

# SENATE BILL No. 220

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-33; IC 35-42-2-1; IC 35-50-8-1; IC 35-52-20.

**Synopsis:** School employee safety. Provides that a governing body of a school corporation or administrative staff of a school corporation may not: (1) establish or adopt a rule or policy that limits or restricts a teacher or other school staff member from a provision that allows the removal of a student from class for a certain period; or (2) require a teacher or other school employee to physically touch a student under certain conditions. Requires a principal to report a physical assault by a student on a person having authority over the student to a law enforcement agency. Makes it a Class C misdemeanor if a principal knowingly or intentionally fails to make the report. Requires a school corporation to submit to the department of education information regarding a program developed with a law enforcement agency addressing certain violations of law and reporting requirements. Makes it a Class C misdemeanor for failure to report to a law enforcement agency that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment. Increases the penalty for a battery if the offense is committed against a school employee while the school employee is acting within the scope of the school employee's employment. Provides that, before a student who is convicted of certain crimes is returned to class, the principal shall hold a meeting to determine whether a behavior or safety plan is required for the student.

**Effective:** July 1, 2020.

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## Alting

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January 6, 2020, read first time and referred to Committee on Education and Career Development.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# SENATE BILL No. 220



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 20-33-8-9, AS AMENDED BY P.L.121-2009,  
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 9. (a) This section applies to an individual who:  
4 (1) is a teacher or other school staff member; and  
5 (2) has students under the individual's charge.  
6 (b) An individual may take any action that is reasonably necessary  
7 to carry out or to prevent an interference with an educational function  
8 that the individual supervises.  
9 (c) Subject to rules of the governing body and the administrative  
10 staff **other than a rule that limits or restricts a teacher or other**  
11 **school staff member from removing a student as described in**  
12 **section 25(d) of this chapter**, an individual may remove a student for  
13 a period that does not exceed five (5) school days from an educational  
14 function supervised by the individual or another individual who is a  
15 teacher or other school staff member.  
16 (d) If an individual removes a student from a class under subsection  
17 (c), the principal may place the student in another appropriate class or



1 placement or into inschool suspension. The principal may not return  
 2 the student to the class from which the student was removed until the  
 3 principal has met with the student, the student's teacher, and the  
 4 student's parents to determine an appropriate behavior plan for the  
 5 student. If the student's parents do not meet with the principal and the  
 6 student's teacher within a reasonable amount of time, the student may  
 7 be moved to another class at the principal's discretion.

8 SECTION 2. IC 20-33-8-25, AS AMENDED BY P.L.233-2015,  
 9 SECTION 262, IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2020]: Sec. 25. (a) This section applies to an  
 11 individual who:

12 (1) is a member of the administrative staff, a teacher, or other  
 13 school staff member; and

14 (2) has students under the individual's charge.

15 (b) An individual may take disciplinary action instead of or in  
 16 addition to suspension and expulsion that is necessary to ensure a safe,  
 17 orderly, and effective educational environment. Disciplinary action  
 18 under this section may include the following:

19 (1) Counseling with a student or group of students.

20 (2) Conferences with a parent or group of parents.

21 (3) Assigning additional work.

22 (4) Rearranging class schedules.

23 (5) Requiring a student to remain in school after regular school  
 24 hours:

25 (A) to do additional school work; or

26 (B) for counseling.

27 (6) Restricting extracurricular activities.

28 (7) Removal of a student by a teacher from that teacher's class for  
 29 a period not to exceed:

30 (A) five (5) class periods for middle, junior high, or high  
 31 school students; or

32 (B) one (1) school day for elementary school students;

33 if the student is assigned regular or additional school work to  
 34 complete in another school setting.

35 (8) Assignment by the principal of:

36 (A) a special course of study;

37 (B) an alternative educational program; or

38 (C) an alternative school.

39 (9) Assignment by the principal of the school where the recipient  
 40 of the disciplinary action is enrolled of not more than one hundred  
 41 twenty (120) hours of service with a nonprofit organization  
 42 operating in or near the community where the school is located or



1 where the student resides. The following apply to service assigned  
2 under this subdivision:

3 (A) A principal may not assign a student under this  
4 subdivision unless the student's parent approves:

5 (i) the nonprofit organization where the student is assigned;  
6 and

7 (ii) the plan described in clause (B)(i).

8 A student's parent may request or suggest that the principal  
9 assign the student under this subdivision.

10 (B) The principal shall make arrangements for the student's  
11 service with the nonprofit organization. Arrangements must  
12 include the following:

13 (i) A plan for the service that the student is expected to  
14 perform.

15 (ii) A description of the obligations of the nonprofit  
16 organization to the student, the student's parents, and the  
17 school corporation where the student is enrolled.

18 (iii) Monitoring of the student's performance of service by  
19 the principal or the principal's designee.

20 (iv) Periodic reports from the nonprofit organization to the  
21 principal and the student's parent or guardian of the student's  
22 performance of the service.

23 (C) The nonprofit organization must obtain liability insurance  
24 in the amount and of the type specified by the school  
25 corporation where the student is enrolled that is sufficient to  
26 cover liabilities that may be incurred by a student who  
27 performs service under this subdivision.

28 (D) Assignment of service under this subdivision suspends the  
29 implementation of a student's suspension or expulsion. A  
30 student's completion of service assigned under this subdivision  
31 to the satisfaction of the principal and the nonprofit  
32 organization terminates the student's suspension or expulsion.

33 (10) Removal of a student from school sponsored transportation.

34 (11) Referral to the juvenile court having jurisdiction over the  
35 student.

36 (c) As used in this subsection, "physical assault" means the knowing  
37 or intentional touching of another person in a rude, insolent, or angry  
38 manner. When a student physically assaults a person having authority  
39 over the student, the principal of the school where the student is  
40 enrolled shall ~~refer the student to the juvenile court having jurisdiction~~  
41 ~~over the student.~~ **report the physical assault to a law enforcement**  
42 **agency.** However, a student with a disability (as defined in



1 IC 20-35-1-8) who physically assaults a person having authority over  
 2 the student is subject to procedural safeguards under 20 U.S.C. 1415.

3 **(d) Subject to section 34 of this chapter, a governing body or**  
 4 **administrative staff of a school corporation may not establish or**  
 5 **adopt a rule or policy that limits or restricts a teacher or other**  
 6 **school staff member from removing a student under subsection**  
 7 **(b)(7).**

8 **(e) A principal who knowingly or intentionally fails to make a**  
 9 **report in accordance with subsection (c) commits a Class C**  
 10 **misdemeanor.**

11 SECTION 3. IC 20-33-8-35 IS ADDED TO THE INDIANA CODE  
 12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 13 1, 2020]: **Sec. 35. A governing body or administrative staff of a**  
 14 **school corporation may not require a teacher or other school**  
 15 **employee to physically touch a student:**

16 **(1) for disciplinary reasons; or**

17 **(2) if the teacher or other school employee reasonably believes**  
 18 **that the action may result in physical injury to the teacher,**  
 19 **school employee, or student.**

20 SECTION 4. IC 20-33-9-9, AS ADDED BY P.L.1-2005, SECTION  
 21 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 22 2020]: **Sec. 9. (a) The law enforcement agencies and the school**  
 23 **corporations in each county shall develop and administer a program to**  
 24 **efficiently implement this chapter.**

25 **(b) A school corporation that develops a program under**  
 26 **subsection (a) shall submit information regarding the program to**  
 27 **the department.**

28 SECTION 5. IC 20-33-9-13, AS AMENDED BY P.L.72-2006,  
 29 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2020]: **Sec. 13. (a) An individual who has a duty under**  
 31 **sections 10 through 12 of this chapter to report that a school employee**  
 32 **may have received a threat or may be the victim of intimidation,**  
 33 **battery, or harassment shall immediately make an oral report to the**  
 34 **local law enforcement agency.**

35 **(b) A individual who knowingly or intentionally fails to make a**  
 36 **report in accordance with this section commits a Class C**  
 37 **misdemeanor.**

38 SECTION 6. IC 35-42-2-1, AS AMENDED BY P.L.80-2018,  
 39 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2020]: **Sec. 1. (a) As used in this section, "public safety**  
 41 **official" means:**

42 **(1) a law enforcement officer, including an alcoholic beverage**



- 1 enforcement officer;  
 2 (2) an employee of a penal facility or a juvenile detention facility  
 3 (as defined in IC 31-9-2-71);  
 4 (3) an employee of the department of correction;  
 5 (4) a probation officer;  
 6 (5) a parole officer;  
 7 (6) a community corrections worker;  
 8 (7) a home detention officer;  
 9 (8) a department of child services employee;  
 10 (9) a firefighter;  
 11 (10) an emergency medical services provider;  
 12 (11) a judicial officer;  
 13 (12) a bailiff of any court; or  
 14 (13) a special deputy (as described in IC 36-8-10-10.6).
- 15 (b) As used in this section, "relative" means an individual related by  
 16 blood, half-blood, adoption, marriage, or remarriage, including:  
 17 (1) a spouse;  
 18 (2) a parent or stepparent;  
 19 (3) a child or stepchild;  
 20 (4) a grandchild or stepgrandchild;  
 21 (5) a grandparent or stepgrandparent;  
 22 (6) a brother, sister, stepbrother, or stepsister;  
 23 (7) a niece or nephew;  
 24 (8) an aunt or uncle;  
 25 (9) a daughter-in-law or son-in-law;  
 26 (10) a mother-in-law or father-in-law; or  
 27 (11) a first cousin.
- 28 (c) Except as provided in subsections (d) through (k), a person who  
 29 knowingly or intentionally:  
 30 (1) touches another person in a rude, insolent, or angry manner;  
 31 or  
 32 (2) in a rude, insolent, or angry manner places any bodily fluid or  
 33 waste on another person;  
 34 commits battery, a Class B misdemeanor.
- 35 (d) The offense described in subsection (c)(1) or (c)(2) is a Class A  
 36 misdemeanor if it:  
 37 (1) results in bodily injury to any other person; or  
 38 (2) is committed against a member of a foster family home (as  
 39 defined in IC 35-31.5-2-139.3) by a person who is not a resident  
 40 of the foster family home if the person who committed the offense  
 41 is a relative of a person who lived in the foster family home at the  
 42 time of the offense.



1 (e) The offense described in subsection (c)(1) or (c)(2) is a Level 6  
2 felony if one (1) or more of the following apply:

3 (1) The offense results in moderate bodily injury to any other  
4 person.

5 (2) The offense is committed against a public safety official while  
6 the official is engaged in the official's official duty.

7 (3) The offense is committed against a person less than fourteen  
8 (14) years of age and is committed by a person at least eighteen  
9 (18) years of age.

10 (4) The offense is committed against a person of any age who has  
11 a mental or physical disability and is committed by a person  
12 having the care of the person with the mental or physical  
13 disability, whether the care is assumed voluntarily or because of  
14 a legal obligation.

15 (5) The offense is committed against an endangered adult (as  
16 defined in IC 12-10-3-2).

17 (6) The offense:

18 (A) is committed against a member of a foster family home (as  
19 defined in IC 35-31.5-2-139.3) by a person who is not a  
20 resident of the foster family home if the person who committed  
21 the offense is a relative of a person who lived in the foster  
22 family home at the time of the offense; and

23 (B) results in bodily injury to the member of the foster family.

24 **(7) The offense is committed against a school employee while**  
25 **the school employee is acting within the scope of the school**  
26 **employee's employment.**

27 (f) The offense described in subsection (c)(2) is a Level 6 felony if  
28 the person knew or recklessly failed to know that the bodily fluid or  
29 waste placed on another person was infected with hepatitis,  
30 tuberculosis, or human immunodeficiency virus.

31 (g) The offense described in subsection (c)(1) or (c)(2) is a Level 5  
32 felony if one (1) or more of the following apply:

33 (1) The offense results in serious bodily injury to another person.

34 (2) The offense is committed with a deadly weapon.

35 (3) The offense results in bodily injury to a pregnant woman if the  
36 person knew of the pregnancy.

37 (4) The person has a previous conviction for a battery offense:

38 (A) included in this chapter against the same victim; or

39 (B) against the same victim in any other jurisdiction, including  
40 a military court, in which the elements of the crime for which  
41 the conviction was entered are substantially similar to the  
42 elements of a battery offense included in this chapter.



- 1 (5) The offense results in bodily injury to one (1) or more of the  
 2 following:
- 3 (A) A public safety official while the official is engaged in the  
 4 official's official duties.
- 5 (B) A person less than fourteen (14) years of age if the offense  
 6 is committed by a person at least eighteen (18) years of age.
- 7 (C) A person who has a mental or physical disability if the  
 8 offense is committed by an individual having care of the  
 9 person with the disability, regardless of whether the care is  
 10 assumed voluntarily or because of a legal obligation.
- 11 (D) An endangered adult (as defined in IC 12-10-3-2).
- 12 **(E) A school employee while the school employee is acting**  
 13 **within the scope of the school employee's employment.**
- 14 (h) The offense described in subsection (c)(2) is a Level 5 felony if:  
 15 (1) the person knew or recklessly failed to know that the bodily  
 16 fluid or waste placed on another person was infected with  
 17 hepatitis, tuberculosis, or human immunodeficiency virus; and  
 18 (2) the person placed the bodily fluid or waste on a public safety  
 19 official.
- 20 (i) The offense described in subsection (c)(1) or (c)(2) is a Level 4  
 21 felony if it results in serious bodily injury to an endangered adult (as  
 22 defined in IC 12-10-3-2).
- 23 (j) The offense described in subsection (c)(1) or (c)(2) is a Level 3  
 24 felony if it results in serious bodily injury to a person less than fourteen  
 25 (14) years of age if the offense is committed by a person at least  
 26 eighteen (18) years of age.
- 27 (k) The offense described in subsection (c)(1) or (c)(2) is a Level 2  
 28 felony if it results in the death of one (1) or more of the following:  
 29 (1) A person less than fourteen (14) years of age if the offense is  
 30 committed by a person at least eighteen (18) years of age.  
 31 (2) An endangered adult (as defined in IC 12-10-3-2).
- 32 SECTION 7. IC 35-50-8-1, AS AMENDED BY P.L.158-2013,  
 33 SECTION 672, IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) If an individual is enrolled in  
 35 a primary or secondary school, including a public or nonpublic school,  
 36 and:  
 37 (1) is convicted of:  
 38 (A) a Class A felony;  
 39 (B) a Class B felony;  
 40 (C) a Class C felony;  
 41 (D) at least two (2) Class D felonies;  
 42 (E) a Level 1 felony;





- 1 (F) a Level 2 felony;  
 2 (G) a Level 3 felony;  
 3 (H) a Level 4 felony;  
 4 (I) a Level 5 felony; or  
 5 (J) at least two (2) Level 6 felonies; or  
 6 (2) has been adjudicated as a delinquent child for:  
 7 (A) an act that would be:  
 8 (i) a Class A felony;  
 9 (ii) a Class B felony;  
 10 (iii) a Class C felony;  
 11 (iv) a Level 1 felony;  
 12 (v) a Level 2 felony;  
 13 (vi) a Level 3 felony;  
 14 (vii) a Level 4 felony; or  
 15 (viii) a Level 5 felony; or  
 16 (B) acts that would be at least two (2):  
 17 (i) Class D felonies; or  
 18 (ii) Level 6 felonies;  
 19 if committed by an adult;  
 20 the judge who presided over the trial, accepted the plea agreement, or  
 21 adjudicated the child a delinquent child shall give written notification  
 22 of the conviction or adjudication to the chief administrative officer of  
 23 the primary or secondary school, including a public or nonpublic  
 24 school, or, if the individual is enrolled in a public school, the  
 25 superintendent of the school district in which the individual is enrolled.  
 26 (b) Notification under subsection (a) must occur within seven (7)  
 27 days after the conclusion of the trial, the date a plea agreement is  
 28 accepted, or the date the child is adjudicated a delinquent child.  
 29 (c) The notification sent to a school or school district under  
 30 subsection (a) must include only:  
 31 (1) the felony for which the individual was convicted or that the  
 32 individual would have committed if the individual were an adult;  
 33 and  
 34 (2) the individual's sentence or juvenile law disposition.  
 35 **(d) After notification of a conviction under this section, the**  
 36 **principal of the school in which the student is enrolled shall, before**  
 37 **the student returns to class at the school, meet with the student, the**  
 38 **student's teachers, and the student's parents to determine whether**  
 39 **a behavior or safety plan is required for the student.**  
 40 ~~(d)~~ (e) If the court later modifies the individual's sentence or  
 41 juvenile law disposition after giving notice under this section, the court  
 42 shall notify the school or the school district in which the individual is



1 enrolled of the sentence or disposition modification.  
2 SECTION 8. IC 35-52-20-10 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2020]: **Sec. 10. IC 20-33-8-25 defines a crime**  
5 **concerning a principal failing to make a report to a law**  
6 **enforcement agency regarding a physical assault.**  
7 SECTION 9. IC 35-52-20-11 IS ADDED TO THE INDIANA  
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2020]: **Sec. 11. IC 20-33-9-13 defines a crime**  
10 **concerning failing to make a report to a law enforcement agency.**

