

## SENATE BILL No. 363

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-30-2-2.7; IC 20-33-8-13.5; IC 20-51.4.

**Synopsis:** Victims of bullying. Amends the definition of "eligible student" for purposes of eligibility under the Indiana education scholarship account program. Requires a school to provide certain victims of bullying with the option to finish the semester by means of virtual instruction or remote learning. Makes conforming changes.

**Effective:** July 1, 2025.

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## Niezgodski, Doriot

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January 13, 2025, read first time and referred to Committee on Education and Career Development.

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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.

# SENATE BILL No. 363

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 20-30-2-2.7, AS ADDED BY P.L.139-2022,  
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2025]: Sec. 2.7. (a) This section applies to the following:  
4 (1) Except as provided in subsection (b), a public school  
5 maintained by a school corporation.  
6 (2) A charter school that is not a virtual charter school (as defined  
7 in IC 20-24-1-10).  
8 (b) This section does not apply to a dedicated virtual education  
9 school.  
10 (c) As used in this section, "virtual student instructional day" means  
11 a student instructional day to which the following apply:  
12 (1) A school provides virtual instruction or remote learning to at  
13 least fifty percent (50%) of the students enrolled to attend  
14 in-person instruction at the school.  
15 (2) A school counts the student instructional day toward meeting  
16 the one hundred eighty (180) day requirement established by  
17 section 3 of this chapter.



1 (d) Except as provided in subsections (e), ~~and (g), and (h)~~, a school  
2 shall deliver:

3 (1) teacher directed synchronous instruction; or

4 (2) a hybrid of:

5 (A) teacher directed synchronous instruction for at least fifty  
6 percent (50%) of the particular instructional day; and

7 (B) asynchronous learning;

8 during the instructional time of a virtual student instructional day.

9 (e) Except as provided in ~~subsection~~ **subsections (g) and (h)**, a  
10 school may conduct not more than three (3) virtual student instructional  
11 days each school year that do not meet the requirements under  
12 subsection (d).

13 (f) Except as provided in ~~subsection~~ **subsections (g) and (h)**, if a  
14 school conducts a student instructional day described in subsection  
15 (c)(1) that does not meet the requirements of this section, the school  
16 may not count the student instructional day toward meeting the one  
17 hundred eighty (180) day requirement established by section 3 of this  
18 chapter.

19 (g) A school may submit to the department a request to waive the  
20 requirements set forth in this section to include a virtual student  
21 instructional day otherwise excluded under subsection (f) to meet the  
22 one hundred eighty (180) day requirement established by section 3 of  
23 this chapter if the virtual student instructional day was conducted  
24 because of extraordinary circumstances. The department may waive the  
25 requirements for the school after consideration of the request.

26 **(h) A student who elects to finish a semester by means of virtual**  
27 **instruction or remote learning under IC 20-33-8-13.5(h) is exempt**  
28 **from the virtual instruction requirements of this section.**

29 ~~(h)~~ (i) The state board may adopt rules under IC 4-22-2 to  
30 implement this section. However, the state board shall, in consultation  
31 with the department, adopt rules under IC 4-22-2 that define teacher  
32 directed synchronous instruction and asynchronous learning and  
33 provide that the instruction or learning must be of the same quality and  
34 rigor as required under section 2.5(b) of this chapter.

35 SECTION 2. IC 20-33-8-13.5, AS AMENDED BY P.L.238-2023,  
36 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2025]: Sec. 13.5. (a) Discipline rules adopted by the  
38 governing body of a school corporation under section 12 of this chapter  
39 must:

40 (1) prohibit bullying; and

41 (2) include:

42 (A) provisions concerning education, parental involvement,



- 1 and intervention;
- 2 (B) a detailed procedure for the expedited investigation of
- 3 incidents of bullying that includes:
- 4 (i) appropriate responses to bullying behaviors, wherever the
- 5 behaviors occur;
- 6 (ii) provisions for anonymous and personal reporting of
- 7 bullying to a teacher or other school staff;
- 8 (iii) provisions that require a school to prioritize the safety
- 9 of the victim;
- 10 (iv) timetables for reporting of bullying incidents to the
- 11 parents of both the targeted student and the alleged
- 12 perpetrator in an expedited manner that is not later than five
- 13 (5) business days after the incident is reported;
- 14 (v) timetables for reporting of bullying incidents to school
- 15 counselors, school administrators, the superintendent, or law
- 16 enforcement, if it is determined that reporting the bullying
- 17 incident to law enforcement is necessary;
- 18 (vi) discipline provisions for teachers, school staff, or school
- 19 administrators who fail to initiate or conduct an
- 20 investigation of a bullying incident; and
- 21 (vii) discipline provisions for false reporting of bullying; and
- 22 (C) a detailed procedure outlining the use of follow-up
- 23 services that includes:
- 24 (i) support services for the victim; and
- 25 (ii) bullying education for the alleged perpetrator.
- 26 (b) The discipline rules described in subsection (a) may be applied
- 27 regardless of the physical location in which the bullying behavior
- 28 occurred, whenever:
- 29 (1) the individual committing the bullying behavior and any of the
- 30 intended targets of the bullying behavior are students attending a
- 31 school within a school corporation; and
- 32 (2) disciplinary action is reasonably necessary to avoid substantial
- 33 interference with school discipline or prevent an unreasonable
- 34 threat to the rights of others to a safe and peaceful learning
- 35 environment.
- 36 (c) The discipline rules described in subsection (a) must prohibit
- 37 bullying through the use of data or computer software that is accessed
- 38 through a:
- 39 (1) computer;
- 40 (2) computer system;
- 41 (3) computer network; or
- 42 (4) cellular telephone or other wireless or cellular



1 communications device.

2 (d) The discipline rules described in subsection (a) must include  
3 policies to allow a parent of a child in the school corporation to review  
4 any materials used in any bullying prevention or suicide prevention  
5 program.

6 (e) The discipline rules described in subsection (a) may include  
7 provisions to determine:

8 (1) the severity of an incident of bullying; and

9 (2) whether an incident of bullying may warrant the transfer of the  
10 victim or the alleged perpetrator to another school in the school  
11 corporation.

12 (f) This section may not be construed to give rise to a cause of  
13 action against a person or school corporation based on an allegation of  
14 noncompliance with this section. Noncompliance with this section may  
15 not be used as evidence against a school corporation in a cause of  
16 action.

17 (g) A record made of an investigation, a disciplinary action, or a  
18 follow-up action performed under rules adopted under this section is  
19 not a public record under IC 5-14-3.

20 **(h) If an investigation described under subsection (a)(2)(B)  
21 results in a determination under subsection (e)(2) that an incident  
22 of bullying warrants a transfer, a school must provide the victim  
23 of the incident of bullying with the option to finish the semester by  
24 means of virtual instruction or remote learning as provided by the  
25 school in accordance with IC 20-30-2-2.5.**

26 ~~(h)~~ (i) The department shall periodically review each policy adopted  
27 under this section to ensure the policy's compliance with this section.

28 SECTION 3. IC 20-51.4-2-4, AS AMENDED BY P.L.127-2024,  
29 SECTION 3, AND AS AMENDED BY P.L.162-2024, SECTION 28,  
30 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL  
31 OF THE 2025 GENERAL ASSEMBLY, IS CORRECTED AND  
32 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:  
33 Sec. 4. (a) "Eligible student" refers to an individual who **meets the  
34 criteria described in subsection (b) or (c).**

35 **(b) The individual:**

36 (1) has legal settlement in Indiana;

37 (2) is at least five (5) years of age and less than twenty-two (22)  
38 years of age *on the date in the school year specified in*  
39 *IC 20-33-2-7; on October 1 of the applicable school year;*

40 (3) is a student:

41 (A) with a disability at the time the account is established who  
42 requires special education and for whom:



- 1           ~~(A)~~ (i) an individualized education program;  
 2           ~~(B)~~ (ii) a service plan developed under 511 IAC 7-34; or  
 3           ~~(C)~~ (iii) a choice special education plan developed under  
 4           511 IAC 7-49;  
 5           has been developed; ~~and~~ or  
 6           (B) who is a sibling of a student described in clause (A) who  
 7           has had an ESA account established in the student's name  
 8           under IC 20-51.4-4-1; and  
 9           (4) meets the annual income qualification requirement for a  
 10          choice scholarship student under IC 20-51-1.

11       **(c) The individual:**

- 12           **(1) has legal settlement in Indiana;**  
 13           **(2) is at least five (5) years of age and less than twenty-two**  
 14           **(22) years of age on October 1 of the applicable school year;**  
 15           **and**  
 16           **(3) is a student:**  
 17           **(A) who is a victim of an incident of bullying that has:**  
 18           **(i) been investigated as described in**  
 19           **IC 20-33-8-13.5(a)(2)(B); and**  
 20           **(ii) resulted in a determination that the incident of**  
 21           **bullying warrants a transfer as described in**  
 22           **IC 20-33-8-13.5(e); or**  
 23           **(B) who is a sibling of a student described in clause (A)**  
 24           **who has had an ESA account established in the student's**  
 25           **name under IC 20-51.4-4-1; and**  
 26           **(4) meets the annual income qualification requirement for a**  
 27           **choice scholarship student under IC 20-51-1.**

28       SECTION 4. IC 20-51.4-4-1, AS AMENDED BY P.L.127-2024,  
 29       SECTION 5, AND AS AMENDED BY P.L.150-2024, SECTION 69,  
 30       AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL  
 31       OF THE 2025 GENERAL ASSEMBLY, IS CORRECTED AND  
 32       AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:  
 33       Sec. 1. (a) After June 30, 2022, a parent of an eligible student or an  
 34       emancipated eligible student may establish an Indiana education  
 35       scholarship account for the eligible student by entering into a written  
 36       agreement with the treasurer of state on a form prepared by the  
 37       treasurer of state. The treasurer of state shall establish a date by which  
 38       an application to establish an ESA account for the upcoming school  
 39       year must be submitted. However, for a school year beginning after  
 40       July 1, 2022, applications must be submitted for an eligible student not  
 41       later than September 1 for the immediately following school year. The  
 42       ESA account of an eligible student shall be made in the name of the



1 eligible student. The treasurer of state shall make the agreement  
 2 available on the website of the treasurer of state. To be eligible, a  
 3 parent of an eligible student or an emancipated eligible student wishing  
 4 to participate in the ESA program must agree that:

5 (1) *subject to subsection (i)*, a grant deposited in the eligible  
 6 student's ESA account under section 2 of this chapter and any  
 7 interest that may accrue in the ESA account will be used only for  
 8 the eligible student's ESA qualified expenses;

9 (2) if the eligible student participates in the CSA program, a grant  
 10 deposited in the eligible student's ESA account under  
 11 IC 20-51.4-4.5-3 and any interest that may accrue in the ESA  
 12 account will be used only for the eligible student's ESA qualified  
 13 expenses;

14 (3) money in the ESA account when the ESA account is  
 15 terminated reverts to the state general fund;

16 (4) the parent of the eligible student or the emancipated eligible  
 17 student will use part of the money in the ESA account:

18 (A) for the eligible student's study in the subject of reading,  
 19 grammar, mathematics, social studies, or science; or

20 (B) for use in accordance with the eligible student's:

21 (i) individualized education program;

22 (ii) service plan developed under 511 IAC 7-34;

23 (iii) choice special education plan developed under 511  
 24 IAC 7-49; or

25 (iv) plan developed under Section 504 of the federal  
 26 Rehabilitation Act of 1973, 29 U.S.C. 794;

27 (5) the eligible student will not be enrolled in a school that  
 28 receives tuition support under IC 20-43; and

29 (6) the eligible student will take the statewide *summative*  
 30 assessment, as applicable based on the eligible student's grade  
 31 level, as provided under IC 20-32-5.1, or the assessment specified  
 32 in the eligible student's:

33 (A) individualized education program developed under  
 34 IC 20-35;

35 (B) service plan developed under 511 IAC 7-34;

36 (C) choice special education plan developed under 511  
 37 IAC 7-49; or

38 (D) plan developed under Section 504 of the federal  
 39 Rehabilitation Act of 1973, 29 U.S.C. 794.

40 (b) A parent of an eligible student may enter into a separate  
 41 agreement under subsection (a) for each child of the parent. However,  
 42 not more than one (1) ESA account may be established for each



- 1 eligible student.
- 2 (c) The ESA account must be established under subsection (a) by a  
3 parent of an eligible student or an emancipated eligible student for a  
4 school year on or before a date established by the treasurer of state,  
5 which must be at least thirty (30) days before the fall count day of  
6 ADM established under IC 20-43-4-3. A parent of an eligible student  
7 or an emancipated eligible student may not enter into an agreement  
8 under this section or maintain an ESA account under this chapter if the  
9 eligible student receives a choice scholarship under IC 20-51-4 for the  
10 same school year. An eligible student may not receive a grant under  
11 section 2 of this chapter if the eligible student is currently included in  
12 a school corporation's ADM count under IC 20-43-4.
- 13 (d) Except as provided in subsections (e) and (f), an agreement  
14 made under this section is valid for one (1) school year while the  
15 eligible student is in kindergarten through grade 12 and may be  
16 renewed annually. Upon graduation, or receipt of a certificate of  
17 completion under the eligible student's individualized education  
18 program, the eligible student's ESA account is terminated.
- 19 (e) An agreement entered into under this section terminates  
20 automatically for an eligible student if:
- 21 (1) the eligible student no longer resides in Indiana while the  
22 eligible student is eligible to receive grants under section 2 of this  
23 chapter; or
- 24 (2) the ESA account is not renewed within three hundred  
25 ninety-five (395) days after the date the ESA account was either  
26 established or last renewed.
- 27 If an ESA account is terminated under this section, money in the  
28 eligible student's ESA account, including any interest accrued, reverts  
29 to the state general fund.
- 30 (f) An agreement made under this section for an eligible student  
31 while the eligible student is in kindergarten through grade 12 may be  
32 terminated before the end of the school year if the parent of the eligible  
33 student or the emancipated eligible student notifies the treasurer of  
34 state in a manner specified by the treasurer of state.
- 35 (g) A distribution made to an ESA account under section 2 of this  
36 chapter is considered tax exempt as long as the distribution is used for  
37 an ESA qualified expense. The amount is subtracted from the  
38 definition of adjusted federal gross income under IC 6-3-1-3.5 to the  
39 extent the distribution used for the ESA qualified expense is included  
40 in the taxpayer's adjusted federal gross income under the Internal  
41 Revenue Code.
- 42 (h) The department shall establish a student test number as





1 described in IC 20-19-3-9.4 for each eligible student. The treasurer of  
2 state shall provide the department information necessary for the  
3 department to comply with this subsection.

4 *(i) A student described in ~~IC 20-51.4-2-4(3)(B)~~*  
5 **IC 20-51.4-2-4(b)(3)(B)** *may not use the money deposited into the*  
6 *eligible student's ESA account for ESA qualified expenses described in*  
7 *IC 20-51.4-2-9(a)(3), IC 20-51.4-2-9(a)(6), IC 20-51.4-2-9(a)(7), or*  
8 *IC 20-51.4-2-9(a)(9).*

