

HOUSE BILL No. 1539

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-11-5; IC 20-33-8.

Synopsis: Education matters. Provides that a student's request for transfer to a transferee school corporation is effected if the transferee corporation approves the transfer request not more than 30 days after receiving the request by mail. (Currently, the transfer is effected if both the transferee and the transferor corporations approve the transfer not more than 30 days after receiving the request by mail.) Revises the definition of "bullying". Provides that certain discipline rules adopted by the governing body of a school corporation include timetables for reporting of bullying incidents to the parents of both the targeted student and the alleged perpetrator not later than one business day after the incident is reported. (Current law provides reporting of bullying incidents not later than five business days after the incident is reported.)

Effective: July 1, 2025.

Smith V

January 21, 2025, read first time and referred to Committee on Education.



First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1539

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 20-26-11-5, AS AMENDED BY P.L.43-2021,
2 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 5. (a) The parents of any student, regardless of the
4 student's age, or the student after the student has become eighteen (18)
5 years of age may request a transfer from a school corporation in which
6 the student has a legal settlement to a transferee school corporation in
7 Indiana or another state if the student may be better accommodated in
8 the public schools of the transferee corporation. Whether the student
9 can be better accommodated depends on such matters as:
10 (1) crowded conditions of the transferee or transferor corporation;
11 and
12 (2) curriculum offerings at the high school level that are important
13 to the vocational or academic aspirations of the student.
14 (b) The request for transfer must be made in writing to the transferor
15 corporation, which shall immediately mail a copy to the transferee
16 corporation. The request for transfer must be made at the times
17 provided under rules adopted by the state board. The transfer is



1 effected if ~~both the transferee and the transferor corporations approve~~
 2 **school corporation approves** the transfer not more than thirty (30)
 3 days after that mailing. ~~If the transferor school corporation fails to act~~
 4 ~~on the transfer request within thirty (30) days after the request is~~
 5 ~~received; the transfer is considered approved.~~ The transfer is denied
 6 when ~~either the transferee~~ school corporation mails a written denial
 7 by certified mail to the requesting parents or student at their last known
 8 address.

9 (c) If a request for transfer is denied under subsection (b), an appeal
 10 may be taken to the state board by the requesting parents or student, if
 11 commenced not more than ten (10) days after the denial. An appeal is
 12 commenced by mailing a notice of appeal by certified mail to the
 13 superintendent of each school corporation and the state board. The
 14 secretary of education shall develop forms for this purpose, and the
 15 transferor corporation shall assist the parents or student in the
 16 mechanics of commencing the appeal. An appeal hearing must comply
 17 with section 15 of this chapter.

18 SECTION 2. IC 20-33-8-0.2, AS AMENDED BY P.L.285-2013,
 19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2025]: Sec. 0.2. (a) As used in this chapter, "bullying" means
 21 overt, unwanted ~~repeated~~ acts or gestures **which are repeated, have**
 22 **the potential to be repeated, or occur one (1) time to a degree of**
 23 **severity**, including verbal or written communications or images
 24 transmitted in any manner (including digitally or electronically),
 25 physical acts committed, aggression, or any other behaviors, that are
 26 committed by a student or group of students against another student
 27 with the intent to harass, ridicule, humiliate, intimidate, or harm the
 28 targeted student and create for the targeted student an objectively
 29 hostile school environment that:

- 30 (1) places the targeted student in reasonable fear of harm to the
 31 targeted student's person or property;
 32 (2) has a substantially detrimental effect on the targeted student's
 33 physical or mental health;
 34 (3) has the effect of substantially interfering with the targeted
 35 student's academic performance; or
 36 (4) has the effect of substantially interfering with the targeted
 37 student's ability to participate in or benefit from the services,
 38 activities, and privileges provided by the school.

39 (b) The term may not be interpreted to impose any burden or
 40 sanction on, or include in the definition of the term, the following:

- 41 (1) Participating in a religious event.
 42 (2) Acting in an emergency involving the protection of a person



1 or property from an imminent threat of serious bodily injury or
2 substantial danger.

3 (3) Participating in an activity consisting of the exercise of a
4 student's rights protected under the First Amendment to the
5 United States Constitution or Article I, Section 31 of the
6 Constitution of the State of Indiana, or both.

7 (4) Participating in an activity conducted by a nonprofit or
8 governmental entity that provides recreation, education, training,
9 or other care under the supervision of one (1) or more adults.

10 (5) Participating in an activity undertaken at the prior written
11 direction of the student's parent.

12 (6) Engaging in interstate or international travel from a location
13 outside Indiana to another location outside Indiana.

14 SECTION 3. IC 20-33-8-13.5, AS AMENDED BY P.L.238-2023,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2025]: Sec. 13.5. (a) Discipline rules adopted by the
17 governing body of a school corporation under section 12 of this chapter
18 must:

19 (1) prohibit bullying; and

20 (2) include:

21 (A) provisions concerning education, parental involvement,
22 and intervention;

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

25 (i) appropriate responses to bullying behaviors, wherever the
26 behaviors occur;

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

29 (iii) provisions that require a school to prioritize the safety
30 of the victim;

31 (iv) timetables for reporting of bullying incidents to the
32 parents of both the targeted student and the alleged
33 perpetrator in an expedited manner that is not later than ~~five~~

34 ~~(5)~~ **one (1)** business ~~days~~ **day** after the incident is reported;

35 (v) timetables for reporting of bullying incidents to school
36 counselors, school administrators, the superintendent, or law
37 enforcement, if it is determined that reporting the bullying
38 incident to law enforcement is necessary;

39 (vi) discipline provisions for teachers, school staff, or school
40 administrators who fail to initiate or conduct an
41 investigation of a bullying incident; and

42 (vii) 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 alleged perpetrator.
- 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) The discipline rules described in subsection (a) must include
24 policies to allow a parent of a child in the school corporation to review
25 any materials used in any bullying prevention or suicide prevention
26 program.
- 27 (e) The discipline rules described in subsection (a) may include
28 provisions to determine:
29 (1) the severity of an incident of bullying; and
30 (2) whether an incident of bullying may warrant the transfer of the
31 victim or the alleged perpetrator to another school in the school
32 corporation.
- 33 (f) This section may not be construed to give rise to a cause of
34 action against a person or school corporation based on an allegation of
35 noncompliance with this section. Noncompliance with this section may
36 not be used as evidence against a school corporation in a cause of
37 action.
- 38 (g) A record made of an investigation, a disciplinary action, or a
39 follow-up action performed under rules adopted under this section is
40 not a public record under IC 5-14-3.
- 41 (h) The department shall periodically review each policy adopted
42 under this section to ensure the policy's compliance with this section.

