



# **Indiana Compilation of School Discipline Laws and Regulations**

Prepared: April 30, 2024

## ***Introduction***

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of April 2024. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

*Prepared by:*



**National Center on Safe Supportive  
Learning Environments**

**Engagement • Safety • Environment**

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- IC 20-26-18.2-4. Reporting use of restraints and seclusion

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### **Article 47. Weapons and Instruments of Violence**

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- 513 IAC 1-0.5-1 Preamble

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- 513 IAC 1-1-3. "Chemical restraint" defined
- 513 IAC 1-1-5. "Crisis intervention training" defined
- 513 IAC 1-1-10. "Mechanical restraint" defined
- 513 IAC 1-1-12. "Physical restraint" defined
- 513 IAC 1-1-13. "Positive behavior intervention and support" defined
- 513 IAC 1-1-14. "Prevention and conflict de-escalation training" defined
- 513 IAC 1-1-15. "Prone physical restraint" defined
- 513 IAC 1-1-16. "Restraint" defined
- 513 IAC 1-1-18.5. "School resource officer" defined
- 513 IAC 1-1-19. "Seclusion" defined

- 513 IAC 1-1-21. "Substantial risk" defined
- 513 IAC 1-1-22. "Supine physical restraint" defined
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- 513 IAC 1-2-11. Seclusion and restraint plan

# ***Codes of Conduct***

## **Authority to Develop and Establish Codes of Conduct**

### **LAWS**

#### **IC 20-33-8-10. Disciplinary powers of principals.**

(a) A principal may take action concerning the principal's school or a school activity within the principal's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

(b) Subsection (a) allows a principal to write regulations that govern student conduct.

#### **IC 20-33-8-11. Disciplinary powers of superintendents and administrative staff members.**

A. (1) superintendent; or

(2) member of the superintendent's administrative staff, with the superintendent's approval;

may take any action with respect to all schools within the superintendent's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

#### **IC 20-33-8-12. Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body.**

(a) Except as provided under IC 20-33-8-16, the governing body of a school corporation must do the following:

(1) Establish written discipline rules, which must include a graduated system of discipline and may include:

(A) appropriate dress codes; and

(B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases; for the school corporation.

(2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:

(A) making a copy of the discipline rules available to students and students' parents; or

(B) delivering a copy of the discipline rules to students or the parents of students.

This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The:

(1) superintendent of a school corporation; and

(2) principals of each school in a school corporation;

may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate:

(1) rulemaking;

(2) disciplinary; and

(3) other authority; as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning the following:

(1) Movement of students.

(2) Movement or parking of vehicles.

- (3) Day to day instructions concerning the operation of a classroom or teaching station.
- (4) Time for commencement of school.
- (5) Other standards or regulations relating to the manner in which an educational function must be administered.

However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection.

### **IC 20-33-8-29. Special schools.**

- (a) As used in this section, "special school" includes the following:
  - (1) A career and technical education school.
  - (2) A special education school or program.
  - (3) An alternative school or program.
- (b) To the extent possible, this chapter applies to a special school.
- (c) The governing body of a special school may make necessary modifications to the responsibilities of school personnel under this chapter to accommodate the administrative structure of a special school.
- (d) In addition to a disciplinary action imposed by a special school, the principal of the school where a student is enrolled may without additional procedures adopt a disciplinary action or decision of a special school as a disciplinary action of the school corporation.

### **REGULATIONS**

No relevant regulations found.

## **Scope**

### **LAWS**

#### **IC 10-21-1-14. Safe school committee establishment; school safety plan participation; school policy development.**

- (a) Each school operated by a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.
- (b) Each school operated by a charter school shall establish a safe school committee. A charter school in operation on July 1, 2023, shall comply with this subsection not later than July 1, 2024.
- (c) The safe school committee shall actively participate in and assist with the development of the school safety plan.
- (d) The department of education, the school corporation's or charter school's school safety specialist or specialists, and a school resource officer, if one (1) is employed by the school corporation or charter school, shall provide materials and guidelines to assist a safe school committee in developing a policy for a particular school that addresses the following issues:
  - (1) Implementation of the school safety plan.
  - (2) Addressing outside and internal threats to the physical safety of students, faculty, staff, and the public, including unsafe conditions, crime prevention, school violence, bullying and cyberbullying, criminal organization activity, child abuse and child sexual abuse, mental health and behavioral health, suicide awareness and prevention, and other issues that prevent the maintenance of a safe school.
  - (3) Addressing the professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (2).

- (4) Identifying and implementing methods to encourage:
  - (A) involvement by the community, families, and students;
  - (B) development of relationships between students and school faculty and staff; and
  - (C) use of problem solving teams.
- (e) The guidelines developed under subsection (d) must include age appropriate, research based information that assists school corporations or charter schools and safe school committees in:
  - (1) developing and implementing bullying and cyberbullying prevention programs;
  - (2) establishing investigation and reporting procedures related to bullying and cyberbullying; and
  - (3) adopting discipline rules that comply with IC 20-33-8-13.5.
- (f) In addition to developing guidelines under subsection (d), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1.

**IC 20-33-8-13.5. Discipline rules prohibiting bullying required.**

- (a) Discipline rules adopted by the governing body of a school corporation under section 12 [IC 20-33-8-12] of this chapter must:
  - (1) prohibit bullying; and
  - (2) include:
    - (A) provisions concerning education, parental involvement, and intervention;
    - (B) a detailed procedure for the expedited investigation of incidents of bullying that includes:
      - (i) appropriate responses to bullying behaviors, wherever the behaviors occur;
      - (ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
      - (iii) provisions that require a school to prioritize the safety of the victim;
      - (iv) timetables for reporting of bullying incidents to the parents of both the targeted student and the alleged perpetrator in an expedited manner;
      - (v) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary
      - (vi) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and
      - (vii) discipline provisions for false reporting of bullying; and
    - (C) a detailed procedure outlining the use of follow-up services that includes:
      - (i) support services for the victim; and
      - (ii) bullying education for the alleged perpetrator.
- (b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:
  - (1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
  - (2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.
- (c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:
  - (1) Computer;
  - (2) computer system;

- (3) computer network; or
  - (4) cellular telephone or other wireless or cellular communications device.
- (d) The discipline rules described in subsection (a) must include policies to allow a parent of a child in the school corporation to review any materials used in any bullying prevention or suicide prevention program.
- (e) The discipline rules described in subsection (a) may include provisions to determine:
- (1) the severity of an incident of bullying; and
  - (2) whether an incident of bullying may warrant the transfer of the victim or the alleged perpetrator to another school in the school corporation.
- (f) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.
- (g) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.
- (h) The department shall periodically review each policy adopted under this section to ensure the policy's compliance with this section.

#### **IC 20-33-8-14. Grounds for suspension or expulsion.**

- (a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:
- (1) Student misconduct.
  - (2) Substantial disobedience.
- (b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:
- (1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
  - (2) off school grounds at a school activity, function, or event; or
  - (3) traveling to or from school or a school activity, function, or event.

#### **IC 20-33-8-15. Unlawful activity by student.**

In addition to the grounds specified in section 14 [IC 20-33-8-14] of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if:

- (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or
- (2) the student's removal is necessary to restore order or protect persons on school property; including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

#### **IC 20-33-8-4. "School purposes" defined.**

As used in this chapter, "school purposes" refers to the purposes for which a school corporation operates, including the following:

- (1) To promote knowledge and learning generally.
- (2) To maintain an orderly and effective educational system.
- (3) To take any action under the authority granted to school corporations and their governing bodies by IC 20-26-5 or by any other statute.

#### **IC 20-33-8-5. "School property" defined.**

As used in this chapter, "school property" means the following:

- (1) A building or other structure owned or rented by a school corporation.

(2) The grounds adjacent to and owned or rented in common with a building or other structure owned or rented by a school corporation.

### **IC 20-33-9-5. Reporting duty of employees other than administrative staff.**

If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed:

- (1) a violation described in section 1 [IC 20-33-9-1] of this chapter; or
- (2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

### **REGULATIONS**

No relevant regulations found.

## **Communication of Policy**

### **LAWS**

#### **IC 20-26-18-3. Publication of policy.**

A school corporation shall put a copy of the school corporation's criminal organization policy established under section 2 [IC 20-26-18-2] of this chapter:

- (1) on its Internet web site;
- (2) in school student handbooks; and
- (3) in any location the school corporation determines to be appropriate.

#### **IC 20-33-8-12. Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body.**

(a) Except as provided under IC 20-33-8-16, the governing body of a school corporation must do the following:

- (1) Establish written discipline rules, which must include a graduated system of discipline and may include:
  - (A) appropriate dress codes; and
  - (B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases; for the school corporation.
- (2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:
  - (A) making a copy of the discipline rules available to students and students' parents; or
  - (B) delivering a copy of the discipline rules to students or the parents of students.This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The:

- (1) superintendent of a school corporation; and
- (2) principals of each school in a school corporation;

may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate:

- (1) rulemaking;
- (2) disciplinary; and
- (3) other authority;

as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning the following:

- (1) Movement of students.
- (2) Movement or parking of vehicles.
- (3) Day to day instructions concerning the operation of a classroom or teaching station.
- (4) Time for commencement of school.
- (5) Other standards or regulations relating to the manner in which an educational function must be administered.

However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection.

### **IC 20-33-8-32. Locker searches.**

(a) A school corporation must provide each:

- (1) student; and
- (2) student's parent;

a copy of the rules of the governing body on searches of students' lockers and locker contents.

(b) A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in:

- (1) that locker; or
- (2) the locker's contents.

(c) In accordance with the rules of the governing body, a principal may search:

- (1) a student's locker; and
- (2) the locker's contents;

at any time.

(d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may:

- (1) at the request of the school principal; and
- (2) in accordance with rules of the governing body of the school corporation; assist a school administrator in searching a student's locker and the locker's contents.

## **REGULATIONS**

### **513 IAC 1-2-8. Distribution of school seclusion and restraint policy or plan to parents and the public.**

(a) Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians, or to the student if the student is at least eighteen (18) years of age and the provisions of 511 IAC 7-43-5(b) do not apply.

(b) Including the location of the plan in the student handbook satisfies subsection (a).



# ***In-School Discipline***

## **Discipline Frameworks**

### **LAWS**

#### **IC 20-33-8-12. Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body.**

(a) Except as provided under IC 20-33-8-16, the governing body of a school corporation must do the following:

(1) Establish written discipline rules, which must include a graduated system of discipline and may include:

(A) appropriate dress codes; and

(B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases;

for the school corporation.

(2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:

(A) making a copy of the discipline rules available to students and students' parents; or

(B) delivering a copy of the discipline rules to students or the parents of students.

This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The:

(1) superintendent of a school corporation; and

(2) principals of each school in a school corporation;

may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing body.

(c) The governing body of a school corporation may delegate:

(1) rulemaking;

(2) disciplinary; and

(3) other authority;

as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning the following:

(1) Movement of students.

(2) Movement or parking of vehicles.

(3) Day to day instructions concerning the operation of a classroom or teaching station.

(4) Time for commencement of school.

(5) Other standards or regulations relating to the manner in which an educational function must be administered.

However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection.

### **REGULATIONS**

No relevant regulations found.

# Teacher Authority to Remove Students From Classrooms

## LAWS

### **IC 20-33-8-8. Duty and powers of school corporation to supervise and discipline students.**

(a) Student supervision and the desirable behavior of students in carrying out school purposes is the responsibility of:

- (1) a school corporation; and
- (2) the students of a school corporation.

(b) In all matters relating to the discipline and conduct of students, school corporation personnel:

- (1) stand in the relation of parents to the students of the school corporation;
- (2) have the right to take any disciplinary action necessary to promote student conduct that conforms with an orderly and effective educational system, subject to this chapter; and
- (3) have qualified immunity with respect to a disciplinary action taken to promote student conduct under subdivision (2) if the action is taken in good faith and is reasonable.

(c) Students must:

- (1) follow responsible directions of school personnel in all educational settings; and
- (2) refrain from disruptive behavior that interferes with the educational environment.

(d) In accordance with subsection (b), a school corporation may adopt a policy concerning student dress code or distractive behavior.

### **IC 20-33-8-9. Disciplinary powers of teachers and school staff members.**

(a) This section applies to an individual who:

- (1) is a teacher or other school staff member; and
- (2) has students under the individual's charge.

(b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.

(c) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.

(d) If an individual removes a student from a class under subsection (c), the principal may place the student in another appropriate class or placement or into inschool suspension. The principal may not return the student to the class from which the student was removed until the principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student. If the student's parents do not meet with the principal and the student's teacher within a reasonable amount of time, the student may be moved to another class at the principal's discretion.

## REGULATIONS

No relevant regulations found.

## Alternatives to Suspension

### LAWS

### **IC 20-33-8-9. Disciplinary powers of teachers and school staff members.**

(a) This section applies to an individual who:

- (1) is a teacher or other school staff member; and
- (2) has students under the individual's charge.

- (b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.
- (c) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.
- (d) If an individual removes a student from a class under subsection (c), the principal may place the student in another appropriate class or placement or into inschool suspension. The principal may not return the student to the class from which the student was removed until the principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student. If the student's parents do not meet with the principal and the student's teacher within a reasonable amount of time, the student may be moved to another class at the principal's discretion.

**IC 20-33-8-25. Additional disciplinary actions authorized.**

- (e) This section applies to an individual who:
- (1) is a teacher or other school staff member; and
  - (2) has students under the individual's charge.
- (f) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.
- (g) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.
- (h) If an individual removes a student from a class under subsection (c), the principal may place the student in another appropriate class or placement or into inschool suspension. The principal may not return the student to the class from which the student was removed until the principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student. If the student's parents do not meet with the principal and the student's teacher within a reasonable amount of time, the student may be moved to another class at the principal's discretion.

**IC 20-33-8-25. Additional disciplinary actions authorized.**

- (a) This section applies to an individual who:
- (1) is a member of the administrative staff, a teacher, or other school staff member; and
  - (2) has students under the individual's charge.
- (b) An individual may take disciplinary action instead of or in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:
- (1) Counseling with a student or group of students.
  - (2) Conferences with a parent or group of parents.
  - (3) Assigning additional work.
  - (4) Rearranging class schedules.
  - (5) Requiring a student to remain in school after regular school hours:
    - (A) to do additional school work; or
    - (B) for counseling.
  - (6) Restricting extracurricular activities.
  - (7) Removal of a student by a teacher from that teacher's class for a period not to exceed:
    - (A) five (5) class periods for middle, junior high, or high school students; or
    - (B) one (1) school day for elementary school students;

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

(8) Assignment by the principal of:

- (A) a special course of study;
- (B) an alternative educational program; or
- (C) an alternative school.

(9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:

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

- (i) the nonprofit organization where the student is assigned; and
- (ii) the plan described in clause (B)(i).

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

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

- (i) A plan for the service that the student is expected to perform.
- (ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.
- (iii) Monitoring of the student's performance of service by the principal or the principal's designee.
- (iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.

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

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

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

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

(c) As used in this subsection, "physical assault" means the knowing or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the student is enrolled shall refer the student to the juvenile court having jurisdiction over the student. However, a student with a disability (as defined in IC 20-35-1-8) who physically assaults a person having authority over the student is subject to procedural safeguards under 20 U.S.C. 1415.

## **REGULATIONS**

No relevant regulations found.

## ***Conditions on Use of Certain Forms of Discipline***

### **Corporal Punishment**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Search and Seizure**

#### **LAWS**

##### **IC 20-33-8-32. Locker searches.**

(a) A school corporation must provide each:

- (1) student; and
- (2) student's parent;

a copy of the rules of the governing body on searches of students' lockers and locker contents.

(b) A student who uses a locker that is the property of a school corporation is presumed to have no expectation of privacy in:

- (1) that locker; or
- (2) the locker's contents.

(c) In accordance with the rules of the governing body, a principal may search:

- (1) a student's locker; and
- (2) the locker's contents;

at any time.

(d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may:

- (1) at the request of the school principal; and
- (2) in accordance with rules of the governing body of the school corporation;

assist a school administrator in searching a student's locker and the locker's contents.

#### **REGULATIONS**

No relevant regulations found.

### **Restraint and Seclusion**

#### **LAWS**

##### **IC 20-20-40-1. "Behavioral intervention plan".**

As used in this chapter, "behavioral intervention plan" means a plan that is agreed upon by the case conference committee (as defined in IC 20-35-9-3) and incorporated into a student's individualized education program (as defined in IC 20-18-2-9) and that describes the following:

- (1) The pattern of behavior that impedes the student's learning or the learning of others.
- (2) The purpose or function of the behavior as identified in a functional behavioral assessment.

- (3) The positive interventions and supports, and other strategies, to:
  - (A) address the behavior; and
  - (B) maximize consistency of implementation across people and settings in which the student is involved.
- (4) If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student.

The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

**IC 20-20-40-2. "Chemical restraint".**

As used in this chapter, "chemical restraint" means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment and dosage for the student's medical or psychiatric condition.

**IC 20-20-40-3. "Commission".**

As used in this chapter, "commission" refers to the commission on seclusion and restraint in schools established by section 11 [IC 20-20-40-11] of this chapter.

**IC 20-20-40-4. "Mechanical restraint".**

- (a) As used in this chapter, "mechanical restraint" means the use of:
  - (1) a mechanical device;
  - (2) a material; or
  - (3) equipment;attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or part of the student's body or restricts normal access to the student's body.
- (b) The term does not include:
  - (1) mechanical devices;
  - (2) a material; or
  - (3) equipment;used as prescribed by a doctor.

**IC 20-20-40-5. "Physical restraint"**

- (a) As used in this chapter, "physical restraint" means physical contact between a school employee and a student:
  - (1) in which the student unwillingly participates; and
  - (2) that involves the use of a manual hold to restrict freedom of movement of all or part of a student's body or to restrict normal access to the student's body.
- (b) The term does not include:
  - (1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation;
  - (2) physical escort; or
  - (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.

**IC 20-20-40-6. "Positive behavior intervention and support".**

As used in this chapter, "positive behavior intervention and support" means a systematic approach that:

- (1) uses evidence based practices and data driven decision making to improve school climate and culture; and
  - (2) includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior;
- to achieve improved academic and social outcomes and increase learning for all students.

**IC 20-20-40-7. "School corporation".**

As used in this chapter, "school corporation" includes a charter school that is not a virtual charter school.

**IC 20-20-40-8. "School employee" .**

As used in this chapter, "school employee" means an individual employed by a school corporation or a state accredited nonpublic school.

**IC 20-20-40-9. "Seclusion".**

As used in this chapter, "seclusion" means the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's individualized education program, in which an adult is continuously present in the room with the student.

**IC 20-20-40-10. "Time-out".**

As used in this chapter, "time-out" means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted.

**IC 20-20-40-11. Establishment of the commission on seclusion and restraint.**

- (a) The commission on seclusion and restraint in schools is established.
- (b) The commission has the following ten (10) members:
  - (1) The designee of the secretary of education, who serves at the pleasure of the secretary of education.
  - (2) A representative of the Autism Society of Indiana, chosen by the organization, who serves a two (2) year term.
  - (3) A representative of the Arc of Indiana, chosen by the organization, who serves a two (2) year term.
  - (4) A representative of the Indiana Council of Administrators of Special Education, chosen by the organization, who serves a two (2) year term.
  - (5) A representative of Mental Health America of Indiana, chosen by the organization, who serves (1) (2) year term.
  - (6) A parent of a student with a disability, nominated by a member described in subdivisions (2), (3), and (5) and approved by a majority of the members described in subdivisions (1) through (5) and (8) through (10), who serves a two (2) year term.
  - (7) A parent of a student who does not have a disability, nominated by a member described in subdivisions (2), (3), and (5) and approved by a majority of the members described in subdivisions (1) through (5) and (8) through (10), who serves a two (2) year term.
  - (8) One (1) state accredited nonpublic school administrator nominated by the Indiana Non-public Education Association, who serves a two (2) year term.
  - (9) One (1) public school superintendent nominated by the Indiana Association of Public School Superintendents, who serves a two (2) year term.
  - (10) One (1) member of the Indiana School Resource Officers Association chosen by the organization, who serves a two (2) year term.

- (c) Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). A member who is not a state employee is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

**IC 20-20-40-12. Chairperson; meetings; votes and actions of the commission.**

- (a) The designee of the secretary of education under section 11(b)(1) [IC 20-20-40-11(b)(1)] of this chapter serves as chairperson of the commission.
- (b) The commission shall meet at least annually on the call of the chairperson, and may meet as often as is necessary. The chairperson shall provide not less than fourteen (14) days notice of a meeting to the members of the commission and to the public.
- (c) The affirmative votes of at least five (5) members of the commission are necessary for the commission to take action. The votes of the commission must be recorded.
- (d) All commission meetings shall be open to the public, and each meeting must include opportunities for public comment.
- (e) The department shall provide staff support for the commission.

**IC 20-20-40-13. Duties; rules; notice requirement; elements of the restraint and seclusion plan; biannual reporting.**

- (a) The commission has the following duties:
- (1) To adopt rules concerning the following:
    - (A) The use of restraint and seclusion in a school corporation or a state accredited nonpublic school, with an emphasis on eliminating or minimizing the use of restraint and seclusion.
    - (B) The prevention of the use of types of restraint or seclusion that may harm a student, a school employee, a school volunteer, or the educational environment of the school.
    - (C) Requirements for notifying parents.
    - (D) Training regarding the use of restraint and seclusion, including the frequency of training and what employees must be trained.
    - (E) The distribution of the seclusion and restraint policy to parents and the public.
    - (F) Requirements for the reporting of incidents of restraint and seclusion in the annual school performance report, including incidents of restraint and seclusion involving school resource officers (as defined in IC 20-26-18.2-1).
    - (G) Circumstances that may require more timely incident reporting and the requirements for such reporting.
  - (2) To develop, maintain, and revise a model restraint and seclusion plan for schools that includes the following elements:
    - (A) A statement on how students will be treated with dignity and respect and how appropriate student behavior will be promoted and taught.
    - (B) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict de-escalation to eliminate or minimize the need for use of any of the following:
      - (i) Seclusion.
      - (ii) Chemical restraint.
      - (iii) Mechanical restraint.
      - (iv) Physical restraint.



(v) timeout

(C) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or individualized education program, if applicable.

(D) Definitions for restraint and seclusion, as defined in this chapter.

(E) A statement ensuring that if a procedure listed in clause (B) is used, the procedure will be used:

(i) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and

(ii) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

(F) An indication that restraint or seclusion may be used only for a short time period, or until the imminent risk of injury has passed.

(G) A documentation and recording requirement governing instances in which procedures listed in clause (B) are used, including:

(i) how every incident will be documented and debriefed;

(ii) how responsibilities will be assigned to designated employees for evaluation and oversight; and

(iii) designation of a school employee to be the keeper of such documents.

(H) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in clause (B).

(I) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in clause (B).

(J) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict de-escalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

(3) To accept and review reports from the public and make nonbinding recommendations to the department of any suggested action to be taken.

(4) To biannually provide a report to the state advisory council on the education of children with disabilities appointed under IC 20-35-3-1 regarding the:

(A) execution of the commission's duties under this section; and

(B) review of incident reports under section 13.6 [IC 20-20-40-13.6] of this chapter.

(b) The model policy developed by the commission must take into consideration that implementation and reporting requirements for state accredited nonpublic schools may vary, and the model plan must provide state accredited nonpublic schools flexibility with regards to accountability under and implementation of the plan adopted by a state accredited nonpublic school under section 14 [IC 20-20-40-14] of this chapter.

#### **IC 20-20-40-14. Adoption of restraint and seclusion plan; submission of plans.**

(a) A school corporation or state accredited nonpublic school shall adopt a restraint and seclusion plan that incorporates, at a minimum, the elements of the model plan developed under section 13 [IC 20-20-40-13] of this chapter. The school corporation's or state accredited nonpublic school's plan must become effective not later than July 1, 2014.

(b) The department has the authority to require schools to submit plans developed in accordance with section 13 of this chapter.

### **IC 20-20-40-15. Immunity.**

(a) Nothing in this chapter may be construed to prevent a school employee from stopping a physical altercation, acting to prevent physical harm to a student or another individual, or acting to address an emergency until the emergency is over, whether or not the school employee has received training under this chapter.

(b) This chapter may not be construed to give rise to a cause of action, either civil or criminal, against the state, the department, a school corporation, a state accredited nonpublic school, the commission, or a member of the commission.

(c) In all matters relating to the plan adopted under section 14 [IC 20-20-40-14] of this chapter, school corporation or state accredited nonpublic school personnel have qualified immunity with respect to an action taken to promote student conduct under a plan adopted under section 14 of this chapter if the action is taken in good faith and is reasonable.

### **IC 20-20-40-16. Rulemaking.**

(a) The commission:

- (1) shall adopt rules under IC 4-22-2; and
- (2) may adopt emergency rules in the manner provided under IC 4-22-2-37.1; to carry out the purposes of this chapter.

(b) An emergency rule adopted under subsection (a)(2) expires on the earlier of:

- (1) November 15, 2018; or
- (2) the effective date of a rule adopted under IC 4-22-2-22.5 through IC 4-22-2-36 that supersedes the emergency rule.

### **IC 20-26-18.2-4. Reporting use of restraints and seclusion.**

A school corporation, a state accredited nonpublic school, or a charter school shall report all instances of:

- (1) seclusion (as defined in IC 20-20-40-9);
- (2) chemical restraint (as defined in IC 20-20-40-2);
- (3) mechanical restraint (as defined in IC 20-20-40-4); and
- (4) physical restraint (as defined in IC 20-20-40-5);

involving a school resource officer in accordance with the restraint and seclusion plan adopted by the school corporation, state accredited nonpublic school, or charter school under IC 20-20-40-14.

### **513 IAC 1-0.5-1 Preamble.**

(a) The purpose of this article is to:

- (1) prevent and reduce the use of restraint and seclusion in schools;
- (2) ensure the safety and dignity of all students and personnel in schools;
- (3) promote a positive school culture and climate;
- (4) protect students from:
  - (A) physical or mental abuse;
  - (B) aversive behavioral interventions that compromise health and safety; and
  - (C) any restraint or seclusion imposed solely for purposes of discipline or convenience;
- (5) ensure that restraint and seclusion are imposed in school only when a student's behavior poses an imminent danger of physical injury to the student, school personnel, or others; and
- (6) assist public, charter, and accredited nonpublic schools in:

(A) establishing policies and procedures to keep all students and school personnel safe, including students with the most complex and intensive behavioral needs;

(B) providing school personnel with the necessary tools, training, and support to ensure the safety of all students and all school personnel; and

(C) collecting and analyzing data on restraint and seclusion in schools, including data on the use of restraint and seclusion by school resource officers.

(b) The following beliefs and principles have guided the commission's work in drafting this article:

(1) Safe, effective, evidence-based strategies are available to support children who display challenging behaviors in school settings.

(2) The effective implementation of school-wide positive behavior supports is linked to greater academic achievement, significantly fewer disciplinary problems, increased instruction time, and staff perception of a safer teaching environment.

(3) The use of restraint or seclusion should be seen as an extraordinary event and should never be used as a:

(A) routine strategy implemented to address instructional problems or inappropriate behavior (e.g., disrespect, noncompliance, insubordination, out of seat);

(B) means of coercion or retaliation; or

(C) convenience.

(4) School personnel have the right to work in a safe environment and should be provided training and support to prevent injury and trauma to themselves and others.

(5) Staff training focused on the dangers of restraint and seclusion as well as training in evidence-based positive behavior supports, deescalation techniques, and restraint and seclusion prevention can reduce the incidence of injury, trauma, and death.

(6) School resource officers, as well as other law enforcement officers who provide services to schools, are important partners in the implementation of school safety.

(7) Schools should never request or encourage a school resource officer, or any other law enforcement officer who provides services to schools, to initiate the restraint or seclusion of a student.

(8) The collection of complete and accurate data related to the use of restraint or seclusion of a student is important to the state of Indiana in order to determine the areas where training and education may be needed.

### **513 IAC 1-1-2. "Behavioral intervention plan" defined.**

(a) "Behavioral intervention plan" means a plan that is agreed upon by the case conference committee (as defined in IC 20-35-7-2 [IC 20-35-7 was repealed by P.L.233-2015, SECTION 286, effective July 1, 2015.]) and incorporated into a student's IEP (as defined in IC 20-18-2-9) and that describes the following:

(1) The pattern of behavior that impedes the student's learning or the learning of others.

(2) The purpose or function of the behavior as identified in a functional behavioral assessment.

(3) The positive interventions and supports, and other strategies, to:

(A) address the behavior; and

(B) maximize consistency of implementation across people and settings in which the student is involved.

(4) If applicable, the skills that will be taught and monitored in an effort to change a specific pattern of behavior of the student.

(b) The behavioral intervention plan seeks to maximize consistency of implementation across people and settings in which the student is involved.

**513 IAC 1-1-3. "Chemical restraint" defined.**

Sec. 3. "Chemical restraint" means the administration of a drug or medication to manage a student's behavior or restrict a student's freedom of movement that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition.

**513 IAC 1-1-5. "Crisis intervention training" defined.**

Sec. 5. "Crisis intervention training" refers to training provided to selected staff members that addresses how to deal with aggressive, violent, or out of control behaviors. The term includes specific techniques for seclusion and restraint. COMMISSION ON SECLUSION AND RESTRAINT IN SCHOOLS

**513 IAC 1-1-10. "Mechanical restraint" defined.**

(a) "Mechanical restraint" means the use of:

- (1) a mechanical device;
- (2) a material; or
- (3) equipment;

attached or adjacent to a student's body that the student cannot remove and that restricts the freedom of movement of all or part of the student's body or restricts normal access to the student's body.

(b) The term does not include:

- (1) a mechanical device;
- (2) a material; or
- (3) equipment;

that is used as authorized by a licensed physician or other qualified health care professional.

(c) The term does not include a bus harness or other safety equipment that is used to restrain a student during transport when the harness or safety equipment is necessary for safety purposes as provided under 575 IAC 1. COMMISSION ON SECLUSION AND RESTRAINT IN SCHOOLS

**513 IAC 1-1-12. "Physical restraint" defined.**

(a) "Physical restraint" means physical contact between a school employee, including a school resource officer (as defined in section 18.5 of this rule), and a student:

- (1) in which the student unwillingly participates; and
- (2) that involves the use of a manual hold to restrict freedom of movement of all or part of a student's body or to restrict normal access to the student's body.

(b) The term does not include:

- (1) briefly holding a student without undue force in order to calm or comfort the student, or to prevent unsafe behavior, such as running into traffic or engaging in a physical altercation;
- (2) physical escort; or
- (3) physical contact intended to gently assist or prompt a student in performing a task or to guide or assist a student from one (1) area to another.

(c) The term does not include the use of a bus harness or other safety equipment that is used to restrain a student during

transport when the harness or safety equipment is necessary for safety purposes as provided under 575 IAC 1.

**513 IAC 1-1-13. "Positive behavior intervention and support" defined.**

Sec. 13. "Positive behavior intervention and support" means a systematic approach that:

- (1) uses evidence based practices and data driven decision making to improve school climate and culture; and
- (2) includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior;

to achieve improved academic and social outcomes and increase learning for all students.

**513 IAC 1-1-14. "Prevention and conflict de-escalation training" defined.**

Sec. 14. "Prevention and conflict deescalation training" means training that is provided broadly to school staff on how to prevent, defuse, and deescalate potential behavioral crisis situations without physical contact between a school employee and a student.

**513 IAC 1-1-15. "Prone physical restraint" defined.**

Sec. 15. "Prone physical restraint" refers to when a person is being held face down on a horizontal surface such as the floor.

**513 IAC 1-1-16. "Restraint" defined.**

Sec. 16. "Restraint" encompasses chemical restraint, physical restraint, and mechanical restraint.

**513 IAC 1-1-19. "Seclusion" defined.**

Sec. 19. "Seclusion" means the confinement of a student alone in a room or area from which the student physically is prevented from leaving. The term does not include a supervised time-out or scheduled break, as described in a student's IEP and during which an adult is continuously present in the room with the student.

**513 IAC 1-1-21. "Substantial risk" defined.**

Sec. 21. "Substantial risk" means a situation where there is:

- (1) serious, imminent threat of bodily harm; and
- (2) the immediate ability to enact such harm.

**513 IAC 1-1-22. "Supine physical restraint" defined.**

Sec. 22. "Supine physical restraint" refers to a person being held face up on a horizontal surface such as the floor.

**513 IAC 1-1-23. "Time-out" defined.**

Sec. 23. "Time-out" means a behavior reduction procedure in which access to reinforcement is withdrawn for a certain period of time. Time-out occurs when the ability of a student to receive normal reinforcement in the school environment is restricted. COMMISSION ON SECLUSION AND RESTRAINT IN SCHOOLS

**513 IAC 1-2-1. Scope.**

(a) This article applies to the following:

- (1) All public school corporations, charter schools, or accredited nonpublic schools.
- (2) All public school corporations, charter schools, or accredited nonpublic schools students regardless of whether student has been identified as eligible for special education services.
- (3) All programs and services subject to the supervision of the state educational agency, including before and after school extracurricular activities programs conducted by or through the following:
  - (A) Public school corporations.
  - (B) Charter schools.

- (C) Special education planning districts.
- (D) State agencies.
- (E) Other public agencies.

**513 IAC 1-2-2. Commission's principles.**

- (a) Every effort should be made to prevent the need for the use of restraint and for the use of seclusion.
- (b) Any behavioral intervention must be consistent with the student's rights to be treated with dignity and to be free from abuse.
- (c) Policies restricting the use of restraint and seclusion should apply to all children, not just children with disabilities.
- (d) Physical restraint or seclusion should not be used except in situations where the student's behavior poses imminent risk of injury to self or others and other interventions are ineffective and should be discontinued as soon as imminent risk of injury to self or others has dissipated. (Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-2; filed Aug 5, 2014, 1:32 p.m.:20140903-IR-513130408FRA; readopted filed Nov 30, 2020, 12:07 p.m.: 20201230-IR-513200367RFA).

**513 IAC 1-2-3. Use of behavior intervention and support.**

Sec. 3. A school shall use prevention, positive behavior intervention and support, and conflict deescalation strategies to eliminate or minimize the need for the use of any of the following:

- (1) Seclusion.
- (2) Chemical restraint.
- (3) Mechanical restraint.
- (4) Physical restraint.(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-3; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA; readopted filed Nov 30, 2020, 12:07 p.m.: 20201230-IR-513200367RFA).

**513 IAC 1-2-4. Prevention.**

- (a) Every effort shall be made to prevent the need for the use of restraint or for the use of seclusion on a student.
- (b) Seclusion or physical restraint shall not be used except when used as a last resort in situations where:
  - (1) the student's behavior poses imminent risk of injury to self or others; and
  - (2) other less restrictive interventions are ineffective.
- (c) Any use of seclusion or restraint:
  - (1) may only be used for a short period of time; and
  - (2) shall be discontinued as soon as the imminent risk of injury to self or others has dissipated.(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-4; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA; readopted filed Nov 30, 2020, 12:07 p.m.: 20201230-IR-513200367RFA)

**513 IAC 1-2-5. Mechanical and chemical restraints prohibited.**

- (a) Except as provided in subsection (d), the use of mechanical restraints to restrict a student's freedom of movement is prohibited.
- (b) The use of any drug, medication, or other chemical to control behavior or restrict freedom of movement (except as authorized by a licensed physician or other qualified health care professional) is prohibited.
- (c) Schools shall never give a student any drug or medication that is not a standard treatment or dosage, or both, for the student's medical or psychiatric condition unless otherwise prescribed by a physician.

(d) While transporting a student on a moving vehicle, a bus harness or other safety equipment may be required and is permissible for safety purposes. However, the use of any bus harness or safety equipment, as described in 513 IAC 1-1-10, that is used to restrain a student during transportation must be documented. (Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-5; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA; filed Dec 21, 2018, 3:05 p.m.: 20190116-IR-513180063FRA).

### **513 IAC 1-2-6. Training.**

- (a) Staff shall be trained according to the school's adopted plan on the appropriate use of effective alternatives to physical seclusion and restraint, such as positive behavioral interventions and supports, and, only for cases involving imminent risk of injury, on the safe use of physical seclusion and restraint.
- (b) Each school shall identify appropriate school staff to be trained on the safe use of effective alternatives to physical seclusion and restraint. Recurrent training of staff should be done in accordance with the school's plan.
- (c) Each school shall choose a training protocol that includes the following:
- (1) Positive supports and behavioral interventions techniques.
  - (2) Conflict deescalation techniques.
  - (3) The safe use of seclusion and restraint.
  - (4) Steps to avoid the use of seclusion or restraint.
  - (5) Debriefing practices and procedures.
- (d) Training programs shall differentiate for levels of school personnel and training needs.
- (e) Each school must maintain documentation that includes the following information:
- (1) The name and position of each person who has completed training.
  - (2) Who provided the training.
  - (3) When the training was completed.
  - (4) What protocols and techniques were included in the training.
- (f) Training may be provided by any person who is trained in the current best practices of the protocols listed in subsection (c).

### **513 IAC 1-2-7. Monitoring and reporting.**

- (a) Every incident in which seclusion or restraint is used shall be carefully and continuously visually monitored to ensure the safety of the following:
- (1) The student.
  - (2) Other students.
  - (3) Teachers.
  - (4) Staff.
- (b) Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion, or both, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint.
- (c) The building administrator or designee shall attempt to report every incident, including every incident involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which seclusion or restraint is used on a student to the student's parent or guardian:
- (1) no later than the end of the school day or as soon as practical;
  - (2) verbally; and
  - (3) in accordance with the seclusion and restraint plan adopted by a school.

(d) In addition to the verbal notice described in subsection (c), written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every incident in which seclusion or restraint is used on a student. Such notice shall be provided as soon as practical.

(e) Public school corporations and charter schools shall report the number of incidents, including the number of incidents involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which either seclusion or restraint is used in its annual performance report.

(f) A school resource officer is involved in an incident of restraint or seclusion of a student when the school resource officer:

- (1) directs the restraint or seclusion of a student;
- (2) assists with the restraint or seclusion of a student; or
- (3) initiates the seclusion or restraint of a student.

(g) Each accredited nonpublic school shall report, in writing, the number of incidents in which either seclusion or restraint is used in its school to its governing authority.

(h) Each school must conduct an annual review of its plan for the purposes of improvement and revision.

**513 IAC 1-2-8. Distribution of school seclusion and restraint policy or plan to parents and the public.**

(a) Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or

guardians, or to the student if the student is at least eighteen (18) years of age and the provisions of 511 IAC 7-43-5(b) do not apply.

(b) Including the location of the plan in the student handbook satisfies subsection (a).

**513 IAC 1-2-9. Incident documentation.**

(a) Every incident in which seclusion or restraint is used on a student shall be documented in order to memorialize the events that led up to the use of either seclusion or restraint.

(b) Documentation may include the following:

- (1) The student's name.
- (2) The date and time of the incident.
- (3) The duration of any seclusion or restraint or the beginning and ending times of the restraint or seclusion, or both.
- (4) A description of any relevant events leading up to the incident.
- (5) A description of the incident or student behavior that resulted in implementation of seclusion or restraint including a description of the danger of injury which resulted in the seclusion or restraint.
- (6) A description of relevant interventions used immediately prior to the implementation of seclusion or restraint.
- (7) A summary of the student's behavior during seclusion or restraint, including a description of the restraint technique or techniques used and any other interaction between the student and staff.
- (8) A description of any injuries to students, staff, or others or property damage.
- (9) A list of the school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint. (10) If applicable, a statement that the intervention used was consistent with the student's most current behavioral intervention plan or IEP.

(c) The department shall, annually, review incident reports from not less than three percent (3%) of public schools, which schools shall be chosen at random by the department.



(d) Upon request, each school selected for review under subsection (c) shall provide the department, in a manner prescribed by the department, with a copy of any incident report involving the use of seclusion or restraint of a student.

(e) Upon request by the department, each school shall provide a copy of the school's seclusion and restraint plan under section 11 of this rule.

(f) The department shall provide the commission with a summary report of the department's annual review. The summary report shall be in a manner and form prescribed by the commission.

#### **513 IAC 1-2-10. Debriefing session.**

(a) As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:

(1) Meet with at least one (1) school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion.

(2) Direct a proper staff person, including the administrator himself or herself, to debrief the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior or behaviors, if any, that precipitated the use of restraint or seclusion.

(3) In accordance with the school's plan, provide a copy of an incident report and offer the parent or parents or guardian or guardians the opportunity to request a meeting regarding the incident of restraint or seclusion.

#### **513 IAC 1-2-11. Seclusion and restraint plan.**

(a) No later than July 1, 2014, each Indiana school corporation, charter school, and accredited nonpublic school must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following:

(1) A statement on how:

(A) students will be treated with dignity and respect; and

(B) appropriate student behavior will be promoted and taught.

(2) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict deescalation to eliminate or minimize the need for use of any of the following:

(A) Seclusion.

(B) Chemical restraint.

(C) Mechanical restraint.

(D) Physical restraint.

(3) A statement ensuring that any behavioral intervention used will be consistent with the student's most current behavioral intervention plan, or IEP, if applicable.

(4) Definitions for restraint and seclusion, as defined in this article.

(5) A statement ensuring that if a procedure listed in subdivision (2) is used, the procedure will be used:

(A) as a last resort safety procedure, employed only after another, less restrictive procedure has been implemented without success; and

(B) in a situation in which there is an imminent risk of injury to the student, other students, school employees, or visitors to the school.

(6) An indication that restraint or seclusion may be used only for a short time period or until the imminent risk of injury has passed.

(7) A documentation and recording requirement governing incidents in which procedures listed in subdivision (2) are used, including:

- (A) how every incident will be documented and debriefed;
- (B) how responsibilities will be assigned to designated employees for evaluation and oversight; and
- (C) designation of a school employee to be the keeper of such documents.

(8) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in subdivision (2).

(9) A requirement that a copy of an incident report must be sent to the student's parent after the student is subject to a procedure listed in subdivision (2).

(10) Required recurrent training for appropriate school employees on the appropriate use of effective alternatives to physical restraint and seclusion, including the use of positive behavioral intervention and support and conflict deescalation. The training must include the safe use of physical restraint and seclusion in incidents involving imminent danger or serious harm to the student, school employees, or others. Consideration must be given to available school resources and the time commitments of school employees.

(b) The department shall accept reports from the public regarding school restraint and seclusion plans, which reports shall be

limited to:

(1) lack of compliance between a school's seclusion and restraint plan and the requirements of IC 20-20-40 and the requirements of subsection (a);

(2) the availability of a school's plan as described in section 8 of this rule; and

(3) the reporting of incidents of seclusion or restraint, including the reporting of the use of seclusion or restraint by a school's resource officer.

(c) The department shall provide the commission with a summary of the reports received.

(d) The summary report must comply with the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99).

(e) The commission, after reviewing the summary from the department, may instruct the department to require a school to provide a written explanation regarding a report.

(f) Upon request, each school shall provide the department with a written explanation and response to any questions posed by the department. The school shall provide the explanation in a manner prescribed by the department.

(g) After review of the explanation by the school and any supporting documentation, the department shall provide a summary of the department's findings.

(h) Based on the department's findings, the commission may make nonbinding recommendations to the department or to the

school related to professional development for the school related to the use of seclusion or restraint, this article, or IC 20-20-40.(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-11; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA; filed Dec 21, 2018, 3:05 p.m.: 20190116-IR-513180063FRA).

# ***Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement***

## **Grounds for Suspension or Expulsion**

### **LAWS**

#### **IC 20-33-8-14. Grounds for suspension or expulsion.**

(a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:

- (1) Student misconduct.
- (2) Substantial disobedience.

(b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:

- (1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
- (2) off school grounds at a school activity, function, or event; or
- (3) traveling to or from school or a school activity, function, or event.

#### **IC 20-33-8-15. Unlawful activity by student.**

In addition to the grounds specified in section 14 [IC 20-33-8-14] of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if:

- (1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or
- (2) the student's removal is necessary to restore order or protect persons on school property; including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

#### **IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.**

(a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in IC 35-31.5-2-86. The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 20 [IC 20-33-8-20] of this chapter, a student who is:

- (1) identified as bringing a firearm or destructive device to school or on school property; or
- (2) in possession of a firearm or destructive device on school property;

must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 20 of this chapter, a student who is:

- (1) identified as bringing a deadly weapon to school or on school property; or
- (2) in possession of a deadly weapon on school property;

may be expelled for not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

(h) A student with a disability (as defined in IC 20-35-1-8) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

#### **IC 20-33-8-17. Student's legal settlement not in attendance area.**

A student may be expelled from school if the student's legal settlement is not in the attendance area of the school corporation where the student is enrolled.

### **REGULATIONS**

No relevant regulations found.

## **Limitations or Conditions on Exclusionary Discipline**

### **LAWS**

#### **IC 20-33-8-9. Disciplinary powers of teachers and school staff members.**

(a) This section applies to an individual who:

- (1) is a teacher or other school staff member; and
- (2) has students under the individual's charge.

(b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.

(c) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.

(d) If an individual removes a student from a class under subsection (c), the principal may place the student in another appropriate class or placement or into inschool suspension. The principal may not return the student to the class from which the student was removed until the principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student. If the student's parents do not meet with the principal and the student's teacher within a reasonable amount of time, the student may be moved to another class at the principal's discretion.

#### **IC 20-33-8-18. Maximum term of suspension; procedure; student assignments.**

(a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 [IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16] of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 [IC 20-33-8-23] of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

- (1) A written or an oral statement of the charges against the student.
- (2) If the student denies the charges, a summary of the evidence against the student.
- (3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

- (1) The student's misconduct.
- (2) The action taken by the principal.

(e) If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives:

- (1) notice of any assignments or school work due;
- (2) teacher contact information in the event the student has questions regarding the assignments or school work; and
- (3) credit, in the same manner that a student who is not suspended would receive, for any assignments or school work assigned during the period of the student's suspension that the student completes.

A student may be allowed to make up missed tests or quizzes when the student returns to school.

### **IC 20-33-8-20. Time limitation expulsion - Review.**

(a) Except as provided in section 16 [IC 20-33-8-16] of this chapter, a student may not be expelled for a longer period than the remainder of the school year in which the expulsion took effect if the misconduct occurs during the first semester. If a student is expelled during the second semester, the expulsion remains in effect for summer school and may remain in effect for the first semester of the following school year, unless otherwise modified or terminated by order of the governing body. The appropriate authorities may require that a student who is at least sixteen (16) years of age and who wishes to reenroll after an expulsion or an exclusion attend an alternative program.

(b) An expulsion that takes effect more than three (3) weeks before the beginning of the second semester of a school year must be reviewed before the beginning of the second semester. The review:

- (1) shall be conducted by the superintendent or an individual designated under section 19(a) [IC 20-33-8-19(a)] of this chapter after notice of the review has been given to the student and the student's parent;
- (2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and
- (3) may lead to a recommendation by the person conducting the review that the student be reinstated for the second semester.

(c) An expulsion that will remain in effect during the first semester of the following school year must be reviewed before the beginning of the school year. The review:

- (1) shall be conducted by the superintendent or an individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;
- (2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and
- (3) may lead to a recommendation by the individual conducting the review that the student be reinstated for the upcoming school year.

### **IC 20-33-8-34. Disciplinary action for students with disabilities.**

(a) Notwithstanding any other law, a suspension, an expulsion, or another disciplinary action against a student who is a student with a disability (as defined in IC 20-35-1-8) is subject to the:

- (1) procedural requirements of 20 U.S.C. 1415; and
- (2) rules adopted by the state board.

(b) The division of special education shall propose rules to the state board for adoption under IC 4-22-2 governing suspensions, expulsions, and other disciplinary action for a student who is a student with a disability (as defined in IC 20-35-1-8).

## **REGULATIONS**

No relevant regulations found.

## **Due Process**

### **LAWS**

#### **IC 20-33-8-18. Maximum term of suspension; procedure; student assignments.**

(f) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 [IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16] of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 [IC 20-33-8-23] of this chapter.

(g) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

- (1) A written or an oral statement of the charges against the student.
- (2) If the student denies the charges, a summary of the evidence against the student.
- (3) An opportunity for the student to explain the student's conduct.

(h) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(i) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

- (1) The student's misconduct.
- (2) The action taken by the principal.

(j) If a student is suspended, the student is required to complete all assignments and school work assigned during the period of the student's suspension. The principal or the principal's designee shall ensure that the student receives:

- (1) notice of any assignments or school work due;
- (2) teacher contact information in the event the student has questions regarding the assignments or school work; and
- (3) credit, in the same manner that a student who is not suspended would receive, for any assignments or school work assigned during the period of the student's suspension that the student completes.

A student may be allowed to make up missed tests or quizzes when the student returns to school.

#### **IC 20-33-8-19. Expulsion procedure; appeals; preparation of list.**

(a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:

- (1) Legal counsel.
- (2) A member of the administrative staff if the member:
  - (A) has not expelled the student during the current school year; and
  - (B) was not involved in the events giving rise to the expulsion.

The superintendent or a person designated under this subsection may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

(b) An expulsion may take place only after the student and the student's parent are given notice of their right to appear at an expulsion meeting with the superintendent or a person designated under subsection

(a). Notice of the right to appear at an expulsion meeting must:

- (1) be made by certified mail or by personal delivery;
- (2) contain the reasons for the expulsion; and

(3) contain the procedure for requesting an expulsion meeting.

(c) The individual conducting an expulsion meeting:

(1) shall make a written summary of the evidence heard at the expulsion meeting;

(2) may take action that the individual finds appropriate;

(3) shall provide the information described in subsection (g) to the student and the student's parent; and

(4) must give notice of the action taken under subdivision (2) to the student and the student's parent.

(d) If the student or the student's parent not later than ten (10) days of receipt of a notice of action taken under subsection (c) makes a written appeal to the governing body, the governing body:

(1) shall hold a meeting to consider:

(A) the written summary of evidence prepared under subsection (c)(1); and

(B) the arguments of the principal and the student or the student's parent;

unless the governing body has voted under subsection (f) not to hear appeals of actions taken under subsection (c); and

(2) may take action that the governing body finds appropriate.

The decision of the governing body may be appealed only under section 21 [IC 20-33-8-21] of this chapter.

(e) A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at an expulsion meeting or notice of the action taken at an expulsion meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to a student and the student's parent.

(f) The governing body may vote to not hear appeals of actions taken under subsection (c). If the governing body votes to not hear appeals, subsequent to the date on which the vote is taken, a student or parent may appeal only under section 21 of this chapter.

(g) Each school corporation shall annually prepare a list of:

(1) alternative education programs in the same county in which the school corporation is located or a county immediately adjacent to the county in which the school corporation is located; and

(2) virtual charter schools;

in which a student may enroll if the student is expelled. The list must contain contact information for the entities described in subdivisions (1) and (2) and must provide the student and the student's parent notice that the student may be required to comply with IC 20-33-2 or any statute relating to compulsory school attendance in accordance with section 31 [IC 20-33-8-31] of this chapter. A copy of the list shall be provided to the student or the student's parent at the expulsion meeting. If the student or student's parent fails to attend an expulsion meeting, a copy of the list shall be mailed to the student's residence.

### **IC 20-33-8-21. Scope of judicial review.**

Judicial review of a governing body's action under this chapter by the circuit or superior court of the county in which a student who is the subject of the governing body's action resides is limited to the issue of whether the governing body acted without following the procedure required under this chapter.

### **IC 20-33-8-22. Effectiveness of statute during judicial review.**

An expulsion that has been upheld by a governing body continues in effect during judicial review under section 21 [IC 20-33-8-21] of this chapter unless:

(1) the court grants a temporary restraining order under the Indiana Rules of Civil Procedure; and

(2) the school corporation was given the opportunity to appear at the hearing regarding the temporary restraining order.

### **IC 20-33-8-23. Suspension pending expulsion decision.**

The superintendent or the person designated by the superintendent under section 19(a) [IC 20-33-8-19(a)] of this chapter may continue suspension of a student for more than the ten (10) school day period of the principal's suspension and until the time of the expulsion decision under section 19 [IC 20-33-8-19] of this chapter if the superintendent or the designated person determines that the student's continued suspension will prevent or substantially reduce the risk of:

- (1) interference with an educational function or school purposes; or
- (2) a physical injury to the student, other students, school employees, or visitors to the school.

However, a student may not be suspended from school pending a meeting on a student's proposed expulsion if the expulsion is ordered under section 17 [IC 20-33-8-17] of this chapter.

### **REGULATIONS**

No relevant regulations found.

## **Return to School Following Removal**

### **LAWS**

#### **IC 20-33-8-24. Requirements for reenrollment after expulsion.**

- (a) This section applies to a student who:
- (1) is at least sixteen (16) years of age; and
  - (2) wishes to reenroll after an expulsion.
- (b) A principal may require a student to attend one (1) or more of the following:
- (1) An alternative school or alternative educational program.
  - (2) Evening classes.
  - (3) Classes established for students who are at least sixteen (16) years of age.

### **REGULATIONS**

No relevant regulations found.

## **Alternative Placements**

### **LAWS**

#### **IC 20-30-8-1. "Alternative education program".**

As used in this chapter, "alternative education program" refers to an alternative school or educational program that is described in section 6 [IC 20-30-8-6] of this chapter. The term includes:

- (1) an alternative education program described in section 5(a)(1) [IC 20-30-8-5(a)(1)] of this chapter; or
- (2) an area alternative education program described in section 5(a)(2) [IC 20-30-8-5(a)(2)] of this chapter.

#### **IC 20-30-8-10. Criteria for placement of students in program.**

A student placed in an alternative education program must meet at least one (1) of the following criteria:

- (1) The student intends to withdraw or has withdrawn from school before graduation.
- (2) The student has been identified as a student who:
  - (A) has failed to comply academically; and
  - (B) would benefit from instruction offered in a manner different from the manner of instruction available in a traditional school.



(3) The student is a parent or an expectant parent and is unable to regularly attend the traditional school program.

(4) The student is employed and the employment:

(A) is necessary for the support of the student or the student's immediate family; and

(B) interferes with a part of the student's instructional day.

(5) The student is a disruptive student.

**IC 20-30-8-13. Department to encourage and assist in establishing program; program for chronically disruptive students.**

(a) The department shall encourage school corporations to assess the need in the school corporation for an alternative education program or an area alternative education program.

(b) Upon request of a school corporation, the department shall assist the school corporation in establishing an alternative education program.

**IC 20-33-8-24. Requirements for reenrollment after expulsion.**

(a) This section applies to a student who:

(1) is at least sixteen (16) years of age; and

(2) wishes to reenroll after an expulsion.

(b) A principal may require a student to attend one (1) or more of the following:

(1) An alternative school or alternative educational program.

(2) Evening classes.

(3) Classes established for students who are at least sixteen (16) years of age.

**IC 20-33-8-25. Additional disciplinary actions authorized.**

(a) This section applies to an individual who:

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

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

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

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

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

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

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

(8) Assignment by the principal of:

(A) a special course of study;

(B) an alternative educational program; or

(C) an alternative school.

**IC 20-33-8-31. Absence from school — When statutory violation.**

(a) If a student is suspended from school or from any educational function under this chapter, the student's absence from school because of the suspension is not a violation of:

(1) IC 20-33-2; or

(2) any other statute relating to compulsory school attendance.

(b) If a student is expelled from school or from any educational function under this chapter, the student's absence from school because of the expulsion is a violation of IC 20-33-2 or any other statute relating to compulsory school attendance if the student may enroll in:

(1) an alternative education program in the county or in a county immediately adjacent to the county containing the school corporation from which the student was expelled; or

(2) a virtual charter school;

during the student's expulsion. In the event an alternative education program or virtual charter school is not available for a student to attend under this subsection, the student's expulsion is not a violation of IC 20-33-2 or any other statute relating to compulsory school attendance.

### **REGULATIONS**

No relevant regulations found.

# ***Discipline Addressing Specific Code of Conduct Violations***

## **Firearms and Other Weapons Violations**

### **LAWS**

#### **IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.**

- (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.
- (b) As used in this section, "deadly weapon" has the meaning set forth in IC 35-31.5-2-86. The term does not include a firearm or destructive device.
- (c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.
- (d) Notwithstanding section 20 [IC 20-33-8-20] of this chapter, a student who is:
- (1) identified as bringing a firearm or destructive device to school or on school property; or
  - (2) in possession of a firearm or destructive device on school property;
- must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.
- (e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.
- (f) Notwithstanding section 20 of this chapter, a student who is:
- (1) identified as bringing a deadly weapon to school or on school property; or
  - (2) in possession of a deadly weapon on school property;
- may be expelled for not more than one (1) calendar year.
- (g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.
- (h) A student with a disability (as defined in IC 20-35-1-8) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

#### **IC 35-47-9-2. Possession of firearms on school property or a school bus; defense to a prosecution; possession of firearms in a motor vehicle parked in a school parking lot.**

- (a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:
- (1) in or on school property; or
  - (2) on a school bus; commits a Level 6 felony.
- (b) It is a defense to a prosecution under subsection (a) that:
- (1) the person is permitted to legally possess the firearm; and
  - (2) the firearm is:
    - (A) locked in the trunk of the person's motor vehicle;
    - (B) kept in the glove compartment of the person's locked motor vehicle; or
    - (C) stored out of plain sight in the person's locked motor vehicle.
- (c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

## **REGULATIONS**

No relevant regulations found.

## **Students with Chronic Disciplinary Issues**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Chronic Absenteeism and Truancy**

### **LAWS**

#### **IC 20-18-2-26.5. “Truancy prevention measure”.**

“Truancy prevention measure” means an action designed to:

- (1) address truancy before a child becomes a habitual truant; and
- (2) minimize the need for:
  - (A) referrals to a voluntary truancy prevention program; or
  - (B) reports to a juvenile court.

#### **IC 20-19-3-12.2. Reduction in absenteeism; policy priority; resources and guidance.**

(a) The department shall make reduction of absenteeism in schools a policy priority and provide assistance and guidance to school corporations and schools in:

- (1) identifying contributing factors of absenteeism; and
- (2) developing chronic absence reduction plans that school corporations may elect to include as a component of the school improvement plans required under IC 20-31-5.

(b) The department shall provide resources and guidance to school corporations concerning evidence based practices and effective strategies that reduce absenteeism in schools. However, the department may not mandate a particular policy within a chronic absence reduction plan adopted by a school corporation or school.

#### **IC 20-33-2-23. Powers of certain officers to take children into custody.**

(a) Each school attendance officer, sheriff, marshal, and police officer in Indiana may take into custody any child who:

- (1) is required to attend school under this chapter; and
- (2) is found during school hours, unless accompanied:
  - (A) by a parent; or
  - (B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age;

in a public place, in a public or private conveyance, or in a place of business open to the public.

(b) When an officer takes a child into custody under this section, the officer shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

**IC 20-33-2-24. Principal; duties when truant child received.**

(a) When a child is delivered into the custody of a principal or acting chief administrative officer under section 23 [IC 20-33-2-23] of this chapter, the principal or officer shall immediately place the child in class in the grade or course of study in which the child is enrolled or to which the child may be properly assigned.

(b) A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as reasonably possible after placing a child in class under this section, the principal or acting chief administrative officer shall attempt to advise the child's parent of the facts of the case by telephone. The principal or acting chief administrative officer shall advise the parent of the facts of the case by mail on the same day the principal or officer receives the child.

**IC 20-33-2-25. Habitual absence from school; report to juvenile intake officer or department of child services.**

The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

**IC 20-33-2-26. Enforcement of chapter.**

(a) It is the duty of each:

- (1) superintendent;
- (2) attendance officer;
- (3) state attendance official;
- (4) security police officer appointed under IC 36-8-3-7; and
- (5) school corporation police officer appointed under IC 20-26-16;

to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter. The duty includes reporting to the prosecuting attorney that a child is a habitual truant.

(b) An affidavit

- (1) against a parent for a violation of this chapter; and
- (2) concerning a child being a habitual truant; shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in a court with jurisdiction in the county in which the affected child resides. T

(d) The prosecuting attorney shall notify each parent of a child regarding an affidavit described in subsection (b) when the affidavit is filed under this section.

(e) The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases.

(f) The court shall promptly hear cases brought under this section.

**IC 20-33-2.5-1. "Absent Student"**

As used in this chapter, "absent student" means a student who:

- (1) is enrolled in a school in kindergarten through grade 6; and

- (2) is absent from school five (5) days within a ten (10) week period without being:
- (A) excused; or
  - (B) absent in conformity with a note on file from the student's doctor, therapist, or other professional requesting frequent absences be excused under the student's:
    - (i) individualized education program;
    - (ii) service plan developed under 511 IAC 7-34;
    - (iii) choice scholarship education plan developed under 511 IAC 7-49; or
    - (iv) plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794.

**IC 20-33-2.5-2. "Governing authority."**

As used in this chapter, "governing authority" refers to the:

- (1) governing body of a school corporation; or
- (2) organizer of a charter school.

**IC 20-33-2.5-3. "School."**

As used in this chapter, "school" refers to a public school, including a charter school.

**IC 20-33-2.5-4. Truancy prevention policy.**

Each governing authority shall adopt a truancy prevention policy regarding absent students that includes the following:

- (1) A school shall immediately provide written notification to the parent of an absent student that includes the following information:
  - (A) That the student is an absent student based on the student's school attendance.
  - (B) That the parent is responsible for:
    - (i) monitoring the absent student's school attendance; and
    - (ii) ensuring the absent student attends school in accordance with compulsory attendance laws.
  - (C) That the school will be initiating truancy prevention measures regarding the absent student.
  - (D) That the parent is required to attend an attendance conference regarding the truancy prevention measures that the school will be implementing for the absent student.
  - (E) That, if the student meets the requirements of a habitual truant, the:
    - (i) superintendent or attendance officer of the school is required to report the student to an intake officer of the juvenile court or the department of child services in accordance with IC 20-33-2-25;
    - (ii) juvenile court may determine that the student is committing a delinquent act as provided under IC 31-37-2-3; and
    - (iii) parent of the student may be subject to prosecution under IC 35-46-1-4.
- (2) Except as provided under section 5 [IC 20-33-2.5-5] of this chapter, a school shall hold an attendance conference with at least the following individuals to discuss the student's absences and establish a plan for the student to prevent future absences:
  - (A) A representative of the school.
  - (B) A teacher of the student.
  - (C) The student's parent.
  - (D) A representative chosen by the student's parent who may provide insight into the student's absenteeism if the student's parent:
    - (i) makes a request to the school that the representative attend; and
    - (ii) provides notice to the school regarding the identification of the representative; at least forty-eight (48) hours before the attendance conference.

- (3) A school shall establish a plan under subdivision (2) that may include the following:
- (A) Any wraparound services that are able to be provided to the absent student to ensure the absent student attends school.
  - (B) A specific description of the behavior that is required or prohibited for the absent student.
  - (C) The period for which the plan will be effective, not to exceed forty-five (45) instructional days after the date the plan is established.
  - (D) Any additional disciplinary action the school will take if the absent student does not comply with the plan.
  - (E) If applicable, a referral to counseling, mentoring, or other services for the student.
  - (F) If applicable, whether a parent is expected to attend the counseling, mentoring, or other services under clause (E) with the student.
  - (G) To the extent possible, the signature of the parent of the student agreeing to comply with the plan.
- (4) A school shall offer additional counseling or services to an absent student if the school determines that the student's absences are related to any of the following:
- (A) The student's pregnancy.
  - (B) That the student is in foster care (as defined in IC 31-9-2-46.7).
  - (C) That the student is homeless.
  - (D) That the student has a severe or life threatening illness or related treatment.

**IC 20-33-2.5-5. Attendance conference.**

- (a) A school shall hold an attendance conference described in section 4(2) [IC 20-33-2.5-4(2)] of this chapter not more than five (5) instructional days after the student's fifth absence described in section 1(2) [IC 20-33-2.5-1(2)] of this chapter regardless of whether:
- (1) the parent of the student; or
  - (2) a representative described under section 4(2)(D) [IC 20-33-2.5-4(2)(D)] of this chapter; is able to attend the conference.
- (b) A school shall make all reasonable efforts to hold an attendance conference as required under subsection (a) on a date and at a time that works with the schedule of the student's parent

**REGULATIONS**

No relevant regulations found.

## Substance Use

### LAWS

#### **IC 5-2-10-2. Purpose; composition of fund.**

The state drug free communities fund is established to promote comprehensive alcohol and drug abuse prevention initiatives by supplementing state and federal funding for the coordination and provision of treatment, education, prevention, and criminal justice efforts. The fund consists of amounts deposited:

- (1) under IC 33-37-9-4; and
- (2) from any other public or private source.

#### **IC 20-30-5-11. Alcoholic beverages, tobacco, prescription drugs, and controlled substances; instruction in kindergarten through grade 12.**

(a) For kindergarten through grade 12, the governing body of each school corporation shall provide instruction concerning the effects that:

- (1) alcoholic beverages;
- (2) tobacco;
- (3) prescription drugs; and
- (4) controlled substances;

have on the human body and society at large.

(b) The state board shall make available to all school corporations a list of appropriate available instructional material on the matters described in subsection (a).

(c) The department shall develop curriculum guides to assist teachers assigned to teach the material described in subsection (a).

(d) The state board shall approve drug education curricula for every grade from kindergarten through grade 12.

(e) The department shall provide assistance to each school corporation to train at least one (1) teacher in the school corporation in drug education.

#### **IC 20-33-9-1. Application of chapter.**

Sections 5 through 9 [IC 20-33-9-5 through IC 20-33-9-9] of this chapter apply to the following:

- (1) A violation under IC 7.1-5-7 (concerning minors and alcoholic beverages).
- (2) A violation under IC 35-48-4 (offenses related to controlled substances).

#### **IC 20-33-9-5. Reporting duty of employees other than administrative staff.**

If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed:

- (1) a violation described in section 1 [IC 20-33-9-1] of this chapter; or
- (2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

#### **IC 20-33-9-6. Reporting duty of administrative staff members - Contents of report.**

A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 [IC 20-33-9-1] of this chapter or a delinquent act that would be a violation described in section 1 of this



chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report:

- (1) a general description of the violation;
  - (2) the name or a general description of each violator known to the member;
  - (3) the date, time, and place of the violation;
  - (4) the name or a general description of each person who the member knows witnessed any part of the violation; and
  - (5) a general description and the location of any property that the member knows was involved in the violation;
- in writing to a law enforcement officer.

## **REGULATIONS**

No relevant regulations found.

## **Gang-related Activity**

### **LAWS**

#### **IC 20-26-18-1. Application.**

This chapter applies to every school corporation and to a school city to which IC 20-25 applies.

#### **IC 20-26-18-2. Establishment of written policy.**

(a) Not later than June 1, 2016, the governing body of each school corporation shall establish a written policy to address criminal organizations and criminal organization activity in schools. The governing body of a school corporation shall develop the policy in consultation with:

- (1) parents;
- (2) school employees;
- (3) local law enforcement officials;
- (4) the county prosecuting attorney;
- (5) the county public defender;
- (6) organizations that have expertise in criminal organization education, prevention, or intervention;
- (7) a juvenile court judge;
- (8) a school behavioral health or community mental health professional; and
- (9) any other person or entity the governing body of the school corporation determines to be appropriate.

(b) The policy must meet all the requirements for the department's model criminal organization policy set forth in IC 20-19-3-12(d).

(c) Not later than September 1, 2016, each school corporation shall submit a copy of its criminal organization policy to the department.

#### **IC 20-26-18-3. Publication of policy.**

A school corporation shall put a copy of the school corporation's criminal organization policy established under section 2 [IC 20-26-18-2] of this chapter:

- (1) on its Internet web site;
- (2) in school student handbooks; and
- (3) in any location the school corporation determines to be appropriate.

### **IC 20-26-18-5. Establishment of criminal organization intervention program.**

To foster the continuing coordination of criminal organization prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal organization intervention services to students. If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the following members:

- (1) Parents.
- (2) School employees.
- (3) Local law enforcement officials.
- (4) The county prosecuting attorney.
- (5) The county public defender.
- (6) A juvenile court judge.
- (7) A school behavioral health or community mental health professional.
- (8) Representatives of organizations that have expertise in criminal organization education, prevention, or intervention.
- (9) Any other person or entity the governing body determines is appropriate.

### **IC 20-26-18-6. Reporting requirements.**

(a) Not later than June 1, 2017, and before June 2 of each year thereafter, each school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's compliance with this chapter. The report must include school based data to monitor for disproportionality, with each school reporting the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender.

(b) Not later than November 1, 2017, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal organization activity in schools to the governor and the general assembly. A report submitted to the general assembly under this subsection must be in an electronic format under IC 5-14-6. The report must include the following:

- (1) A summary of the activities reported to the department under subsection (a).
- (2) Any recommendations or conclusions made by the department to assist in the prevention of, education about, and intervention in criminal organization activity in schools.

## **REGULATIONS**

No relevant regulations found.

## **Bullying, Harassment, or Hazing**

### **LAWS**

#### **IC 10-21-1-14. Safe school committee establishment; school safety plan participation; school policy development.**

(a) Each school operated by a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.

(b) Each school operated by a charter school shall establish a safe school committee. A charter school in operation on July 1, 2023, shall comply with this subsection not later than July 1, 2024.

(c) The safe school committee shall actively participate in and assist with the development of the school safety plan.

(d) The department of education, the school corporation's or charter school's school safety specialist or specialists, and a school resource officer, if one (1) is employed by the school corporation or charter school, shall provide materials and guidelines to assist a safe school committee in developing a policy for a particular school that addresses the following issues:

(1) Implementation of the school safety plan.

(2) Addressing outside and internal threats to the physical safety of students, faculty, staff, and the public, including unsafe conditions, crime prevention, school violence, bullying and cyberbullying, criminal organization activity, child abuse and child sexual abuse, mental health and behavioral health, suicide awareness and prevention, and other issues that prevent the maintenance of a safe school.

(3) Addressing the professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (2).

(4) Identifying and implementing methods to encourage:

(A) involvement by the community, families, and students;

(B) development of relationships between students and school faculty and staff; and

(C) use of problem solving teams.

(e) The guidelines developed under subsection (d) must include age appropriate, research based information that assists school corporations or charter schools and safe school committees in:

(1) developing and implementing bullying and cyberbullying prevention programs;

(2) establishing investigation and reporting procedures related to bullying and cyberbullying; and

(3) adopting discipline rules that comply with IC 20-33-8-13.5.

(f) In addition to developing guidelines under subsection (d), the department of education shall establish categories of types of bullying incidents to allow school corporations to use the categories in making reports under IC 20-20-8-8 and IC 20-34-6-1.

#### **IC 20-19-3-11.5. Cyberbullying resources.**

(a) As used in this section, "cyberbullying" refers to bullying (as defined in IC 20-33-8-0.2) that occurs through the use of data or computer software that is accessed through a:

(1) computer;

(2) computer system;

(3) computer network; or

(4) cellular telephone or other wireless or cellular communications device.

(b) The department shall maintain a link on the department's website that provides parents and school officials with resources or best practices regarding the prevention and reporting of bullying and cyberbullying. The resources must include guidance on how to report to law enforcement agencies instances of bullying and cyberbullying that occur off campus. The department shall also include guidelines developed by the department under IC 10-21-1-14(d).

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

(d) The following entities shall maintain a link on their websites to the website described in subsection (b):

(1) The state board.

(2) A school corporation.

**IC 20-26-5-32. Involvement of parents with discipline plan; department's model discipline plan.**

(a) The governing body of each school corporation shall work with parents to:

- (1) develop; and
- (2) review periodically;

an evidence based plan for improving student behavior and discipline in the school corporation after receiving a model plan developed by the department.

(b) The model plan developed by the department under subsection (a) must:

- (1) reduce out-of-school suspension and disproportionality in discipline and expulsion;
- (2) limit referrals to law enforcement and arrests on school property to cases in which referral to law enforcement or arrest is necessary to protect the health and safety of students or school employees; and
- (3) include policies to address instances of bullying and cyberbullying on school property of a school corporation.

**IC 20-26-5-34.2. Bullying prevention; training for employees and volunteers.**

A school corporation shall provide training' to the school corporation's employees and volunteers who have direct, ongoing contact with students concerning the school's bullying prevention and reporting policy adopted under IC 20-33-8-13.5. The training shall be conducted in a manner prescribed by the state board under IC 20-28-5.5-1 or IC 20-28-5.5-1.5.

**IC 20-30-5-5.5. Bullying prevention; student instruction.**

(a) Not later than October 15 of each year, each public school shall provide age appropriate, research based instruction as provided under IC 10-21-1-14(d) focusing on bullying prevention for all students in grades 1 through 12.

(b) The department, in consultation with school safety specialists and school counselors, shall prepare outlines or materials for the instruction described in subsection (a) and incorporate the instruction in grades 1 through 12.

(c) Instruction on bullying prevention may be delivered by a school safety specialist, school counselor, or any other person with training and expertise in the area of bullying prevention and intervention

**IC 20-33-8-0.2. "Bullying".**

(a) As used in this chapter, "bullying" means overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors, that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment that:

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

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

- (1) Participating in a religious event.
- (2) Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.

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

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

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

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

### **IC 20-33-8-13.5. Discipline rules prohibiting bullying required.**

(a) Discipline rules adopted by the governing body of a school corporation under section 12 [IC 20-33-8-12] of this chapter must:

(1) prohibit bullying; and

(2) include:

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

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

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

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

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

(iv) timetables for reporting of bullying incidents to the parents of both the targeted student and the alleged perpetrator in an expedited manner that is not later than five (5) business days after the incident is reported;

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

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

(vii) discipline provisions for false reporting of bullying; and

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

(i) support services for the victim; and

(ii) bullying education for the alleged perpetrator.

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

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

(2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:

(1) computer;

(2) computer system;

(3) computer network; or

(4) cellular telephone or other wireless or cellular communications device.

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

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

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

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

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

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

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

### **IC 20-33-9-12. Relief of obligation to report.**

This chapter does not relieve an individual of the obligation to report a threat, intimidation, a battery, or harassment on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

### **IC 20-34-6-1. School corporation reports; department reports.**

(a) By July 1 of each year, each school corporation shall submit a report to the department detailing the following information for the current school year for each school in the school corporation and for the entire school corporation:

(8) The number of reported bullying incidents involving a student of the school corporation by category. However, nothing in this subdivision may be construed to require all bullying incidents to be reported to a law enforcement agency.

### **IC 20-34-6-2. Notice of reporting requirements; audits.**

(a) Not later than June 1, 2018, and each June 1 thereafter, the department shall send notification via electronic mail or a letter to each school corporation explaining:

(1) the school corporation's obligation to report bullying incidents under section 1(a)(8) [IC 20-34-6-1(a)(8)] of this chapter; and

(2) that the department may conduct an audit of a school corporation under subsection (b) to ensure the school corporation's compliance with the requirements of section 1(a)(8) of this chapter.

(b) The department may conduct an audit of a school corporation to ensure that the school corporation is accurately reporting bullying incidents under section 1(a)(8) of this chapter. If the department finds discrepancies in the school corporation's reporting of bullying incidents under section 1(a)(8) of this chapter, the department shall post a copy of the department's findings on the department's Internet web site.

### **IC 20-40-20-6. Uses of money in the fund; distributions to a charter school.**

(a) Subject to subsections (c) and (d), money in the fund may be used only for the following purposes:

(8) To establish and administer programs to address youth specific mental illness, addiction, anger management, bullying, and school violence.

### **IC 35-42-2-2.5. Hazing; good faith reporting.**

(a) As used in this section, "hazing" means forcing or requiring another person:

- (1) with or without the consent of the other person; and
- (2) as a condition of association with a group or organization;

to perform an act that creates a substantial risk of bodily injury.

(b) A person who knowingly or intentionally performs hazing commits a Class B misdemeanor. However, the offense is a Level 6 felony if it results in serious bodily injury to another person, and a Level 5 felony if it is committed by means of a deadly weapon.

(c) A person, other than a person who has committed an offense under this section or a delinquent act that would be an offense under this section if the violator were an adult, who:

- (1) makes a report of hazing in good faith;
- (2) participates in good faith in a judicial proceeding resulting from a report of hazing;
- (3) employs a reporting or participating person described in subdivision (1) or (2); or
- (4) supervises a reporting or participating person described in subdivision (1) or (2);

is not liable for civil damages or criminal penalties that might otherwise be imposed because of the report or participation.

(d) A person described in subsection (c)(1) or (c)(2) is presumed to act in good faith.

(e) A person described in subsection (c)(1) or (c)(2) may not be treated as acting in bad faith solely because the person did not have probable cause to believe that a person committed:

- (1) an offense under this section; or
- (2) a delinquent act that would be an offense under this section if the offender were an adult.

## **REGULATIONS**

No relevant regulations found.

## **Dating and Relationship Violence**

### **LAWS**

#### **IC 20-19-3-10. Dating violence educational materials.**

(a) The department, in collaboration with organizations that have expertise in dating violence, domestic violence, and sexual abuse, shall identify or develop:

- (1) model dating violence educational materials; and
- (2) a model for dating violence response policies and reporting.

Not later than July 1, 2011, the department shall make the models developed or identified under this section available to assist schools with the implementation of dating violence education programs in grades 6 through 12 and dating violence response policies.

(b) The model dating violence policy identified or developed under subsection (a) may include the following topics:

- (1) Warning signs of dating violence.
- (2) The basic principles of dating violence prevention.
- (3) Methods of parental education and outreach.

## **REGULATIONS**

No relevant regulations found.

# ***Prevention, Behavioral Intervention, and Supports***

## **State Model Policies and Implementation Support**

### **LAWS**

#### **IC 20-19-3-10. Dating violence educational materials.**

(a) The department, in collaboration with organizations that have expertise in dating violence, domestic violence, and sexual abuse, shall identify or develop:

- (1) model dating violence educational materials; and
- (2) a model for dating violence response policies and reporting.

Not later than July 1, 2011, the department shall make the models developed or identified under this section available to assist schools with the implementation of dating violence education programs in grades 6 through 12 and dating violence response policies.

(b) The model dating violence policy identified or developed under subsection (a) may include the following topics:

- (1) Warning signs of dating violence.
- (2) The basic principles of dating violence prevention.
- (3) Methods of parental education and outreach.

#### **IC 20-19-3-12. Identification, development, and availability of model education materials on criminal organization activity.**

(a) The department, in collaboration with the Indiana criminal justice institute, the department of child services, the center for evaluation and education policy at Indiana University, the state police department, and any organization that has expertise in providing criminal organization education, prevention, or intervention that the department determines to be appropriate, shall:

- (1) identify or develop evidence based model educational materials on criminal organization activity; and
- (2) develop and maintain a model policy to address criminal organizations and criminal organization activity in schools.

(b) Not later than July 1, 2015, the department shall make the model policy developed under subsection (a)(2) available to assist schools in the development and implementation of a criminal organization policy.

(c) The model educational materials on criminal organization activity identified or developed under subsection (a)(1) must include information:

- (1) to educate students and parents on the extent to which criminal organization activity exists;
- (2) regarding the negative societal impact that criminal organizations have on the community;
- (3) on methods to discourage participation in criminal organizations; and
- (4) on methods of providing intervention to a child suspected of participating in criminal organization activity.

(d) The model criminal organization policy developed under subsection (a)(2) must include:

- (1) a statement prohibiting criminal organization activity in schools;
- (2) a statement prohibiting reprisal or retaliation against an individual who reports suspected criminal organization activity;
- (3) definitions of "criminal organization" as set forth in IC 35-45-9-1 and "criminal organization activity";
- (4) model procedures for:



- (A) reporting suspected criminal organization activity; and
- (B) the prompt investigation of suspected criminal organization activity;
- (5) information about the types of support services, including family support services, available for a student suspected of participating in criminal organization activity; and
- (6) recommendations concerning criminal organization prevention and intervention services and programs for students that maximize community participation and the use of federal funding.

**IC 20-19-3-12.2. Reduction in absenteeism; policy priority; resources and guidance.**

- (a) The department shall make reduction of absenteeism in schools a policy priority and provide assistance and guidance to school corporations and schools in:
  - (1) identifying contributing factors of absenteeism; and
  - (2) developing chronic absence reduction plans that school corporations may elect to include as a component of the school improvement plans required under IC 20-31-5.
- (b) The department shall provide resources and guidance to school corporations concerning evidence based practices and effective strategies that reduce absenteeism in schools. However, the department may not mandate a particular policy within a chronic absence reduction plan adopted by a school corporation or school.

**IC 20-26-5-32. Involvement of parents with discipline plan; department's model discipline plan.**

- (a) The governing body of each school corporation shall work with parents to:
  - (1) develop; and
  - (2) review periodically;an evidence based plan for improving student behavior and discipline in the school corporation after receiving a model plan developed by the department.
- (b) The model plan developed by the department under subsection (a) must:
  - (1) reduce out-of-school suspension and disproportionality in discipline and expulsion;
  - (2) limit referrals to law enforcement and arrests on school property to cases in which referral to law enforcement or arrest is necessary to protect the health and safety of students or school employees; and
  - (3) include policies to address instances of bullying and cyberbullying on school property of a school corporation.
- (c) Beginning in the 2019-2020 school year, the department, in collaboration with parent organizations, teacher organizations, educational support professional organizations, and state educational institutions, shall, upon a school corporation's request, provide information and assistance to the school corporation regarding the implementation of the school corporation's evidence based plan developed under subsection (a) to ensure that teachers and administrators receive appropriate professional development and other resources in preparation for carrying out the plan.

**REGULATIONS**

No relevant regulations found.

# Multi-tiered Frameworks and Systems of Support

## LAWS

### **IC 20-20-40-6. "Positive behavior intervention and support".**

As used in this chapter, "positive behavior intervention and support" means a systematic approach that:

- (1) uses evidence based practices and data driven decision making to improve school climate and culture; and
- (2) includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior; to achieve improved academic and social outcomes and increase learning for all students.

### **IC 20-20-40-13. Duties; rules; notice requirement; elements of the restraint and seclusion plan; biannual reporting.**

(a) The commission has the following duties:

(2) To develop, maintain, and revise a model restraint and seclusion plan for schools that includes the following elements:

(B) A statement ensuring that the school will use prevention, positive behavior intervention and support, and conflict de-escalation to eliminate or minimize the need for use of any of the following:

- (i) Seclusion.
- (ii) Chemical restraint.
- (iii) Mechanical restraint.
- (iv) Physical restraint.
- (v) Time-out

## REGULATIONS

### **513 IAC 1-1-13. "Positive behavior intervention and support" defined.**

Sec. 13. "Positive behavior intervention and support" means a systematic approach that:

- (1) uses evidence based practices and data driven decision making to improve school climate and culture; and
- (2) includes a range of systematic and individualized strategies to reinforce desired behavior and diminish reoccurrence of problem behavior; to achieve improved academic and social outcomes and increase learning for all students.

### **513 IAC 1-2-3. Use of behavior intervention and support.**

Sec. 3. A school shall use prevention, positive behavior intervention and support, and conflict deescalation strategies to eliminate or minimize the need for the use of any of the following:

- (1) Seclusion.
- (2) Chemical restraint.
- (3) Mechanical restraint.
- (4) Physical restraint.(Commission on Seclusion and Restraint in Schools; 513 IAC 1-2-3; filed Aug 5, 2014, 1:32 p.m.: 20140903-IR-513130408FRA; readopted filed Nov 30, 2020, 12:07 p.m.: 20201230-IR-513200367RFA).

## Prevention

### LAWS

### REGULATIONS

No relevant regulations found.

## Social-emotional Learning (SEL)

### LAWS

#### **IC 20-19-5-1. Department duties.**

The department of education, in cooperation with the department of child services, the department of correction, and the division of mental health and addiction, shall:

(1) develop and coordinate the children's social, emotional, and behavioral health plan that is to provide recommendations concerning:

- (A) comprehensive mental health services;
- (B) early intervention; and
- (C) treatment services;

for individuals from birth through twenty-two (22) years of age;

(2) make recommendations to the state board, which shall adopt rules under IC 4-22-2 concerning the children's social, emotional, and behavioral health plan; and

(3) conduct hearings on the implementation of the plan before adopting rules under this chapter.

#### **IC 20-19-5-2. Plan recommendations.**

The children's social, emotional, and behavioral health plan shall recommend:

(1) procedures for the identification and assessment of social, emotional, and mental health issues;

(2) procedures to assist a child and the child's family in obtaining necessary services to treat social, emotional, and mental health issues;

(3) procedures to coordinate provider services and interagency referral networks for an individual from birth through twenty-two (22) years of age;

(4) guidelines for incorporating social, emotional, and behavioral development into school learning standards and education programs;

(5) that social, emotional, and mental health screening be included as a part of routine examinations in schools and by health care providers;

(6) procedures concerning the positive development of children, including:

- (A) social, emotional, and behavioral development;
- (B) learning; and
- (C) behavioral health;

(7) plans for creating a children's social, emotional, and behavioral health system with shared accountability among state agencies that will:

- (A) conduct ongoing needs assessments;
- (B) use outcome indicators and benchmarks to measure progress; and
- (C) implement quality data tracking and reporting systems;

(8) a state budget for children's social, emotional, and mental health prevention and treatment;

(9) how state agencies and local entities can obtain federal funding and other sources of funding to implement a children's social, emotional, and behavioral health plan;

- (10) how to maintain and expand the workforce to provide mental health services for individuals from birth through twenty-two (22) years of age and families;
- (11) how employers of mental health professionals may:
  - (A) improve employee job satisfaction; and
  - (B) retain employees;
- (12) how to facilitate research on best practices and model programs for children's social, emotional, and behavioral health;
- (13) how to disseminate research and provide training and educational materials concerning the children's social, emotional, and behavioral health program to:
  - (A) policymakers;
  - (B) practitioners; and
  - (C) the general public; and
- (14) how to implement a public awareness campaign to:
  - (A) reduce the stigma of mental illness; and
  - (B) educate individuals:
    - (i) about the benefits of children's social, emotional, and behavioral development; and
    - (ii) how to access children's social, emotional, and behavioral development services.

**IC 20-30-5-6. Good citizenship instruction.**

- (a) This section applies only to public schools.
- (b) As used in this section, "good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:
  - (1) Being honest and truthful.
  - (2) Respecting authority.
  - (3) Respecting the property of others.
  - (4) Always doing the student's personal best.
  - (5) Not stealing.
  - (6) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
  - (7) Taking personal responsibility for obligations to family and community.
  - (8) Taking personal responsibility for earning a livelihood.
  - (9) Treating others the way the student would want to be treated.
  - (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
  - (11) Respecting the student's parents and home.
  - (12) Respecting the student's self.
  - (13) Respecting the rights of others to have their own views and religious beliefs.
- (c) The department shall:
  - (1) identify; and
  - (2) make available;
 models of conflict resolution instruction to school corporations. The instruction may consist of a teacher education program that applies the techniques to the students in the classroom to assist school corporations in complying with this section.

## **REGULATIONS**

No relevant regulations found.

## **Trauma-informed Practices**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Mental Health Literacy Training**

### **LAWS**

#### **IC 10-21-1-2. Indiana secured school fund; matching grant.**

- (1) (F) provide funding for school employees to receive training, including expenses for per diem, travel, and lodging, related to:
  - (ii) mental health or behavioral health threat assessments.

#### **IC 12-21-5-2. Education and treatment of children with an emotional disturbance; provision of training on suicide prevention.**

The division is responsible for the following:

- (1) The planning, research, and development of programs and methods for the education and treatment of children with an emotional disturbance.
- (2) The coordination of governmental services, activities, and programs in Indiana relating to such children.
- (3) The administration of the state supported services concerned with such children.
- (4) The preparation of the annual report required by IC 7.1-6-2-5.
- (5) The provision of a mental health first aid training program developed under section 4 [IC 12-21-5-4] of this chapter, including providing information and guidance to local school corporations on the development of evidence based programs for basic or inservice courses for teachers and training for teachers on the following:
  - (A) Prevention of child suicide.
  - (B) Recognition of signs that a student may be considering suicide.
- (6) The development, in consultation with stakeholders, and provision of a research based training program for health care providers, including mental health and behavioral health providers, concerning suicide assessment, training, and management that is:
  - (A) demonstrated to be an effective or promising program; and
  - (B) recommended by the Indiana Suicide Prevention Network Advisory Council.

#### **IC 12-21-5-4. Development and administration of mental health first aid training program; requirements; training; implementation date; report.**

- (a) To the extent that funds are made available, the division, in consultation with:
  - (1) the department of education;
  - (2) the law enforcement training board;
  - (3) the Indiana Council of Community Mental Health Centers;
  - (4) Mental Health America-Indiana;

- (5) the Indiana emergency medical services commission; and
  - (6) a private foundation dedicated to the prevention of youth suicide through education and awareness; shall develop and administer a mental health first aid training program.
- (b) The mental health first aid training program developed under subsection (a) must do the following:
- (1) Train individuals attending the training program to recognize the risk factors and signs of mental health problems or crises in children and young adults, including signs that a child or young adult may be considering suicide.
  - (2) Train individuals attending the training program to guide children and young adults who exhibit signs of a mental health problem or crisis to appropriate behavioral health services.
  - (3) Train individuals attending the training program to not label children who are at risk or show signs of mental health problems in a manner that would stigmatize the child.
- (c) The division shall provide training for individuals who will be instructors in the mental health first aid training program.
- (d) The division shall make the mental health first aid training program available to licensed teachers, school counselors, emergency medical service providers, law enforcement officers, leaders of community faith organizations, and other persons interested in receiving training under the program.
- (e) The division, the department of education, and the Indiana emergency medical services commission may seek federal and state funding and may accept private contributions to administer and provide mental health first aid training programs.
- (f) Notwithstanding any other law, the division is not required to implement the mental health first aid training program until after June 30, 2016.
- (g) Before October 1, 2015, the division shall report to the interim study committee on public health, behavioral health, and human services established by IC 2-5-1.3-4(14) concerning the status of the development of the mental health first aid training program.

#### **IC 20-28-3-4. Continuing education.**

A governing body may adjourn the governing body's schools for not more than three (3) days in a school year to allow teachers, school administrators, and paraprofessionals to participate in:

- (5) a basic or inservice course of education and training on:
  - (A) beginning in the 2016-2017 school year, mental health first aid (IC 12-21-5-4).

#### **REGULATIONS**

No relevant regulations found.

### **School-based Behavioral Health Programs**

#### **LAWS**

##### **IC 10-21-1-5. Matching grant application procedure.**

C) This subsection applies to an application from a school corporation, charter school, or accredited nonpublic school (or coalition of public and accredited nonpublic schools applying jointly). Each school corporation, charter school, or accredited nonpublic school shall certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has:

- (2) a memorandum of understanding in place with a community mental health center established under IC 12-29-2 or provider certified or licensed by the state to provide mental or behavioral health services to students before applying for a grant under this chapter. A provider described in this subsection may be employed by the school corporation, charter school, or accredited nonpublic school.

### **IC 20-19-5-1. Department duties.**

The department of education, in cooperation with the department of child services, the department of correction, and the division of mental health and addiction, shall:

- (1) develop and coordinate the children's social, emotional, and behavioral health plan that is to provide recommendations concerning:
  - (A) comprehensive mental health services;
  - (B) early intervention; and
- (C) treatment services; for individuals from birth through twenty-two (22) years of age;
  - (2) make recommendations to the state board, which shall adopt rules under IC 4-22-2 concerning the children's social, emotional, and behavioral health plan; and
  - (3) conduct hearings on the implementation of the plan before adopting rules under this chapter.

### **IC 20-19-5-2. Plan recommendations.**

The children's social, emotional, and behavioral health plan shall recommend:

- (1) procedures for the identification and assessment of social, emotional, and mental health issues;
- (2) procedures to assist a child and the child's family in obtaining necessary services to treat social, emotional, and mental health issues;
- (3) procedures to coordinate provider services and interagency referral networks for an individual from birth through twenty-two (22) years of age;
- (4) guidelines for incorporating social, emotional, and behavioral development into school learning standards and education programs;
- (5) that social, emotional, and mental health screening be included as a part of routine examinations in schools and by health care providers;
- (6) procedures concerning the positive development of children, including:
  - (A) social, emotional, and behavioral development;
  - (B) learning; and
  - (C) behavioral health;
- (7) plans for creating a children's social, emotional, and behavioral health system with shared accountability among state agencies that will:
  - (A) conduct ongoing needs assessments;
  - (B) use outcome indicators and benchmarks to measure progress; and
  - (C) implement quality data tracking and reporting systems;
- (8) a state budget for children's social, emotional, and mental health prevention and treatment;
- (9) how state agencies and local entities can obtain federal funding and other sources of funding to implement a children's social, emotional, and behavioral health plan;
- (10) how to maintain and expand the workforce to provide mental health services for individuals from birth through twenty-two (22) years of age and families;
- (11) how employers of mental health professionals may:
  - (A) improve employee job satisfaction; and
  - (B) retain employees;
- (12) how to facilitate research on best practices and model programs for children's social, emotional, and behavioral health;
- (13) how to disseminate research and provide training and educational materials concerning the children's social, emotional, and behavioral health program to:

- (A) policymakers;
  - (B) practitioners; and
  - (C) the general public; and
- (14) how to implement a public awareness campaign to:
- (A) reduce the stigma of mental illness; and
  - (B) educate individuals:
    - (i) about the benefits of children's social, emotional, and behavioral development; and
    - (ii) how to access children's social, emotional, and behavioral development services.

**IC 20-34-3-21. Memorandum of understanding between school corporation and community mental health center or provider; referrals; documentation; diagnosis.**

(a) Each school corporation and charter school shall enter into a memorandum of understanding with a community mental health center established under IC 12-29-2 or a provider certified or licensed by the state to provide appropriate and necessary mental or behavioral health services to students. The division of mental health and addiction shall develop a memorandum of understanding for referral and assist school corporations and charter schools in obtaining a memorandum of understanding with a community mental health center or an appropriate provider.

(b) A school corporation and a charter school may not refer a student to a mental health care provider or a community mental health center for services unless the school corporation or charter school has received the written consent of the student's parent or guardian.

(c) If a school corporation or charter school refers a student to a mental health care provider, the school corporation or charter school may note the referral in the student's cumulative record but may not include any possible diagnosis or information concerning the student's mental health other than any medication that the student takes for the student's mental health. A student record that contains medical information must be kept confidential.

(d) A school counselor or other employee of a school corporation or a charter school may not diagnose a student as having a mental health condition unless the individual's scope of practice includes diagnosing a mental health condition.

(e) Before providing a referral under a memorandum of understanding, each school corporation and charter school shall comply with the following requirements:

(1) Develop a process for a teacher or school employee to notify a school official to contact a student's parent if the student demonstrates a repeated pattern of aberrant or abnormal behavior. The parental notification process described in this subdivision must also include that the school will hold a conference with the student and the student's parent.

(2) Require that the conference described in subdivision (1) must address the student's potential need for and benefit from:

- (A) mental or behavioral health services; or
- (B) mental or behavioral health services provided by the community mental health center or appropriate provider that is contracted and paid for by the school corporation or charter school.

(3) Establish a procedure for a parent who chooses to seek services for the student to follow that includes granting written parental consent for the student to receive mental or behavioral health services by a community mental health center or appropriate provider described under subdivision (2).

(4) Ensure that a school maintains the confidentiality of any medical records that result from a student's participation in any treatment described in subdivision (2). The school must adopt a policy that prohibits the school from:

- (A) sharing any reports or notes resulting from the provision of mental or behavioral health services described in subdivision (2)(A) with other school officials; and



(B) maintaining any reports, notes, diagnosis, or appointments that result from a student's participation in any treatment described in subdivision (2)(A) through (2)(B) in the student's permanent educational file.

**IC 20-34-9-2. "Plan".**

As used in this chapter, "plan" refers to a student and parent support services plan described in section 6(2) [IC 20-34-9-6(2)] of this chapter.

**IC 20-34-9-3. "Program".**

As used in this chapter, "program" refers to the student and parent support services grant program established by section 5 [IC 20-34-9-5] of this chapter.

**IC 20-34-9-4. Eligibility for a grant.**

Beginning after June 30, 2020, and subject to available funding, a school corporation, a charter school, and an accredited nonpublic school are eligible for a grant under this chapter if the school corporation, charter school, or accredited nonpublic school meets the requirements of this chapter.

**IC 20-34-9-5. Student and parent support services grant program; administration.**

(a) The student and parent support services grant program is established to provide grants to school corporations, charter schools, and accredited nonpublic schools for the development and implementation of student and parent support services plans to support parents caring for at-risk students.

(b) The department, in coordination with the division of mental health and addiction, shall administer the program.

**IC 20-34-9-6. Requirements to participate.**

A school corporation, a charter school, or an accredited nonpublic school must do the following to participate in the program:

(1) Apply to the department to participate in the program.

(2) Submit to the department a student and parent support services plan that the school corporation, charter school, or accredited nonpublic school intends to implement and that includes the following:

(A) A process for a teacher or school employee to notify 'a school official to contact a student's parent if the student demonstrates a repeated pattern of aberrant or abnormal behavior. The parental notification process described in this clause must also include that the school will hold a conference with the student and the student's parent.

(B) A requirement that the conference described 'in clause (A) must address the student's potential need for and benefit from:

(i) school based treatment services; or

(ii) treatment services provided by an outside professional care provider that is contracted and paid for by the school corporation, charter school, or accredited nonpublic school.

(C) A procedure for a parent who chooses to seek services for the student to follow that includes granting written parental consent for the student to receive services by a service provider described under clause (B).

(D) A requirement to ensure that a school shall maintain the confidentiality of any medical records that result from a student's participation in any treatment described in clause (B). The school must adopt a policy that prohibits the school from:

(i) sharing any reports or notes resulting from the provision of school based treatment services described in clause (B)(i) with other school officials; and

(ii) maintaining any reports, notes, diagnosis, or that result from a student's participation in any treatment described in clause (B)(i) through (B)(ii) in the student's permanent educational file.

### **IC 20-34-9-7. Annual report.**

(a) Before June 30, 2020, and before each June 30 thereafter, the department shall evaluate and prepare a report concerning development and implementation of the following:

(1) The program.

(2) The plans submitted and implemented by school corporations, charter schools, and state accredited nonpublic schools.

(b) The department shall submit the report described in subsection (a) to the legislative council in an electronic format under IC 5-14-6.

## **REGULATIONS**

### **511 IAC 4-1.5-5. Student assistance services.**

(a) School corporations shall provide student assistance services at the elementary and secondary school levels.

(b) Student assistance services shall be coordinated by a:

(1) certified school counselor;

(2) certified school psychologist; or certified school social worker (master's level).

(c) Student assistance services shall include, but are not limited to, the following:

(1) Prevention, which includes:

(A) assisting teachers and parents in delivering the health and social studies proficiencies of the school curricula;

(B) collaborating with community resources to develop summer and extended school programs to meet the social and recreational needs of students; and

(C) educating school staff and parents on the developmental needs and behavioral management of students.

(2) Assessment, which includes:

(A) educating school staff and parents to identify and refer students who are experiencing problems that interfere with student learning;

(B) obtaining and interpreting data on student needs; and

(C) implementing the school's policies and procedures with regard to identifying and referring students with their families who are in need of special services.

(3) Intervention, which includes:

(A) providing brief individual and group counseling to students and families who need help with personal concerns or developmental problems; and

(B) providing consultation services to school staff and parents regarding strategies for helping students cope with personal and social concerns.

(4) Referral, which includes:

(A) implementing policies and procedures for referring students and families to student assistance services and to community agencies for intensive counseling or other specialized services not available from the school;

(B) disseminating a directory of community services and resources; and

(C) creating a system to monitor referrals to ensure that students and families receive services in a timely and appropriate manner.

## ***Monitoring and Accountability***

### **Formal Incident Reporting of Conduct Violations**

#### **LAWS**

##### **IC 20-33-9-5. Reporting duty of employees other than administrative staff.**

If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed:

- (1) a violation described in section 1 [IC 20-33-9-1] of this chapter; or
- (2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult; in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.

##### **IC 20-33-9-10. Duty to report threat.**

In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee:

- (1) has received a threat;
- (2) is the victim of intimidation;
- (3) is the victim of battery; or
- (4) is the victim of harassment;

shall report that information as required by this chapter.

##### **IC 20-33-9-10.5. Criminal organization activity; duty to report; maintaining safe school environment.**

- (a) This section does not apply to a charter school or a state accredited nonpublic school.
- (b) A school employee shall report any incidence of suspected criminal organization activity, criminal organization intimidation, or criminal organization recruitment to the principal and the school safety specialist.
- (c) The principal and the school safety specialist may take appropriate action to maintain a safe and secure school environment, including providing appropriate intervention services.

##### **IC 20-33-9-11. Procedure to make report.**

- (a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment.
- (b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 [IC 20-33-9-13] of this chapter.

##### **IC 20-33-9-12. Relief of obligation to report.**

This chapter does not relieve an individual of the obligation to report a threat, intimidation, a battery, or harassment on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

#### **REGULATIONS**

No relevant regulations found.

## Parental Notification

### LAWS

#### **IC 20-33-2-24. Principal; duties when truant child received.**

- (a) When a child is delivered into the custody of a principal or acting chief administrative officer under section 23 [IC 20-33-2-23] of this chapter, the principal or officer shall immediately place the child in class in the grade or course of study in which the child is enrolled or to which the child may be properly assigned.
- (b) A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as reasonably possible after placing a child in class under this section, the principal or acting chief administrative officer shall attempt to advise the child's parent of the facts of the case by telephone. The principal or acting chief administrative officer shall advise the parent of the facts of the case by mail on the same day the principal or officer receives the child.

#### **IC 20-33-8-26. Rules requiring participation – of person having care of student - Child in need of services.**

- (a) The governing body of a school corporation may adopt rules that require a person having care of a dependent student to participate in an action taken under this chapter in connection with a student's behavior. The rules must include the following:
- (1) Procedures for giving actual notice to the person having care of the dependent student.
  - (2) A description of the steps that the person must take to participate in the school corporation's action.
  - (3) A description of the additional actions in connection with the student's behavior that are justified in part or in full if the person does not participate in the school corporation's action.
- (b) A dependent student is a child in need of services under IC 31-34-1-7 if, before the student child becomes eighteen (18) years of age:
- (1) the student's parent fails to participate in a disciplinary proceeding in connection with the student's improper behavior, as provided for by this section, if the behavior of the student has been repeatedly disruptive in the school; and
  - (2) the student needs care, treatment, or rehabilitation that the child:
    - (A) is not receiving; and
    - (B) is unlikely to be provided or accepted without the coercive intervention of the court.

#### **IC 20-33-8.5-8. Presence of parent or guardian at hearing.**

A parent or guardian has the right to be present and may be required to be present during the student's appearance.

#### **IC 20-34-3-21. Memorandum of understanding between school corporation and community mental health center or provider; referrals; documentation; diagnosis.**

- (a) Each school corporation and charter school shall enter into a memorandum of understanding with a community mental health center established under IC 12-29-2 or a provider certified or licensed by the state to provide appropriate and necessary mental or behavioral health services to students. The division of mental health and addiction shall develop a memorandum of understanding for referral and assist school corporations and charter schools in obtaining a memorandum of understanding with a community mental health center or an appropriate provider.
- (b) A school corporation and a charter school may not refer a student to a mental health care provider or a community mental health center for services unless the school corporation or charter school has received the written consent of the student's parent or guardian.

(c) If a school corporation or charter school refers a student to a mental health care provider, the school corporation or charter school may note the referral in the student's cumulative record but may not include any possible diagnosis or information concerning the student's mental health other than any medication that the student takes for the student's mental health. A student record that contains medical information must be kept confidential.

(d) A school counselor or other employee of a school corporation or a charter school may not diagnose a student as having a mental health condition unless the individual's scope of practice includes diagnosing a mental health condition.

(e) Before providing a referral under a memorandum of understanding, each school corporation and charter school shall comply with the following requirements:

- (1) Develop a process for a teacher or school employee to notify a school official to contact a student's parent if the student demonstrates a repeated pattern of aberrant or abnormal behavior. The parental notification process described in this subdivision must also include that the school will hold a conference with the student and the student's parent.

## **REGULATIONS**

### **513 IAC 1-2-7. Monitoring and reporting.**

(a) Every incident in which seclusion or restraint is used shall be carefully and continuously visually monitored to ensure the safety of the following:

- (1) The student.
- (2) Other students.
- (3) Teachers.
- (4) Staff.

(b) Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion, or both, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint.

(c) The building administrator or designee shall attempt to report every incident, including every incident involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which seclusion or restraint is used on a student to the student's parent or guardian:

- (1) no later than the end of the school day or as soon as practical;
- (2) verbally; and
- (3) in accordance with the seclusion and restraint plan adopted by a school.

(d) In addition to the verbal notice described in subsection (c), written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every incident in which seclusion or restraint is used on a student. Such notice shall be provided as soon as practical.

(e) Public school corporations and charter schools shall report the number of incidents, including the number of incidents involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which either seclusion or restraint is used in its annual performance report.

(f) A school resource officer is involved in an incident of restraint or seclusion of a student when the school resource officer:

- (1) directs the restraint or seclusion of a student;
- (2) assists with the restraint or seclusion of a student; or
- (3) initiates the seclusion or restraint of a student.

(g) Each accredited nonpublic school shall report, in writing, the number of incidents in which either seclusion or restraint is used in its school to its governing authority.

(h) Each school must conduct an annual review of its plan for the purposes of improvement and revision.

### **513 IAC 1-2-10. Debriefing session.**

(a) As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:

- (1) Meet with at least one (1) school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion.
- (2) Direct a proper staff person, including the administrator himself or herself, to debrief the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior or behaviors, if any, that precipitated the use of restraint or seclusion.
- (3) In accordance with the school's plan, provide a copy of an incident report and offer the parent or parents or guardian or guardians the opportunity to request a meeting regarding the incident of restraint or seclusion.

### **513 IAC 1-2-11. Seclusion and restraint plan.**

(a) No later than July 1, 2014, each Indiana school corporation, charter school, and accredited nonpublic school must adopt a seclusion and restraint plan. At a minimum, each seclusion and restraint plan shall include the following:

- (8) A requirement that the student's parent must be notified as soon as possible when an incident involving the student occurs that includes use of procedures listed in subdivision (2).

## **Data Collection, Review, and Reporting of Discipline Policies and Actions**

### **LAWS**

#### **IC 20-19-3-4. Duties of department; suspension and expulsion statistics; provision of data necessary for audit or evaluation of education programs; identification numbers for new schools.**

(a) The department shall:

- (1) perform the duties required by statute;
- (2) implement the policies and procedures established by the state board;
- (3) conduct analytical research to assist the state board in determining the state's educational policy;
- (4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and
- (5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

- (1) Alcohol.
- (2) Drugs.
- (3) Deadly weapons (other than firearms).
- (4) Handguns.
- (5) Rifles or shotguns.
- (6) Other firearms.
- (7) Tobacco.
- (8) Attendance.

- (9) Destruction of property.
- (10) Legal settlement (under IC 20-33-8-17).
- (11) Fighting (incident does not rise to the level of battery).
- (12) A battery offense included in IC 35-42-2.
- (13) Intimidation (IC 35-45-2-1).
- (14) Verbal aggression or profanity.
- (15) Defiance.
- (16) Other.

(c) The department shall provide the state board any data, including fiscal data, as determined by the state board, in a reasonable time frame established by the state board after consultation with the department, necessary to conduct an audit or evaluation of any federal or state supported program principally engaged in the provision of education, including, but not limited to:

- (1) early childhood education;
- (2) elementary and secondary education;
- (3) postsecondary education;
- (4) special education;
- (5) job training;
- (6) career and technical education; and
- (7) adult education;

or for the enforcement of or compliance with federal legal requirements related to those education programs as determined by the state board. The state board and the department are considered state educational authorities within the meaning of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g and 34 CFR Part 99) for the purpose of allowing the free exchange of information between the department and the state board.

(d) The department may, upon request by a new school, assign an identification number for the new school.

(e) The department shall develop guidelines necessary to implement this section.

**IC 20-26-18-6. Reporting requirements.**

(a) Not later than June 1, 2017, and before June 2 of each year thereafter, each school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's compliance with this chapter. The report must include school based data to monitor for disproportionality, with each school reporting the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender.

(b) Not later than November 1, 2017, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal organization activity in schools to the governor and the general assembly. A report submitted to the general assembly under this subsection must be in an electronic format under IC 5-14-6. The report must include the following:

- (1) A summary of the activities reported to the department under subsection (a).
- (2) Any recommendations or conclusions made by the department to assist in the prevention of, education about, and intervention in criminal organization activity in schools.

**IC 20-26-18.2-4. Reporting use of restraints and seclusion.**

A school corporation, a state accredited nonpublic school, or a charter school shall report all instances of:

- (1) seclusion (as defined in IC 20-20-40-9);

- (2) chemical restraint (as defined in IC 20-20-40-2);
- (3) mechanical restraint (as defined in IC 20-20-40-4); and
- (4) physical restraint (as defined in IC 20-20-40-5);

involving a school resource officer in accordance with the restraint and seclusion plan adopted by the school corporation, state accredited nonpublic school, or charter school under IC 20-20-40-14.

**IC 20-26-5-32. Involvement of parents with discipline plan; department's model discipline plan.**

(a) The governing body of each school corporation shall work with parents to:

- (1) develop; and
- (2) review periodically;

an evidence based plan for improving student behavior and discipline in the school corporation after receiving a model plan developed by the department.

(b) The model plan developed by the department under subsection (a) must:

- (1) reduce out-of-school suspension and disproportionality in discipline and expulsion;
- (2) limit referrals to law enforcement and arrests on school property to cases in which referral to law enforcement or arrest is necessary to protect the health and safety of students or school employees; and
- (3) include policies to address instances of bullying and cyberbullying on school property of a school corporation.

(c) Beginning in the 2019-2020 school year, the department, in collaboration with parent organizations, teacher organizations, educational support professional organizations, and state educational institutions, shall, upon a school corporation's request, provide information and assistance to the school corporation regarding the implementation of the school corporation's evidence based plan developed under subsection (a) to ensure that teachers and administrators receive appropriate professional development and other resources in preparation for carrying out the plan.

**IC 20-33-8-13.5. Disciplinary rule requirements - Section does not give rise to cause of action.**

(a) Discipline rules adopted by the governing body of a school corporation under section 12 [IC 20-33-8-12] of this chapter must:

- (1) prohibit bullying; and
- (2) include:

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

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

- (i) appropriate responses to bullying behaviors, wherever the behaviors occur;
- (ii) provisions for anonymous and personal reporting of bullying to a teacher or other school staff;
- (iii) provisions that require a school to prioritize the safety of the victim;
- (iv) timetables for reporting of bullying incidents to the parents of both the targeted student and the alleged perpetrator, in an expedited manner that is not later than five (5) business days after the incident is reported;
- (v) timetables for reporting of bullying incidents to school counselors, school administrators, the superintendent, or law enforcement, if it is determined that reporting the bullying incident to law enforcement is necessary;
- (vi) discipline provisions for teachers, school staff, or school administrators who fail to initiate or conduct an investigation of a bullying incident; and
- (vii) discipline provisions for false reporting of bullying; and



- (C) a detailed procedure outlining the use of follow-up services that includes:
  - (i) support services for the victim; and
  - (ii) bullying education for the bully.
- (b) The discipline rules described in subsection (a) may be applied regardless of the physical location in which the bullying behavior occurred, whenever:
  - (1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are students attending a school within a school corporation; and
  - (2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.
- (c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:
  - (1) computer;
  - (2) computer system;
  - (3) computer network; or
  - (4) cellular telephone or other wireless or cellular communications device.
- (d) The discipline rules described in subsection (a) must include policies to allow a parent of a child in the school corporation to review any materials used in any bullying prevention or suicide prevention program.
- (e) The discipline rules described in subsection (a) may include provisions to determine:
  - (1) the severity of an incident of bullying; and
  - (2) whether an incident of bullying may warrant the transfer of the victim or the alleged perpetrator to another school in the school corporation.
- (f) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.
- (g) A record made of an investigation, a disciplinary action, or a follow-up action performed under rules adopted under this section is not a public record under IC 5-14-3.
- (h) The department shall periodically review each policy adopted under this section to ensure the policy's compliance with this section.

**IC 20-34-6-1. School corporation reports; department reports.**

- (a) By July 1 of each year, each school corporation shall submit a report to the department detailing the following information for the current school year for each school in the school corporation and for the entire school corporation:
  - (1) The number of arrests of students on school corporation property, including arrests made by law enforcement officers, security guards, school safety specialists, and other school corporation employees, and any citizen arrests.
  - (2) The offenses for which students were arrested on school corporation property.
  - (3) The number of contacts with law enforcement personnel from a school corporation employee that have resulted in arrests of students not on school corporation property.
  - (4) Statistics concerning the age, race, and gender of students arrested on school corporation property and categorizing the statistics by offenses.
  - (5) Whether the school corporation has established and employs a school corporation police department under IC 20-26-16, and if so, report:
    - (A) the number of officers in the school corporation police department; and

(B) the training the officers must complete.

(6) If the school corporation employs private security guards to enforce rules or laws on school property, a detailed explanation of the use of private security guards by the school corporation.

(7) If the school corporation has an agreement with a local law enforcement agency regarding procedures to arrest students on school property, a detailed explanation of the use of the local law enforcement agency by the school corporation.

(8) The number of reported bullying incidents involving a student of the school corporation by category. However, nothing in this subdivision may be construed to require all bullying incidents to be reported to a law enforcement agency.

(b) By August 1 of each year, the department shall submit a report to:

(1) the legislative council;

(2) the board for the coordination of programs serving vulnerable individuals established by IC 4-23-30.2-8; and

(3) the criminal justice institute;

providing a summary of the reports submitted to the department under subsection (a). The report to the legislative council must be in an electronic format under IC 5-14-6.

(c) By August 1 of each year, the department must post the reports described in subsections (a) and (b) on the department's Internet web site.

(d) Information reported under subsection (a)(8) may not be used in the calculation of a school corporation's improvement under IC 20-31-8.

### **IC 20-34-6-2. Notice of reporting requirements; audits.**

(a) Not later than June 1, 2018, and each June 1 thereafter, the department shall send notification via electronic mail or a letter to each school corporation explaining:

(1) the school corporation's obligation to report bullying incidents under section 1(a)(8) [IC 20-34-6-1(a)(8)] of this chapter; and

(2) that the department may conduct an audit of a school corporation under subsection (b) to ensure the school corporation's compliance with the requirements of section 1(a)(8) of this chapter.

(b) The department may conduct an audit of a school corporation to ensure that the school corporation is accurately reporting bullying incidents under section 1(a)(8) of this chapter. If the department finds discrepancies in the school corporation's reporting of bullying incidents under section 1(a)(8) of this chapter, the department shall post a copy of the department's findings on the department's Internet web site.

## **REGULATIONS**

### **513 IAC 1-2-7. Monitoring and reporting.**

(a) Every incident in which seclusion or restraint is used shall be carefully and continuously visually monitored to ensure the safety of the following:

(1) The student.

(2) Other students.

(3) Teachers.

(4) Staff.

(b) Immediately after the student has restored emotional and behavioral control following the use of restraint or seclusion, or both, a staff member not involved with the incident shall examine the student to ascertain if any injury has been sustained during the seclusion or restraint.

(c) The building administrator or designee shall attempt to report every incident, including every incident involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which seclusion or restraint is used on a student to the student's parent or guardian:

- (1) no later than the end of the school day or as soon as practical;
- (2) verbally; and
- (3) in accordance with the seclusion and restraint plan adopted by a school.

(d) In addition to the verbal notice described in subsection (c), written notification, as described in the school's adopted plan, must also be sent to the student's parent or guardian after every incident in which seclusion or restraint is used on a student. Such notice shall be provided as soon as practical.

(e) Public school corporations and charter schools shall report the number of incidents, including the number of incidents involving a school resource officer (as defined in 513 IAC 1-1-18.5), in which either seclusion or restraint is used in its annual performance report.

(f) A school resource officer is involved in an incident of restraint or seclusion of a student when the school resource officer:

- (1) directs the restraint or seclusion of a student;
- (2) assists with the restraint or seclusion of a student; or
- (3) initiates the seclusion or restraint of a student.

(g) Each accredited nonpublic school shall report, in writing, the number of incidents in which either seclusion or restraint is used in its school to its governing authority.

(h) Each school must conduct an annual review of its plan for the purposes of improvement and revision.

**513 IAC 1-2-8. Distribution of school seclusion and restraint policy or plan to parents and the public.**

(a) Each school shall make available a copy of the school's seclusion and restraint plan to the student's parents or guardians, or to the student if the student is at least eighteen (18) years of age and the provisions of 511 IAC 7-43-5(b) do not apply.

(b) Including the location of the plan in the student handbook satisfies subsection (a).

**513 IAC 1-2-10. Debriefing session.**

(a) As soon as practical, and consistent with the school's plan, after every instance in which seclusion or restraint is used on a student, the school administrator or designee shall do the following:

- (1) Meet with at least one (1) school personnel who participated in the implementation, monitoring, and supervision of seclusion or restraint to discuss whether proper restraint or seclusion procedures were followed, including the use of proper procedures to prevent the need for restraint or seclusion.
- (2) Direct a proper staff person, including the administrator himself or herself, to debrief the incident with the student in a manner appropriate to the student's age and developmental ability, to discuss the behavior or behaviors, if any, that precipitated the use of restraint or seclusion.
- (3) In accordance with the school's plan, provide a copy of an incident report and offer the parent or parents or guardian or guardians the opportunity to request a meeting regarding the incident of restraint or seclusion.

# ***Partnerships between Schools and Law Enforcement***

## **Referrals to Law Enforcement**

### **LAWS**

#### **IC 20-26-5-32. Involvement of parents with discipline plan; department's model discipline plan.**

- (a) The governing body of each school corporation shall work with parents to:
- (1) develop; and
  - (2) review periodically;
- an evidence based plan for improving student behavior and discipline in the school corporation after receiving a model plan developed by the department.
- (b) The model plan developed he department under subsection (a) must:
- (2) limit referrals to law enforcement and arrests on school property to cases in which referral to law enforcement or arrest is necessary to protect the health and safety of students or school employees.

#### **IC 20-33-2-25. Habitual absence from school; report to juvenile intake officer or department of child services.**

The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

#### **IC 20-33-8-16. Possession of firearms, deadly weapons, or destructive devices.**

- (a)As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.
- (b)As used in this section, "deadly weapon" has the meaning set forth in IC 35-31.5-2-86. The term does not include a firearm or destructive device.
- (c)As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.
- (d)Notwithstanding section 20 [IC 20-33-8-20] of this chapter, a student who is:
- (1)identified as bringing a firearm or destructive device to school or on school property; or
  - (2)in possession of a firearm or destructive device on school property; must be expelled for at least one  
(1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.
- (e)The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.
- (f) Notwithstanding section 20 of this chapter, a student who is:
- (1) identified as bringing a deadly weapon to school or on school property; or
  - (2) in possession of a deadly weapon on school property; may be expelled for not more than one (1) calendar year.
- (g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.
- (h) A student with a disability (as defined in IC 20-35-1-8) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

### **IC 20-33-8.5-1. Applicability.**

This chapter does not apply to a nonpublic school.

### **IC 20-33-8.5-2. Agreement between superintendent and court having juvenile jurisdiction.**

A superintendent and a court having juvenile jurisdiction in the county may enter into a voluntary agreement (referred to as the "agreement" in this chapter) for court assisted resolution of school suspension and expulsion cases. The agreement may require the court to supervise or provide for the supervision of an expelled or suspended student who has been referred to the court by the school corporation in accordance with the terms of the agreement.

### **IC 20-33-8.5-3. Agreement; court's responsibilities.**

The agreement may require that a court do one (1) or more of the following:

- a. Establish a flexible program for the supervision of a student who has been suspended or expelled.
- b. Supervise a student who has been suspended or expelled.
- c. Require a student who has been suspended or expelled to participate in a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

### **IC 20-33-8.5-4. Agreement; school corporation's responsibilities.**

(a) The agreement may require that a school corporation do one (1) or more of the following:

- (1) Define the violation for which a student who has been suspended or expelled shall be referred to the court.
- (2) Refer a student who has been suspended or expelled for a violation described in subdivision (1) to the court.
- (3) Establish a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

(b) If a school corporation enters into an agreement, the discipline rules adopted by the school corporation under IC 20-33-8-12 must specify the violations for which a student may be referred to the court under the agreement.

### **IC 20-33-8.5-5. Agreement; payment of expenses.**

The agreement must provide how the expenses of supervising a student who has been suspended or expelled are funded. A school corporation may not be required to expend more than the foundation amount (as defined by IC 20-43-3-8) for each student referred under the agreement.

### **IC 20-33-8.5-6. Informal hearing before court.**

A student shall be given an informal hearing before the court, in a setting agreed upon by the court and the school system, as soon as practicable following the student's referral to the court, after notice of the hearing has been provided to the student's parent.

### **IC 20-33-8.5-7. Hearing not a determination of whether student is child in need of services.**

A hearing under this chapter is not a hearing to determine whether a student who has been suspended or expelled is a child in need of services. However, if a court determines that a student who has been suspended or expelled may:

- (1) be a child in need of services (as described in IC 31-34-1); or
- (2) have committed a delinquent act (as described in IC 31-37); the court may notify the office of family and children or the prosecuting attorney.

**IC 20-33-8.5-8. Presence of parent or guardian at hearing.**

A parent or guardian has the right to be present and may be required to be present during the student's appearance.

**IC 20-33-8.5-9. Appearance of student not to be used in subsequent court proceedings.**

A student's appearance in court under this chapter shall not be used against the child or the child's parents or guardians in any subsequent court proceeding, including but not limited to any delinquency or child in need of services matter under IC 31.

**IC 20-33-8.5-12. Child not deprived of due process rights.**

This chapter does not deprive a child of any due process rights to which the child may be entitled.

**IC 20-33-9-6. Reporting duty of administrative staff members - Contents of report.**

A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 [IC 20-33-9-1] of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report:

- (1) a general description of the violation;
- (2) the name or a general description of each violator known to the member;
- (3) the date, time, and place of the violation;
- (4) the name or a general description of each person who the member knows witnessed any part of the violation; and
- (5) a general description and the location of any property that the member knows was involved in the violation;

in writing to a law enforcement officer.

**IC 20-33-9-13. Oral report to local law enforcement agency.**

An individual who has a duty under sections 10 through 12 [IC 20-33-9-10 through IC 20-33-9-12] of this chapter to report that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment shall immediately make an oral report to the local law enforcement agency.

**IC 35-47-9-2. Possession of firearms on school property or a school bus; defense to a prosecution; possession of firearms in a motor vehicle parked in a school parking lot.**

(a) A person may not be charged with an offense under this subsection if the person may be charged with an offense described in subsection (c). A person who knowingly or intentionally possesses a firearm:

- (1) in or on school property; or
- (2) on a school bus;

commits a Level 6 felony.

(b) It is a defense to a prosecution under subsection (a) that:

- (1) the person is permitted to legally possess the firearm; and
- (2) the firearm is:
  - (A) locked in the trunk of the person's motor vehicle;
  - (B) kept in the glove compartment of the person's locked motor vehicle; or
  - (C) stored out of plain sight in the person's locked motor vehicle.

(c) A person who is permitted to legally possess a firearm and who knowingly, intentionally, or recklessly leaves the firearm in plain view in a motor vehicle that is parked in a school parking lot commits a Class A misdemeanor.

## **REGULATIONS**

No relevant regulations found.

## **School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification**

### **LAWS**

#### **IC 20-26-5-31. School corporation police; autism and Asperger's syndrome training.**

(a) If a school corporation, including a school city (as defined in IC 20-25-2-12), establishes a school corporation police department, the governing body of the school corporation shall adopt a policy that requires every individual appointed as a school corporation police officer to complete training and education, approved by the state board, that will enable the school corporation police officer to appropriately deal with individuals with autism and Asperger's syndrome.

(b) This subsection applies to a regular or special police officer who is assigned as a security police officer for a school corporation under IC 36-8-3-7. The governing body of the school corporation to which the police officer is assigned shall ensure that the police officer receives training and education, approved by the state board, that will enable the police officer to appropriately deal with individuals with autism and Asperger's syndrome.

#### **IC 20-26-16-4. Minimum training requirements.**

An individual appointed as a school corporation or charter school police officer must successfully complete at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

#### **IC 20-26-16-5. Training for certain officers.**

(a) Notwithstanding section 4 [IC 20-26-16-4] of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation or charter school police officer may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the school corporation or charter school police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

#### **IC 20-26-18.2-1. "School resource officer"; training requirements.**

(a) As used in this chapter, "school resource officer" means an individual who:

- (1) has completed the training described in subsection (b);
- (2) is assigned to one (1) or more school corporations or charter schools to:

(A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 [IC 20-26-18.2-2] of this chapter; and

(B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:

- (i) protect against outside threats to the physical safety of students;
- (ii) prevent unauthorized access to school property; and
- (iii) secure schools against violence and natural disasters; and

(3) is:

(A) employed by a law enforcement agency;

(B) appointed as a police reserve officer (as described in IC 36-8-3-20) or as a special deputy (as described in IC 36-8-10-10.6) if the police reserve officer or special deputy:

- (i) is subject to the direction of the sheriff or appointing law enforcement agency;
- (ii) is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;
- (iii) is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and
- (iv) may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or

(C) a school corporation police officer appointed under IC 20-26-16-3.

(b) Before being appointed as a school resource officer, an individual must have:

(1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and

(2) received at least forty (40) hours of school resource officer training through:

- (A) the Indiana law enforcement training board established by IC 5-2-1-3;
- (B) the National Association of School Resource Officers; or
- (C) another school resource officer training program approved by the Indiana law enforcement training board.

(c) Training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

- (1) school campuses; and
- (2) school building security needs and characteristics.

## **REGULATIONS**

### **513 IAC 1-1-18.5. "School resource officer" defined.**

Sec. 18.5. "School resource officer" has the meaning set forth in IC 20-26-18.2-1.



# Authorizations, Memoranda of Understanding (MOUs), and/or Funding

## LAWS

### IC 10-21-1-2. Indiana secured school fund; matching grant.

Sec 2(a) The Indiana secured school fund is established to provide:

(1) matching grants to school corporations, charter schools, and accredited nonpublic schools, where the matching grants may be used to:

(A) employ a school resource officer, employ a law enforcement officer, or enter into a contract or a memorandum of understanding with a:

- (i) local law enforcement agency;
- (ii) private entity; or
- (iii) nonprofit corporation;

to employ a school resource officer or a law enforcement officer;

(B) conduct:

- (i) a site vulnerability assessment of the buildings within a school corporation or the buildings that are operated by a charter school or accredited nonpublic school; or
- (ii) critical incident digital mapping of the buildings within a school corporation or the buildings that are operated by a charter school or accredited nonpublic school;

(C) purchase equipment, hardware materials, and technology to:

- (i) restrict access to school property and classrooms;
- (ii) assist with visitor management on school property;
- (iii) expedite notification of first responders;
- (iv) expedite access to school property for first responders;
- (v) provide school staff with information about the open or closed status of interior and exterior doors;
- (vi) detect fire, chemical, visual, or audible threats;
- (vii) enhance emergency communications inside the building; or
- (viii) assist with emergency medical response on school property;

(D) implement a student and parent support services plan as described in IC 20-34-9;

(E) purchase or provide training for a canine trained to detect drugs and illegal substances, explosives, or firearms, or to otherwise provide protection for students and school employees and the canine shall:

- (i) be primarily assigned to a school corporation, charter school, or accredited nonpublic school;
- (ii) be primarily assigned to a school resource officer or law enforcement officer described in clause (A) who has received appropriate training for handling a canine trained to detect drugs and illegal substances, explosives, or firearms, or to otherwise provide protection for students and school employees, including training regarding handling a canine in a school setting; and
- (iii) receive continuous training as appropriate;

(F) provide funding for school employees to receive training, including expenses for per diem, travel, and lodging, related to:

- (i) site vulnerability assessments;
- (ii) mental health or behavioral health threat assessments;
- (iii) multi-disciplinary threat assessment teams; or
- (iv) emergency preparedness or response activities;

(G) provide funding for school resource officers or law enforcement officers described in clause (A) to receive training, including expenses for per diem, travel, and lodging, related to handling a canine

trained to detect drugs and illegal substances, explosives, or firearms, or to otherwise provide protection for students and school employees;

(H) purchase student safety management technology;

(I) design and construct additions or renovations on school property if the primary purpose of the construction project is to enhance the physical security of the school building; or

(J) implement a bullying prevention program; and

(2) one (1) time grants to enable school corporations, charter schools, and accredited nonpublic schools with the sheriff for the county in which the school corporation, charter school, or accredited nonpublic school is located, to provide the initial set up costs for an active event warning system.

(b) A school corporation or charter school may use money received under a matching grant for a purpose listed in subsection (a) to provide a response to a threat in a manner that the school corporation or charter school sees fit, including firearms training or other self-defense training.

(c) The fund shall be administered by the department of homeland security.

(d) The fund consists of:

(1) appropriations from the general assembly;

(2) federal grants;

(3) amounts deposited from any other public or private source; and

(4) amounts deposited under IC 33-37-9-4.

(e) The expenses of administering the fund shall be paid from money in the fund.

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

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

**IC 10-21-1-4. Award of matching grants; amount and use of grants; match requirements; county school safety commission requirement.**

(a) The board may award a matching grant to enable a school corporation, charter school, or accredited nonpublic school (or a coalition of schools applying jointly) to:

(1) employ a school resource officer, employ a law enforcement officer, or enter into a contract or memorandum of understanding with a:

(A) local law enforcement agency;

(B) private entity; or

(C) nonprofit corporation;

to employ a school resource officer or a law enforcement officer;

(2) conduct a site vulnerability assessment of the buildings within a school corporation or the buildings that are operated by a charter school or accredited nonpublic school;

(3) conduct critical incident digital mapping of the buildings within a school corporation or the buildings that are operated by a charter school or accredited nonpublic school;

(4) purchase equipment, hardware, materials, and technology to:

(A) restrict access to school property and classrooms;

(B) assist with visitor management on school property;

(C) expedite notification of first responders;

(D) expedite access to school property for first responders;

(E) provide staff with information about open or closed status of interior and exterior doors;

- (F) detect fire, chemical, visual, or audible threats;
  - (G) enhance emergency communications inside the school building; or
  - (H) assist with emergency medical response on school property;
- (5) implement a student and parent support services plan in the manner set forth in IC 20-34-9;
- (6) purchase or provide training for a canine trained to detect drugs and illegal substances, explosives, or firearms, or to otherwise provide protection for students and school employees and the canine shall:
- (A) be primarily assigned to a school corporation, charter school, or accredited nonpublic school;
  - (B) be primarily assigned to a school resource officer or law enforcement officer described in subdivision (1)(A) who has received appropriate training for handling a canine trained to detect drugs and illegal substances, explosives, or firearms, or to otherwise provide protection for students and school employees, including training regarding handling a canine in a school setting; and
  - (C) receive continuous training as appropriate;
- (7) provide funding for:
- (A) school employees to receive training, including expenses for per diem, travel, and lodging, related to:
    - (i) site vulnerability assessments;
    - (ii) mental health or behavioral health threat assessments;
    - (iii) multi-disciplinary threat assessment teams; or
    - (iv) emergency preparedness or response activities; or
  - (B) school resource officers or law enforcement officers described in subdivision (1)(A) to receive training, including expenses for per diem, travel, and lodging, related to handling a canine trained to detect drugs and illegal substances, explosives, or firearms, or to otherwise provide protection for students and school employees;
- (8) design and construct additions or renovations on school property if the primary purpose of the construction project is to enhance the physical security of the school building;
- (9) provide one (1) time grants to enable school corporations, charter schools, and accredited nonpublic schools with the sheriff for the county in which the school corporation, charter school, or accredited nonpublic school is located to provide the initial set up costs for an active event warning system;
- (10) implement a bullying prevention program; or
- (11) purchase student safety management technology;
- in accordance with section 2(a) [IC 10-21-1-2(a)] of this chapter.

**IC 20-26-16-1. Application.**

This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12) and a charter school.

**IC 20-26-16-2. Authority to establish police department.**

The governing body of a school corporation or charter school may establish a school corporation or charter school police department under this chapter.

**IC 20-26-16-3. Authority to appoint officers; uniforms; vehicles.**

The governing body of a school corporation or the equivalent for a charter school may do the following for the school corporation or charter school police department:

- (1) Appoint school corporation or charter school police officers.

- (2) Prescribe the duties and direct the conduct of school corporation or charter school police officers.
- (3) Prescribe distinctive uniforms.
- (4) Provide emergency vehicles.

#### **IC 20-26-16-4. Minimum training requirements.**

An individual appointed as a school corporation or charter school police officer must successfully complete at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

#### **IC 20-26-16-5. Training for certain officers.**

(a) Notwithstanding section 4 [IC 20-26-16-4] of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation or charter school police officer may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the school corporation or charter school police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

#### **IC 20-26-16-6. School corporation police officers; oath; powers and duties; jurisdiction.**

(a) A school corporation or charter school police officer appointed under this chapter:

- (1) is a law enforcement officer (as defined in IC 5-2-1-2(1));
- (2) must take an appropriate oath of office in a form and manner prescribed by the governing body or the equivalent for a charter school;
- (3) serves at the governing body's (or the equivalent for a charter school) pleasure; and
- (4) performs the duties that the governing body or the equivalent for a charter school assigns.

(b) School corporation or charter school police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body or the equivalent for a charter school; however, any powers may be expressly forbidden them by the governing body (or the equivalent for a charter school) employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation or charter school in the enforcement of the rules and regulations of the school corporation or charter school and assist and cooperate with other law enforcement agencies and officers.

(c) Such police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the school corporation or charter school, including the streets passing through and adjacent to the property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

**IC 20-26-16-7. Existing school corporation police departments.**

A school corporation police department established before July 1, 2007, shall be considered, after June 30, 2007, a school corporation police department established under this chapter.

**IC 20-26-18.2-1. "School resource officer"; training requirements.**

- (a) As used in this chapter, "school resource officer" means an individual who:
- (1) has completed the training described in subsection (b);
  - (2) is assigned to one (1) or more school corporations or charter schools to:
    - (A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 [IC 20-26-18.2-2] of this chapter; and
    - (B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:
      - (i) protect against outside threats to the physical safety of students;
      - (ii) prevent unauthorized access to school property; and
      - (iii) secure schools against violence and natural disasters; and
  - (3) is:
    - (A) employed by a law enforcement agency;
    - (B) appointed as a police reserve officer (as described in IC 36-8-3-20) or as a special deputy (as described in IC 36-8-10-10.6) if the police reserve officer or special deputy:
      - (i) is subject to the direction of the sheriff or appointing law enforcement agency;
      - (ii) is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;
      - (iii) is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and
      - (iv) may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or
    - (C) a school corporation police officer appointed under IC 20-26-16-3.
- (b) Before being appointed as a school resource officer, an individual must have:
- (1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and
  - (2) received at least forty (40) hours of school resource officer training through:
    - (A) the Indiana law enforcement training board established by IC 5-2-1-3;
    - (B) the National Association of School Resource Officers; or
    - (C) another school resource officer training program approved by the Indiana law enforcement training board.
- (c) Training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:
- (1) school campuses; and
  - (2) school building security needs and characteristics.

**IC 20-26-18.2-2. Employment of school resource officer; memorandum of understanding; duties.**

- (a) A school resource officer may be employed:

(1) by one (1) or more school corporations or charter schools through a contract between a local law enforcement agency and the school corporation or school corporations or the charter school or charter schools;

(2) by one (1) or more school corporations or charter schools;

(3) by a local law enforcement agency that assigns the school resource officer to one (1) or more school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the school corporation or school corporations or the charter school or charter schools; or

(4) through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and the school corporation or school corporations or the charter school or charter schools.

(b) A contract or memorandum of understanding entered into under subsection (a) must state the nature and scope of a school resource officer's duties and responsibilities. A school resource officer's duties and responsibilities include the duty to assist the school corporation's school safety specialist with the development and implementation of a school safety plan that does the following:

(1) Protects against outside threats to the physical safety of students.

(2) Prevents unauthorized access to school property.

(3) Secures schools against violence and natural disasters.

(4) On or before July 1, 2020, identifies the location of bleeding control kits (as defined in IC 20-34-3-24(a)).

(c) A school resource officer shall consult with local law enforcement officials and first responders when assisting the school corporation's school safety specialist in the development of the school safety plan.

(d) A school resource officer shall participate in the development of programs designed to identify, assess, and provide assistance to troubled youth.

(e) A school resource officer may not be reassigned to other duties by the school corporation.

### **IC 20-26-18.2-3. School resource officer's police powers.**

(a) A school resource officer may:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property using the reasonable suspicion standard;

(3) carry a firearm on or off school property; and

(4) exercise other police powers with respect to the enforcement of Indiana laws.

(b) A school resource officer has jurisdiction in every county where the school corporation or charter school engaging the officer operates a school or where the school corporation or charter school's students reside. This subsection does not restrict the jurisdiction that a school resource officer may possess due to the officer's employment by a law enforcement agency.

### **IC 20-40-20-6. Uses of money in the fund; distributions to a charter school.**

(a) Subject to subsections (c) and (d), money in the fund may be used only for the following purposes:

(1) To employ or compensate a school resource officer or school resource officers.

(2) To establish or fund a school safety office.

(3) To conduct a threat assessment of a school building.

(4) To create or update a school safety plan.

(5) To develop or update school emergency response systems.

(6) To purchase equipment to improve the safety of a school building, school grounds, or school buses.

(7) To pay capital expenses to improve the safety of a school building.

(8) To establish and administer programs to address youth specific mental illness, addiction, anger management, bullying, and school violence.

(9) To develop and administer professional development programs for teachers, administrators, and other school employees designed to improve school safety and reduce violence.

(b) Except as provided in IC 20-46-9-22, a school corporation may distribute, with the approval of the majority of members of the governing body, a portion of the proceeds of a tax levy collected under IC 20-46-9 that is deposited in the fund to a charter school, excluding a virtual charter school, that is located within the attendance area of the school corporation, to be used by the charter school for the purposes described in subsection (a).

(c) Expenditures paid using money collected from the levy shall be included in a school's safety plan.

(d) Local law enforcement shall participate in:

(1) development of a school safety plan;

(2) development or updates to school emergency response systems; and

(3) determination of capital expenses that would improve the safety of a school building.

(e) Money in the fund may be transferred to the school corporation's education fund (IC 20-40-2), operations fund (IC 20-40-18), or school safety referendum debt service fund (IC 20-40-21), as applicable, to pay for expenditures listed in subsection (a).

## **REGULATIONS**

No relevant regulations found.

## **Threat Assessment Protocols**

### **LAWS**

#### **IC 10-21-1-2. Indiana secured school fund; matching grant.**

(a) The Indiana secured school fund is established to provide:

(1) matching grants to school corporations, charter schools, and accredited nonpublic, where the matching grants may be used to:

(B)conduct a site vulnerability assessment of the buildings within a school corporation or the buildings that are operated by a charter school or accredited nonpublic school.

#### **IC 10-21-1-4. Award of matching grants; amount and use of grants; match requirements; county school safety commission requirement**

(a) The board may award a matching grant to enable a school corporation, charter school, or accredited nonpublic school (or a coalition of schools applying jointly) to:

(2) conduct a site vulnerability assessment of the buildings within a school corporation or the buildings that are operated by a charter school or accredited nonpublic school, in accordance with section 2(a) [IC 10-21-1-2(a)] of this chapter.

#### **IC 10-21-1-5. Matching grant application procedure.**

(c)This subsection applies to an application from a school corporation, charter school, or accredited nonpublic school (or coalition of public and accredited nonpublic schools applying jointly). Each school corporation, charter school, or accredited nonpublic school shall certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has:

(1) conducted a site vulnerability assessment for each school building used by the school corporation, charter school, or accredited nonpublic school.

**IC 10-21-1-10. School safety plan; requirements; withholding from public disclosure.**

(a) A school corporation shall develop a school safety plan in accordance with subsection (c) for review as described in section 11 [IC 10-21-1-11] of this chapter.

(b) Each charter school shall develop a school safety plan in accordance with subsection (c) for review as described in section 11 of this chapter. A charter school in operation on July 1, 2023, shall comply with this subsection on or before July 1, 2024.

(c) The school safety plan:

(1) must be developed by a school safety specialist and the school's safe school committee, including a school resource officer if one (1) is employed by the school corporation or charter school, in consultation with the:

(A) law enforcement agency; and

(B) fire department;

that have jurisdiction over the particular school building;

(2) must:

(A) protect against outside and internal threats to the physical safety of students, faculty, staff, and the public, including unsafe conditions, crime prevention, school violence, bullying and cyberbullying, criminal organization activity, child abuse and child sexual abuse, mental health and behavioral health, suicide awareness and prevention, and other issues that prevent the maintenance of a safe school;

(B) prevent unauthorized access to school property and interior areas or rooms, including the management of authorized visitors on school property, before, during, and after regular school hours;

(C) secure schools against natural and manmade disasters, including all emergency preparedness drill requirements set forth in IC 20-34-3-20;

(D) include a site vulnerability assessment for each school building;

(E) not later than July 1, 2025, include the establishment of a multi-disciplinary threat assessment team;

(F) include measures to expedite notification of first responders and access to school property for first responders; and

(G) include any additional requirements required by the Indiana state board of education;

(3) must be provided to a member of the board if a member requests the school safety plan;

(4) must be available for inspection by the department of education's division of school building physical security and safety (as established by IC 20-19-3-14);

(5) must be provided to the law enforcement agency and the fire department that have jurisdiction over the school corporation or charter school;

(6) must include an attestation that:

(A) a copy of the floor plans for each building located on the school's property were provided to the law enforcement agency and the fire department that have jurisdiction over the school corporation or charter school that clearly indicates each entrance and exit, the interior rooms and hallways, and the location of any hazardous materials located in the building; or

(B) the school corporation or charter school has conducted critical incidence digital mapping for each school building within the school corporation or the buildings that are operated by a charter school, including providing the critical incidence digital mapping information to:

(i) the law enforcement agency and fire department that have jurisdiction over the mapped school buildings; and



(ii) the statewide 911 system described in IC 36-8-16.7-22 through the public safety answer point, or “PSAP”, described in IC 36-8-16.7-20 that has jurisdiction over the mapped school buildings; and

(7) must be filed with the county school safety commission under section 12 [IC 10-21-1-12] of this chapter having jurisdiction over the school corporation or charter school.

(d) For purposes of IC 5-14-3, the entities specified in subsection (c) that receive information under this section shall keep the information compiled and retained under this section confidential and shall withhold the information from public disclosure.

**IC 10-21-1-14. Safe school committee establishment; school safety plan participation; school policy development.**

(a) Each school operated by a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5. Each committee may include at least one (1) member who is a member of the support staff of the school or school corporation career and technical education school.

(b) Each school operated by a charter school shall establish a safe school committee. A charter school in operation on July 1, 2023, shall comply with this subsection not later than July 1, 2024.

(c) The safe school committee shall actively participate in and assist with the development of the school safety plan.

(d) The department of education, the school corporation’s or charter school’s school safety specialist or specialists, and a school resource officer, if one (1) is employed by the school corporation or charter school, shall provide materials and guidelines to assist a safe school committee in developing a policy for a particular school that addresses the following issues:

(1) Implementation of the school safety plan.

(2) Addressing outside and internal threats to the physical safety of students, faculty, staff, and the public, including unsafe conditions, crime prevention, school violence, bullying and cyberbullying, criminal organization activity, child abuse and child sexual abuse, mental health and behavioral health, suicide awareness and prevention, and other issues that prevent the maintenance of a safe school.

**IC 20-40-20-6. Uses of money in the fund; distributions to a charter school.**

(a) Subject to subsections (c) and (d), money in the fund may be used only for the following purposes:

(2) To conduct a threat assessment of a school building.

**REGULATIONS**

No relevant regulations found.

## State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Indiana provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Alternative Education, Indiana Department of Education (IDOE)	Provides information and resources on alternative forms of education support designed for at-risk students including shared characteristics of successful alternative programs, best practices, and additional documents.	<a href="https://www.in.gov/doe/grants/alternative-education/">https://www.in.gov/doe/grants/alternative-education/</a>
Bullying & Cyberbullying Prevention and Response, IDOE	Provides links to reporting, prevention, school policy, staff training, resources, student services, and contact information related to bullying.	<a href="https://www.in.gov/doe/students/school-safety-and-wellness/bullying-prevention-resources/">https://www.in.gov/doe/students/school-safety-and-wellness/bullying-prevention-resources/</a>
Commission on Seclusion and Restraint in Schools, IDOE	Provides links to resources, trainings, and commission on Seclusion and Restraints in schools as well as the Model Restraint and Seclusion Plan.	<a href="https://www.in.gov/doe/legal/commission-on-seclusion-and-restraint/">https://www.in.gov/doe/legal/commission-on-seclusion-and-restraint/</a>
Title	Description	Website address (if applicable)
<i>Documents</i>		
Comprehensive Positive School Discipline Resource Guide, IDOE	Resource guide to assist schools and districts by providing information and tools to further the development of Positive School Discipline practices, including related topics such as code of conduct, cyber-bullying, and bullying prevention and intervention.	<a href="https://www.in.gov/children/files/comprehensive-positive-school-discipline-resource-guide.pdf">https://www.in.gov/children/files/comprehensive-positive-school-discipline-resource-guide.pdf</a>
Model Restraint and Seclusion Plan, IDOE	State model plan providing guidance to school corporations regarding the limited use of either seclusion or restraint of students.	<a href="https://www.in.gov/doe/files/indiana-commission-restraint-seclusion-model-plan.pdf">https://www.in.gov/doe/files/indiana-commission-restraint-seclusion-model-plan.pdf</a>
Model School Corporation Policy on Anti-Bullying, IDOE	State model policy addressing anti-bullying in accordance with state law.	<a href="https://www.in.gov/doe/files/model-school-corporation-policy.docx">https://www.in.gov/doe/files/model-school-corporation-policy.docx</a>

Title	Description	Website address (if applicable)
Social Emotional Learning Toolkit, 2018, IDOE	Toolkit for school districts and educators to train and prepare school staff for helping students develop and achieve social-emotional learning.	<a href="https://digitalcommons.butler.edu/cgi/viewcontent.cgi?article=1160&amp;context=coe_papers">https://digitalcommons.butler.edu/cgi/viewcontent.cgi?article=1160&amp;context=coe_papers</a>
<i>Other Resources</i>		
Supporting Student Success through Culturally Responsive Practice (Video), IDOE	Instructional video related to reviewing school policies and practices to promote equity and culturally responsive learning environments.	<a href="https://www.youtube.com/watch?v=U2HzvGU7Zlw&amp;feature=youtu.be">https://www.youtube.com/watch?v=U2HzvGU7Zlw&amp;feature=youtu.be</a>