) no. 108;

26 (B) when owned by a school corporation, charter school, or
 27 accredited nonpublic school and used to transport
 28 students, complies with the Federal Motor Carrier Safety
 29 Regulations as prescribed by the United States Department
 30 of Transportation Federal Motor Carrier Safety
 31 Administration as set forth in 49 CFR Chapter III
 32 Subchapter B; or

33 (C) when owned by a school corporation, charter school, or
 34 accredited nonpublic school and used to transport
 35 students, is a motor coach type bus with a capacity of at
 36 least thirty (30) passengers and a gross vehicle weight
 37 rating greater than twenty-six thousand (26,000) pounds;
 38 and

39 (3) that is used by a school corporation, charter school, or
 40 accredited nonpublic school for transportation purposes
 41 appropriate under IC 20-27-9-5.

42 (b) "Special purpose bus", for purposes of IC 9-19, means a



- 1 **motor vehicle:**
- 2 **(1) that is designed and constructed for the accommodation of**
- 3 **more than ten (10) passengers;**
- 4 **(2) that:**
- 5 **(A) meets the federal school bus safety requirements under**
- 6 **49 U.S.C. 30125, except the:**
- 7 **(i) stop signal arm required under federal motor vehicle**
- 8 **safety standard (FMVSS) no. 131; and**
- 9 **(ii) flashing lamps required under federal motor vehicle**
- 10 **safety standard (FMVSS) no. 108;**
- 11 **(B) when used to transport students, complies with the**
- 12 **Federal Motor Carrier Safety Regulations as prescribed by**
- 13 **the United States Department of Transportation Federal**
- 14 **Motor Carrier Safety Administration as set forth in 49**
- 15 **CFR Chapter III Subchapter B; or**
- 16 **(C) when used to transport students, is a motor coach type**
- 17 **bus with a capacity of at least thirty (30) passengers and a**
- 18 **gross vehicle weight rating greater than twenty-six**
- 19 **thousand (26,000) pounds; and**
- 20 **(3) that is used for transportation purposes by:**
- 21 **(A) a school corporation;**
- 22 **(B) a charter school; or**
- 23 **(C) an accredited nonpublic school.**
- 24 SECTION 5. IC 9-19-10-1, AS AMENDED BY P.L.198-2016,
- 25 SECTION 334, IS AMENDED TO READ AS FOLLOWS
- 26 [EFFECTIVE JULY 1, 2023]: Sec. 1. This chapter does not apply to an
- 27 occupant of a motor vehicle who meets any of the following conditions:
- 28 (1) For medical reasons should not wear safety belts, provided the
- 29 occupant has written documentation of the medical reasons from
- 30 a physician.
- 31 (2) Is a child required to be restrained by a child restraint system
- 32 under IC 9-19-11 **or a 3-point lap and shoulder safety belt**
- 33 **under IC 9-19-13.**
- 34 (3) Is traveling in a commercial or a United States Postal Service
- 35 vehicle that makes frequent stops for the purpose of pickup or
- 36 delivery of goods or services.
- 37 (4) Is a rural carrier of the United States Postal Service and is
- 38 operating a vehicle while serving a rural postal route.
- 39 (5) Is a newspaper motor route carrier or newspaper bundle hauler
- 40 who stops to make deliveries from a vehicle.
- 41 (6) Is a driver examiner designated and appointed by the bureau
- 42 and is conducting an examination of an applicant for a permit or



- 1 license under IC 9-24-10.
 2 (7) Is an occupant of a farm truck being used on a farm in
 3 connection with agricultural pursuits that are usual and normal to
 4 the farming operation.
 5 (8) Is an occupant of a motor vehicle participating in a parade.
 6 (9) Is an occupant of the living quarters area of a recreational
 7 vehicle.
 8 (10) Is an occupant of the treatment area of an ambulance (as
 9 defined in IC 16-18-2-13).
 10 (11) Is an occupant of the sleeping area of a tractor.
 11 (12) Is an occupant other than the operator of a vehicle described
 12 in IC 9-20-11-1(1).
 13 (13) Is an occupant other than the operator of a truck on a
 14 construction site.
 15 (14) Is a passenger other than the operator in a cab of a recovery
 16 vehicle who is being transported in the cab because the vehicle of
 17 the passenger is being towed by the recovery vehicle.
 18 (15) Is an occupant other than the operator of a motor vehicle
 19 being used by a public utility in an emergency as set forth in
 20 IC 9-20-6-5.

21 SECTION 6. IC 9-19-13-5.5 IS ADDED TO THE INDIANA CODE
 22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 23 1, 2023]: **Sec. 5.5. (a) An occupant of a school bus or special
 24 purpose bus that has a 3-point lap and shoulder safety belt
 25 installed at each seating location shall have the 3-point lap and
 26 shoulder safety belt properly fastened about the occupant's body
 27 at all times when the bus is in motion.**

28 **(b) A:**

29 **(1) person operating a school bus or special purpose bus; and**
 30 **(2) school corporation, public school, charter school, or**
 31 **accredited nonpublic school;**
 32 **are immune from civil or criminal liability for the failure of an**
 33 **occupant of a school bus or special purpose bus to properly fasten**
 34 **a 3-point lap and shoulder safety belt as required under subsection**
 35 **(a).**

36 SECTION 7. IC 10-21-1-2, AS AMENDED BY P.L.139-2022,
 37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2023]: **Sec. 2. (a) The Indiana secured school fund is**
 39 **established to provide:**

- 40 **(1) matching grants to enable school corporations, charter**
 41 **schools, and accredited nonpublic schools to establish programs**
 42 **under which a school corporation, charter school, or accredited**



- 1 nonpublic school (or a coalition of schools) may:
- 2 (A) employ a school resource officer, employ a law
- 3 enforcement officer, or enter into a contract or a memorandum
- 4 of understanding with a:
- 5 (i) local law enforcement agency;
- 6 (ii) private entity; or
- 7 (iii) nonprofit corporation;
- 8 to employ a school resource officer or a law enforcement
- 9 officer;
- 10 (B) conduct a threat assessment of the buildings within a
- 11 school corporation or the buildings that are operated by a
- 12 charter school or accredited nonpublic school;
- 13 (C) purchase equipment and technology to:
- 14 (i) restrict access to school property; or
- 15 (ii) expedite notification of first responders; or
- 16 (D) implement a student and parent support services plan as
- 17 described in section 4(a)(6) of this chapter; ~~and~~
- 18 **(E) purchase or equip school buses and special purpose**
- 19 **buses with 3-point lap and shoulder safety belts or other**
- 20 **safety equipment for buses that is proven to substantially**
- 21 **improve school bus safety, as determined by the state**
- 22 **school bus committee established by IC 20-27-3-1; and**
- 23 (2) one (1) time grants to enable school corporations, charter
- 24 schools, and accredited nonpublic schools with the sheriff for the
- 25 county in which the school corporation, charter school, or
- 26 accredited nonpublic school is located, to provide the initial set up
- 27 costs for an active event warning system.
- 28 (b) A school corporation or charter school may use money received
- 29 under a matching grant for a purpose listed in subsection (a) to provide
- 30 a response to a threat in a manner that the school corporation or charter
- 31 school sees fit, including firearms training or other self-defense
- 32 training.
- 33 (c) The fund shall be administered by the department of homeland
- 34 security.
- 35 (d) The fund consists of:
- 36 (1) appropriations from the general assembly;
- 37 (2) grants from the Indiana safe schools fund established by
- 38 IC 5-2-10.1-2;
- 39 (3) federal grants; and
- 40 (4) amounts deposited from any other public or private source.
- 41 (e) The expenses of administering the fund shall be paid from
- 42 money in the fund.



1 (f) The treasurer of state shall invest the money in the fund not
 2 currently needed to meet the obligations of the fund in the same
 3 manner as other public money may be invested. Interest that accrues
 4 from these investments shall be deposited in the fund.

5 (g) Money in the fund at the end of a state fiscal year does not revert
 6 to the state general fund.

7 SECTION 8. IC 10-21-1-4, AS AMENDED BY P.L.139-2022,
 8 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2023]: Sec. 4. (a) The board may award a matching grant to
 10 enable a school corporation, charter school, or accredited nonpublic
 11 school (or a coalition of schools applying jointly) to:

- 12 (1) establish a program to employ a school resource officer;
 13 (2) employ a law enforcement officer;
 14 (3) provide school resource officer training described in
 15 IC 20-26-18.2-1(c);
 16 (4) conduct a threat assessment;
 17 (5) purchase equipment to restrict access to the school or expedite
 18 the notification of first responders; ~~or~~
 19 (6) implement a student and parent support services plan in the
 20 manner set forth in IC 20-34-9; ~~or~~
 21 **(7) purchase or equip school buses and special purpose buses**
 22 **with 3-point lap and shoulder safety belts or other safety**
 23 **equipment for buses that is proven to substantially improve**
 24 **school bus safety, as determined by the state school bus**
 25 **committee established by IC 20-27-3-1;**

26 in accordance with section 2(a) of this chapter.

27 (b) A matching grant awarded to a school corporation, charter
 28 school, or accredited nonpublic school (or a coalition of schools
 29 applying jointly) may not exceed the lesser of the following during a
 30 two (2) year period beginning on or after May 1, 2013:

- 31 (1) The total cost of the program established by the school
 32 corporation, charter school, or accredited nonpublic school (or the
 33 coalition of schools applying jointly).
 34 (2) Except as provided in subsection (d), the following amounts:
 35 (A) Thirty-five thousand dollars (\$35,000) per year, in the case
 36 of a school corporation, charter school, or accredited
 37 nonpublic school that:
 38 (i) has an ADM of at least one (1) and less than one
 39 thousand one (1,001) students; and
 40 (ii) is not applying jointly with any other school corporation,
 41 charter school, or accredited nonpublic school.
 42 (B) Fifty thousand dollars (\$50,000) per year, in the case of a



- 1 school corporation, charter school, or accredited nonpublic
 2 school that:
- 3 (i) has an ADM of more than one thousand (1,000) and less
 4 than five thousand one (5,001) students; and
 5 (ii) is not applying jointly with any other school corporation,
 6 charter school, or accredited nonpublic school.
- 7 (C) Seventy-five thousand dollars (\$75,000) per year, in the
 8 case of a school corporation, charter school, or accredited
 9 nonpublic school that:
- 10 (i) has an ADM of more than five thousand (5,000) and less
 11 than fifteen thousand one (15,001) students; and
 12 (ii) is not applying jointly with any other school corporation,
 13 charter school, or accredited nonpublic school.
- 14 (D) One hundred thousand dollars (\$100,000) per year, in the
 15 case of a school corporation, charter school, or accredited
 16 nonpublic school that:
- 17 (i) has an ADM of more than fifteen thousand (15,000); and
 18 (ii) is not applying jointly with any other school corporation,
 19 charter school, or accredited nonpublic school.
- 20 (E) One hundred thousand dollars (\$100,000) per year, in the
 21 case of a coalition of schools applying jointly.
- 22 (c) Except as provided in subsection (d), the match requirement for
 23 a grant under this chapter is based on the ADM, as follows:
- 24 (1) For a school corporation, charter school, or accredited
 25 nonpublic school with an ADM of less than five hundred one
 26 (501) students, the grant match must be twenty-five percent
 27 (25%) of the grant amount described in subsection (b).
 28 (2) For a school corporation, charter school, or accredited
 29 nonpublic school with an ADM of more than five hundred (500)
 30 and less than one thousand one (1,001) students, the grant match
 31 must be fifty percent (50%) of the grant amount described in
 32 subsection (b).
 33 (3) For a school corporation, charter school, or accredited
 34 nonpublic school with an ADM of more than one thousand
 35 (1,000) students or a coalition of schools applying jointly, the
 36 grant match must be one hundred percent (100%) of the grant
 37 amount described in subsection (b).
- 38 (d) A school corporation, charter school, or accredited nonpublic
 39 school may be eligible to receive a grant of up to:
- 40 (1) one hundred thousand dollars (\$100,000) if:
 41 (A) the school corporation, charter school, or accredited
 42 nonpublic school receives a grant match of one hundred



- 1 percent (100%) of the requested grant amount; and
 2 (B) the board approves the grant request; or
 3 (2) for a school corporation, charter school, or accredited
 4 nonpublic school described in subsection (c)(1) or (c)(2), a grant
 5 of up to fifty thousand dollars (\$50,000) if:
 6 (A) the school corporation, charter school, or accredited
 7 nonpublic school receives a grant match of fifty percent (50%)
 8 of the requested grant amount; and
 9 (B) the board approves the grant request.
 10 (e) A school corporation, charter school, or accredited nonpublic
 11 school may receive only one (1) matching grant under this section each
 12 year.
 13 (f) The board may not award a grant to a school corporation, charter
 14 school, or accredited nonpublic school under this section unless the
 15 school corporation, charter school, or accredited nonpublic school is in
 16 a county that has a county school safety commission, as described in
 17 IC 5-2-10.1-10.
 18 SECTION 9. IC 20-27-4-10 IS ADDED TO THE INDIANA CODE
 19 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 20 1, 2023]: **Sec. 10. (a) This section applies to the purchase of a new
 21 school bus or new special purpose bus by a school corporation,
 22 charter school, or accredited nonpublic school after June 30, 2023.**
 23 **(b) Whenever a school corporation, charter school, or
 24 accredited nonpublic school seeks to purchase a school bus or
 25 special purpose bus, the governing body, charter school, or
 26 accredited nonpublic school must request information concerning
 27 the cost of purchasing a school bus or special purpose bus equipped
 28 with 3-point lap and shoulder safety belts at each seating location.**
 29 **(c) After receiving the information under subsection (b), the
 30 governing body, charter school, or accredited nonpublic school
 31 shall hold a public meeting at which public testimony must be
 32 allowed to discuss the costs and benefits of purchasing a new school
 33 bus or special purpose bus with 3-point lap and shoulder safety
 34 belts. After holding a public meeting under this subsection, the
 35 governing body, charter school, or accredited nonpublic school
 36 shall decide by majority vote whether to purchase a school bus or
 37 special purpose bus that is equipped with 3-point lap and shoulder
 38 safety belts.**
 39 **(d) If a governing body, charter school, or accredited nonpublic
 40 school decides to purchase a school bus or special purpose bus that
 41 is equipped with 3-point lap and shoulder safety belts, the
 42 governing body, charter school, or accredited nonpublic school**



1 **may apply for a grant under IC 5-2-10.1-6 or IC 10-21-1-4 to offset**
2 **the additional cost of purchasing a school bus or special purpose**
3 **bus equipped with 3-point lap and shoulder safety belts.**

4 SECTION 10. IC 34-30-2.1-91.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2023]: **Sec. 91.5. IC 9-19-13-5.5 (Concerning**
7 **failure of an occupant on a school bus or special purpose bus to**
8 **properly fasten a safety belt).**

