Reference Guide of Indiana Laws Related to School Safety

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I. Indiana School Safety Specialist Academy

IC 5-2-10.1-9
School safety specialists; duties

Sec. 9. (a) Each school corporation shall designate an individual to serve as the school safety specialist for the school corporation.

(b) The school safety specialist shall be chosen by the superintendent of the school corporation with the approval of the governing body.

(c) The school safety specialist shall perform the following duties:

(1) Serve on the county school safety commission, if a county school safety commission is established under section 10 of this chapter.

(2) Participate each year in a number of days of school safety training that the council determines.

(3) With the assistance of the county school safety commission, if a county school safety commission is established under section 10 of this chapter, develop a safety plan for each school in the school corporation.

(4) Coordinate the safety plans of each school in the school corporation as required under rules adopted by the Indiana state board of education.

(5) Act as a resource for other individuals in the school corporation on issues related to school discipline, safety, and security.

(d) A school safety plan:

(1) Developed by the school safety specialist must include the requirements set forth in IC 20-26-18.2-2(b);

(2) Must be provided to a member of the secured school safety board (as established by IC 10-21-1-3) if a member requests the plan; and

(3) Shall be filed with the county school safety commission under IC 5-2-10.1-10 if the county has established a county school safety commission.

IC 5-2-10.1-11
School safety specialist training and certification program

Sec. 11. (a) The school safety specialist training and certification program is established.

(b) The school safety specialist training program shall provide:

(1) annual training sessions, which may be conducted through distance learning or at regional centers; and

(2) information concerning best practices and available resources;

for school safety specialists and county school safety commissions.

(c) The department of education shall do the following:

(1) Assemble an advisory group of school safety specialists from around the state to make recommendations concerning the curriculum and standards for school safety specialist training.

(2) Develop an appropriate curriculum and the standards for the school safety specialist training and certification program. The department of education may consult with national school safety experts in developing the curriculum and standards. The curriculum developed under this subdivision must include training in:

(A) Identifying, preventing, and intervening in bullying; and

(B) Identifying, preventing, and intervening in criminal gang activity.

(3) Administer the school safety specialist training program and notify the institute of candidates for certification who have successfully completed the training program.

(d) The institute shall do the following:

(1) Establish a school safety specialist certificate.

(2) Review the qualifications of each candidate for certification named by the department of education.

(3) Present a certificate to each school safety specialist that the institute determines to be eligible for certification.

IC 20-19-3-14
Division of School Building Physical Security and Safety

Sec. 14 (a) As used in this section, "division" refers to the division of school building physical security and safety established by subsection (c).

(b) As used in this section, "physical security" refers to security measures that are designed to deny unauthorized access to a building or facility, including equipment and resources, and to protect individuals and property from damage or harm.

(c) The division of school building physical security and safety is established within the department.

(d) The division shall:

(1) establish and maintain guidelines for using professional architectural and engineering services to integrate physical security improvements and safety practices in the construction, renovation, repair, or alteration of a school facility;

(2) carry out the department's responsibilities with regards to the school safety specialist training and certification program established in IC 5-2-10.1-11;

(3) establish and maintain guidelines for establishing emergency response protocols in cooperation with other state agencies;

(4) carry out the department's responsibilities under IC 5-2-10.1-12;

(5) coordinate the department's response and recovery assistance to a school in the event of a manmade or natural disaster;

(6) provide information and guidance to assist school corporations or schools to establish mutual aid disaster assistance agreements with other schools or school corporation; and

(7) study and collect information to integrate lessons learned from previous school disasters throughout the country into the curriculum of the school safety specialist training and certification program established in IC 5-2-10.1-11 and guidelines established by the division under this subsection.

(e) The division may, upon request by a school corporation:

(1) review a school safety plan;

(2) provide an onsite safety review for a school; and

(3) provide guidance or assistance relating to school safety matters to the school corporation.

(f) The division shall maintain a secure Internet web site to provide school officials and public safety officials access to information that is considered classified under IC 5-14-3-4(b)(1), IC 5-14-3-4(b)(18), and IC 5-14-3-4(b)(19) or other sensitive information that

may assist school officials and public safety officials in improving school safety or responding to a manmade or natural disaster.

(g) The division shall maintain a public Internet web site that contains:

(1) the guidelines established by the division under subsection (d);

(2) best practices pertaining to school safety; and

(3) any other information the division determines may be necessary to carry out the division's duties or responsibilities under this section.

II. County School Safety Commissions

IC 5-2-10.1-10

County school safety commissions; members; duties

Sec. 10. (a) A county may establish a county school safety commission.

(b) The members of the commission are as follows:

(1) The school safety specialist for each school corporation located in whole or in part in the county.

(2) The judge of the court having juvenile jurisdiction in the county or the judge's designee.

(3) The sheriff of the county or the sheriff's designee.

(4) The chief officer of every other law enforcement agency in the county, or the chief officer's designee.

(5) A representative of the juvenile probation system, appointed by the judge described under subdivision (2).

(6) Representatives of community agencies that work with children within the county.

(7) A representative of the Indiana state police district that serves the county.

(8) A representative of the Prosecuting Attorneys Council of Indiana who specializes in the prosecution of juveniles.

(9) Other appropriate individuals selected by the commission.

(c) If a commission is established, the school safety specialist of the school corporation having the largest ADM (as defined in IC 20-18-2-2) in the county shall convene the initial meeting of the commission.

(d) The members shall annually elect a chairperson.

(e) A commission shall perform the following duties:

(1) Perform a cumulative analysis of school safety needs within the county.

(2) Coordinate and make recommendations for the following:

(A) Prevention of juvenile offenses and improving the reporting of juvenile offenses within the schools.

(B) Proposals for identifying and assessing children who are at high risk of becoming juvenile offenders.

(C) Methods to meet the educational needs of children who have been detained as juvenile offenders.

(D) Methods to improve communications among agencies that work with

children.

(E) Methods to improve security and emergency preparedness.

(F) Additional equipment or personnel which are necessary to carry out safety plans.

(G) Any other topic the commission considers necessary to improve school safety within the school corporations within the commission's jurisdiction.

(3) Provide assistance to the school safety specialists on the commission in developing and requesting grants for safety plans.

(4) Provide assistance to the school safety specialists on the commission and the participating school corporations in developing and requesting grants for school safe haven programs under section 7 of this chapter.

(5) Assist each participating school corporation in carrying out the school corporation's safety plans.

(f) The affirmative votes of a majority of the voting members of the commission are required for the commission to take action on a measure.

(g) A commission shall receive the school safety plans described in IC 20-26-18.2-2(c) for the schools and school corporations located in the county. The commission may share the school safety plans with law enforcement agencies.

III. Safe School Committees

IC 5-2-10.1-12
Safe school committees; school plans

Sec. 12. (a) Each 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) The department of education, the school corporation's school safety specialist, and upon request, a school resource officer (as described in IC 20-26-18.2-1) shall provide materials and guidelines to assist a safe school committee in developing a plan and policy for the school that addresses the following issues:

(1) Unsafe conditions, crime prevention, school violence, bullying, criminal organization activity, and other issues that prevent the maintenance of a safe school.

(2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).

(3) Methods to encourage:

(A) involvement by the community and students;

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

(C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any

hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

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

(1) developing and implementing bullying prevention programs;
(2) establishing investigation and reporting procedures related to bullying; and
(3) adopting discipline rules that comply with IC 20-33-8-13.5.

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

IV. Bullying Definition and Discipline Rules

IC 20-33-8-0.2
"Bullying"

Sec. 0.2. 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 in 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 20-26-5-34.2

Sec. 34.2. 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

IC 20-30-5-5.5

Sec.5.5 (a) Not later than October 15 of each year, each public school shall provide age appropriate, research based instruction as provided under IC 5-2-10.1-12(d)(1) 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 20-33-8-13.5

Discipline rules prohibiting bullying required

Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 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) timetables for reporting of bullying incidents to the parent of both the targeted student and the bully, in an expedited manner;

(iv) 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;

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

(vi) 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 an 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; or

(3) computer network;

(d) 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.

(e) 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.

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

V. Suspension and Expulsion

IC 20-33-8-14
Grounds for suspension or expulsion
Sec. 14. (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
Sec. 15. In addition to the grounds specified in section 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.

VI. Weapons

IC 20-33-8-16
Possession of firearms, deadly weapons, or destructive devices
Sec. 16. (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 35-41-1-8. 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 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 disabilities (as defined in IC 20-35-7-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

IC 35-47-2-23
Violations; classes of misdemeanors and felonies

Sec. 23. (a) A person who violates section 3, 4, 5, 14, 15, or 16 of this chapter commits a Class B misdemeanor.

(b) A person who violates section 7, 17, or 18 of this chapter commits a Class C felony.

(c) A person who violates section 1 of this chapter commits a Class A misdemeanor. However, the offense is a Class C felony:

(1) if the offense is committed:
(A) on or in school property;
(B) within one thousand (1,000) feet of school property; or
(C) on a school bus; or

(2) if the person:
(A) has a prior conviction of any offense under:
(i) this subsection; or
(ii) subsection (d); or
(B) has been convicted of a felony within fifteen (15) years before the date of the offense.

(d) A person who violates section 22 of this chapter commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior conviction of any offense under this subsection or subsection (c), or if the person has been convicted of a felony within fifteen (15) years before the date of the offense.

IC 35-47-9-1
Exemptions from chapter

Sec. 1. This chapter does not apply to the following:

(1) A:
(A) federal;
(B) state; or
(C) local;
law enforcement officer.

(2) A person who may legally possess a firearm and who has been authorized by:
(A) a school board (as defined by IC 20-26-9-4); or
(B) The body that administers a charter school established under IC 20-24; to carry a firearm in or on school property.

(3) Except as provided in subsection (b) or (c), a person who:
(A) may legally possess a firearm; and
(B) possesses the firearm in a motor vehicle.

(4) A person who is a school resource officer, as defined in IC 20-26-18.2-1

(5) Except as provided in subsection (b) or (c), a person who:
(A) may legally possess a firearm; and

(B) possesses only a firearm that is:
(i) locked in the trunk of the person's motor vehicle;
(ii) kept in the glove compartment of the person' locked motor vehicle; or
(iii) stored out of plain sight in the person's locked motor vehicle.

(b) For purposes of subsection (a)(3) and (a)(5), a person does not include a person who is:
(1) enrolled as a student in any high school except if the person is a high school student and is a member of a shooting sports team and the school's principal has approved the person keeping a firearm concealed in the person's motor vehicle on the days the person is competing or practicing as a member of a shooting sports team; or
(2) a former student of the school if the person is no longer enrolled in the school due to a disciplinary action within the previous twenty-four (24) months.

(c) For purposes of subsection (a)(3) and (a)(5), a motor vehicle does not include a motor vehicle owned, leased, or controlled by a school or school district unless the person who possesses the firearm is authorized by the school or school district to possess a firearm.

IC 35-47-9-2
Possession of firearms on school property, at school function, or on school bus; felony

Sec.2. (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.

IC 35-47-5-2.5
Possession of a knife on school property

35-47-5-2.5 Sec. 2.5. (a) As used in this section, "knife" means an instrument that:
(1) consists of a sharp edged or sharp pointed blade capable of inflicting cutting, stabbing, or tearing wounds; and
(2) is intended to be used as a weapon.

(b) The term includes a dagger, dirk, poniard, stiletto, switchblade knife, or gravity knife.

(c) A person who recklessly, knowingly, or intentionally possesses a knife on:

(1) school property (as defined in IC 35-41-1-24.7);

(2) a school bus (as defined in IC 20-27-2-8); or

(3) a special purpose bus (as defined in IC 20-27-2-10);

commits a Class B misdemeanor. However, the offense is a Class A misdemeanor if the person has a previous unrelated conviction under this section and a Class D felony if the offense results in bodily injury or serious bodily injury to another person.

(d) This section does not apply to a person who possesses a knife:

(1) if:

(A) the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and

(B) the person uses the knife for a purpose authorized by the school corporation; or

(2) if the knife is secured in a motor vehicle.

VII. Autism Training

IC 20-26-5-31

Sec. 31. (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.

VIII. School Corporation Police Departments

IC 20-26-16

Chapter 16. School Corporation Police Departments

IC 20-26-16-1

Application

Sec. 1. This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12).

As added by P.L.132-2007, SEC.7.

IC 20-26-16-2
Authority to establish police department

Sec. 2. The governing body of a school corporation may establish a school corporation police department under this chapter.

As added by P.L.132-2007, SEC.7.

IC 20-26-16-3
Authority to appoint officers; uniforms; vehicles

Sec. 3. The governing body of a school corporation may do the following for the school corporation police department:

(1) Appoint school corporation police officers.
(2) Prescribe the duties and direct the conduct of school corporation police officers.
(3) Prescribe distinctive uniforms.
(4) Provide emergency vehicles.

As added by P.L.132-2007, SEC.7.

IC 20-26-16-4
Minimum training requirements

Sec. 4. An individual appointed as a school corporation 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.

As added by P.L.132-2007, SEC.7.

IC 20-26-16-5
Training for certain officers

Sec. 5. (a) Notwithstanding section 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 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 police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

As added by P.L.132-2007, SEC.7.

IC 20-26-16-6
School corporation police officers; oath; powers and duties; jurisdiction

Sec. 6. (a) A school corporation 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;

(3) serves at the governing body's pleasure; and

(4) performs the duties that the governing body assigns.

(b) School corporation 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; however, any powers may be expressly forbidden them by the governing body 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 in the enforcement of the rules and regulations of the school corporation, 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, 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.

As added by P.L.132-2007, SEC.7.

IC 20-26-16-7
Existing school corporation police departments

Sec. 7. 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.

IX. Information Sharing

IC 20-33-7-3
Report of educational records without parental consent

Sec. 3. (a) As used in this section, "juvenile justice agency" has the meaning set forth in IC 10-13-4-5.

(b) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent under the following conditions:

(1) The disclosure or reporting of education records is to a state or local juvenile justice agency.

(2) The disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released.

(3) The juvenile justice agency receiving the information certifies, in writing, to the entity providing the information that the agency or individual receiving the information has agreed not to disclose it to a third party, other than another juvenile justice agency, without the consent of the child's parent.

(c) For purposes of subsection (b)(2), a disclosure or reporting of education records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the juvenile justice agency seeking the information provides sufficient information to enable the keeper of the education records to
determine that the juvenile justice agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to supervision of the child as an adjudicated delinquent child.

(d) A school corporation to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent, if the child has been suspended or expelled and referred to a court in accordance with an agreement for court assisted resolution of suspension and expulsion cases under IC 20-33-8.5. The request for the education records of a child by a court must be for the purpose of assisting the child before adjudication.

(e) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply that:

(1) discloses or reports on the education records of a child, including personally identifiable information contained in the education records, in violation of this section; and

(2) makes a good faith effort to comply with this section;
is immune from civil liability.

As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.21.

IC 31-37-4-3
Notification of Arrest of Child

IC 31-37-4-3 Version b

Note: This version of section amended by P.L.158-2013, SEC.326, effective 7-1-2014. See also preceding version of this section amended by P.L.172-2013, SEC.8.

Sec. 3. (a) This section applies if a child is arrested or taken into custody for allegedly committing an act that would be any of the following crimes if committed by an adult:

(1) Murder (IC 35-42-1-1).
(2) Attempted murder (IC 35-41-5-1).
(3) Voluntary manslaughter (IC 35-42-1-3).
(4) Involuntary manslaughter (IC 35-42-1-4).
(5) Reckless homicide (IC 35-42-1-5).
(6) Aggravated battery (IC 35-42-2-1.5).

(7) Battery (IC 35-42-2-1).
(8) Kidnapping (IC 35-42-3-2).
(9) A sex crime listed in IC 35-42-4-1 through IC 35-42-4-8.
(10) Sexual misconduct with a minor (IC 35-42-4-9).
(11) Incest (IC 35-46-1-3).
(12) Robbery as a Level 2 felony or a Level 3 felony (IC 35-42-5-1).
(13) Burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or Level 4 felony (IC 35-43-2-1).
(14) Assisting a criminal as a Level 5 felony (IC 35-44.1-2-5).
(15) Escape (IC 35-44.1-3-4) as a Level 4 felony or Level 5 felony.
(16) Trafficking with an inmate as a Level 5 felony (IC 35-44.1-3-5).
(17) Causing death when operating a vehicle (IC 9-30-5-5).
(18) Criminal confinement (IC 35-42-3-3) as a Level 2 or Level 3 felony.
(19) Arson (IC 35-43-1-1) as a Level 2 felony, Level 3 felony, or Level 4 felony.
(20) Possession, use, or manufacture of a weapon of mass destruction (IC 35-47-12-1).
(21) Terroristic mischief (IC 35-47-12-3) as a Level 2 or Level 3 felony.
(22) Hijacking or disrupting an aircraft (IC 35-47-6-1.6).
(23) A violation of IC 35-47.5 (controlled explosives) as a Level 2 felony, Level 3 felony, or Level 4 felony.
(24) A controlled substances offense under IC 35-48.
(25) A criminal gang offense under IC 35-45-9.

(b) If a child is taken into custody under this chapter for a crime or act listed in subsection (a), the law enforcement agency that employs the law enforcement officer who takes the child into custody shall notify the chief administrative officer of the primary or secondary school, including a public or nonpublic school, in which the child is enrolled or, if the child is enrolled in a public school, the superintendent of the school district in which the child is enrolled:
(1) that the child was taken into custody; and
(2) of the reason why the child was taken into custody.

(c) The notification under subsection (b) must occur within forty-eight (48) hours after the child is taken into custody.

(d) A law enforcement agency may not disclose information that is confidential under state or federal law to a school or school district under this section.

As added by P.L.67-2007, SEC.2. Amended by P.L.3-2008, SEC.240; P.L.125-2012, SEC.404; P.L.126-2012, SEC.42; P.L.158-2013, SEC.326.

IC 31-39-2-13.8
Information Sharing with Juvenile Court

Sec. 13.8. (a) The juvenile court may grant a school access to all or a portion of the juvenile court records of a child who is a student at the school if:
(1) the superintendent, or the superintendent's designee;
(2) the chief administrative officer of a nonpublic school, or the chief administrative

officer's designee; or

(3) the individual with administrative control within a charter school, or the individual's designee;

submits a written request that meets the requirements of subsection (b).

(b) A written request must establish that the juvenile court records described in subsection (a) are necessary for the school to:

(1) serve the educational needs of the child whose records are being released; or

(2) protect the safety or health of a student, an employee, or a volunteer at the school.

(c) A juvenile court that releases juvenile court records under this section shall provide notice to the child and to the child's parent, guardian, or custodian that the child's juvenile records have been disclosed to the school.

(d) A juvenile court that releases juvenile court records under this section shall issue an order requiring the school to keep the juvenile court records confidential. A confidentiality order issued under this subsection does not prohibit a school that receives juvenile court records from forwarding the juvenile records to:

(1) another school;

(2) a person if a parent, guardian, or custodian of the child consents to the release of the juvenile court records to the person; or

(3) an entity listed in IC 31-39-9-1.

A school or a person that receives juvenile court records under this subsection must keep the juvenile court records confidential.

IC 31-39-9

Chapter 9. Exchange of Information Concerning Delinquent Children

IC 31-39-9-1

Exchange of information regarding delinquent children

Sec. 1. The following entities and agencies may exchange records of a child who is a child in need of services or has been determined to be a delinquent child under IC 31-37-1-2, if the information or records are not confidential under state or federal law:

(1) A court.

(2) A law enforcement agency.

(3) The department of correction.

(4) The department of child services.

(5) The office of the secretary of family and social services.

(6) A primary or secondary school, including a public or nonpublic school.

(7) The department of child services ombudsman established by IC 4-13-19-3.

IC 35-50-8

Student Delinquency and Criminal Conviction Information

Sec. 1. (a) If an individual is enrolled in a primary or secondary school, including a public or nonpublic school, and:

(1) is convicted of:

(A) a Class A felony;
(B) a Class B felony;
(C) a Class C felony; or
(D) at least two (2) Class D felonies; or
(2) has been adjudicated as a delinquent child for:
(A) an act that would be:
(i) a Class A felony;
(ii) a Class B felony; or
(iii) a Class C felony; or
(B) acts that would be at least two (2) Class D felonies;
if committed by an adult;
the judge who presided over the trial, accepted the plea agreement, or adjudicated the child a delinquent child shall give written notification of the conviction or adjudication to the chief administrative officer of the primary or secondary school, including a public or nonpublic school, or, if the individual is enrolled in a public school, the superintendent of the school district in which the individual is enrolled.

(b) Notification under subsection (a) must occur within seven (7) days after the conclusion of the trial, the date a plea agreement is accepted, or the date the child is adjudicated a delinquent child.

(c) The notification sent to a school or school district under subsection (a) must include only:

(1) the felony for which the individual was convicted or that the individual would have committed if the individual were an adult; and

(2) the individual's sentence or juvenile law disposition.

(d) If the court later modifies the individual's sentence or juvenile law disposition after giving notice under this section, the court shall notify the school or the school district in which the individual is enrolled of the sentence or disposition modification.

X. Attendance Records Review and Enforcement

IC 20-33-2-20
Attendance records

Sec. 20. (a) An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

(b) In a public school, the record shall be open at all times for inspection by:

(1) attendance officers;

(2) school officials; and

(3) agents of the department of labor.

Every teacher shall answer fully all lawful inquiries made by an attendance officer, a school official, or an agent of the department of labor.

(c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon request of the:

(1) state superintendent; or

(2) superintendent of the school corporation in which the nonpublic school is located.

IC 20-33-2-26
Enforcement of chapter

Sec. 26. (a) It is the duty of each:
(1) superintendent;
(2) attendance officer; and
(3) state attendance official;

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.

(b) An affidavit against a parent for a violation of this chapter 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 the circuit court of the county in which the affected child resides. The prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.

XI. Locker Searches

IC 20-33-8-32
Locker searches

Sec. 32. (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.

XII. Duty to Report Substance Use and Threats

IC 20-33-9-5
Controlled substance violations; reports by school employees

Sec. 5. 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 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 (1000) 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.

As added by P.L. 1-2005, SEC. 17.

IC 20-33-9-6
Controlled substance violations; reports by members of administrative staffs

Sec 6. 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 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.

As added by P.L. 1-20005, SEC.17.

IC 20-33-9-10
Duty to report threat

Sec. 10. 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 20-33-9-11
Procedure to make report

Sec. 11. (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 of this chapter.

IC 20-33-9-12
Relief of obligation to report

Sec. 12. 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 20-33-9-13
Oral report to local law enforcement agency

Sec. 13. An individual who has a duty under sections 10 through 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 20-33-9-14
Immunity from liability

Sec. 14. Except as provided in section 15 of this chapter, an individual, other than a person accused of making a threat against a school employee, intimidating a school employee, committing a battery against a school employee, or harassing a school employee, who:

(1) makes, or causes to be made, a report under this chapter; or
(2) participates in any judicial proceeding or other proceeding:
(A) resulting from a report under this chapter; or
(B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

IC 20-33-9-15
Liability

Sec. 15. An individual who has acted maliciously or in bad faith is not immune from civil or criminal liability under this chapter.

IC 20-33-9-16
Good faith

Sec. 16. An individual making a report under sections 10 through 14 of this chapter or assisting in any requirement of sections 10 through 14 of this chapter is presumed to have acted in good faith.

XIII. Sex Offenders

IC 35-42-4-10
Unlawful employment near children

Sec. 10. (a) As used in this section, "offender against children" means a person who is an offender against children under IC 35-42-4-11.

(b) As used in this section, "sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5.

(c) A sexually violent predator or an offender against children who knowingly or intentionally works for compensation or as a volunteer:

(1) on school property;
(2) at a youth program center; or
(3) at a public park;

commits unlawful employment near children by a sexual predator, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under IC 11-8-8.

IC 35-42-4-11
Sex offender residency restrictions

Sec. 11. (a) As used in this section, and except as provided in subsection (d), "offender against children" means a person required to register as a sex or violent offender under IC 11-8-8 who has been:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or
(2) convicted of one (1) or more of the following offenses:
(A) Child molesting (IC 35-42-4-3).
(B) Child exploitation (IC 35-42-4-4(b)).
(C) Child solicitation (IC 35-42-4-6).
(D) Child seduction (IC 35-42-4-7).
(E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age and the person is not the child's parent or guardian.
(F) Attempt to commit or conspiracy to commit an offense listed in clauses (A) through (E).
(G) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (F).

A person is an offender against children by operation of law if the person meets the conditions described in subdivision (1) or (2) at any time.

(b) As used in this section, "reside" means to spend more than three (3) nights in:

(1) a residence; or
(2) if the person does not reside in a residence, a particular location;

in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:
(A) school property, not including property of an institution providing post-

secondary education;

(B) a youth program center; or

(C) a public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a Class D felony.

(d) This subsection does not apply to an offender against children who has two (2) or more unrelated convictions for an offense described in subsection (a). A person who is an offender against children may petition the court to consider whether the person should no longer be considered an offender against children. The person may file a petition under this subsection not earlier than ten (10) years after the person is released from incarceration, probation, or parole, whichever occurs last. A person may file a petition under this subsection not more than one (1) time per year. A court may dismiss a petition filed under this subsection or conduct a hearing to determine if the person should no longer be considered an offender against children. If the court conducts a hearing, the court shall appoint two (2) psychologists or psychiatrists who have expertise in criminal behavioral disorders to evaluate the person and testify at the hearing. After conducting the hearing and considering the testimony of the two (2) psychologists or psychiatrists, the court shall determine whether the person should no longer be considered an offender against children. If a court finds that the person should no longer be considered an offender against children, the court shall send notice to the department of correction that the person is no longer considered an offender against children.

IC 35-42-4-14

Sex offender restrictions

Sec. 14. (a) As used in this section, “serious sex offender: means a person required to register as a sex offender under IC 11-8-8 who is:

(1) found to be a sexually violent predator under IC 35-38-1-7.5; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b)).

(C) Possession of child pornography (IC 35-42-4-4(c)).

(D) Vicarious sexual gratification (IC 35-42-4-5(a) and IC 35-42-4-5(b)).

(E) Performing sexual conduct in the presence of a minor(IC 35-42-4-5(c)).

(F) Child solicitation (IC 35-42-4-6).

(G) Child seduction (IC 35-42-4-7).

(H) Sexual misconduct with a minor (IC 35-42-4-9).

(I) A conspiracy or an attempt to commit an offense described in clauses (A) through (H).

(J) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (I).

(b) A serious sex offender who knowingly or intentionally enters school property commits unlawful entry by a serious sex offender, a Level 6 felony.

XIV. Background checks

IC 20-26-2-1.5

Sec. 1.5 "Expanded criminal history check" means a criminal history background check of an individual that includes:

(1) a background check by a consumer reporting agency regulated under 15 U.S.C 1681 et seq. that does not include a written, oral, or other communication of information concerning the individual's credit score, creditworthiness, credit standing, or credit capacity, but does include a:
  (A) verification of the applicant's identity;
  (B) search of all names associated with the applicant;
  (C) search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided;
  (D) search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state;
  (E) search of the United States district court records from the districts in which the applicant resided;
  (F) check of sex offender registries in every state or the national sex offender registry maintained by the United States Department of Justice; and
  (G) multistate criminal data base search; or

(2) a:
  (A) national criminal history background check (as defined in IC 10-13-3-12); and
  (B) check of:
    (i) sex offender registries in all fifty (50) states; or
    (ii) the national sex offender registry maintained by the United States Department of Justice.

IC 20-26-5-10

Criminal history information policy; adoption; administration; requirements; costs

Sec. 10. (a) A school corporation, including a charter school and an accredited nonpublic school, shall adopt a policy concerning criminal history information for individuals who:

(1) apply for:
  (A) employment with the school corporation; or
  (B) employment with an entity with which the school corporation contracts for services;

(2) seek to enter into a contract to provide services to the school corporation; or

(3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(b) A school corporation, including a charter school and an accredited nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section must require that the school corporation, charter school, or accredited nonpublic school conduct an expanded criminal history check concerning each applicant for noncertificated employment or

certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or accredited nonpublic school. Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school corporation, charter school, or accredited nonpublic school to request an expanded criminal history check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation. The school corporation, charter school, or accredited nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history check. Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's expanded criminal history check. The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment. The
applicant is responsible for all costs associated with obtaining the expanded criminal history check. An applicant may not be required by a school corporation, charter school, or accredited nonpublic school to obtain an expanded criminal history check more than one (1) time during a five (5) year period.

(c) Information obtained under this section must be used in accordance with law.

As added by P.L.1-2005, SEC.10. Amended by P.L.121-2009, SEC.8.

IC 20-26-5-11

Use of information; notice of conviction of certain offenses

Sec. 11. (a) This section applies to:

(1) a school corporation; and

(2) an entity:

(A) with which the school corporation contracts for services; and

(B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

(1) Murder (IC 35-42-1-1).

(2) Causing suicide (IC 35-42-1-2).

(3) Assisting suicide (IC 35-42-1-2.5).

(4) Voluntary manslaughter (IC 35-42-1-3).

(5) Reckless homicide (IC 35-42-1-5).

(6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(7) Aggravated battery (IC 35-42-2-1.5).

(8) Kidnapping (IC 35-42-3-2).

(9) Criminal confinement (IC 35-42-3-3).

(10) A sex offense under IC 35-42-4.

(11) Carjacking (IC 35-42-5-2).

(12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(13) Incest (IC 35-46-1-3).

(14) Neglect of a dependent as a Class B felony (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(15) Child selling (IC 35-46-1-4(d)).

(16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

As added by P.L.1-2005, SEC.10.

XV. Criminal Organizations

IC 35-45-9-1

"Criminal organization" defined

Sec. 1. As used in this chapter, "criminal organization" means a formal or informal group with at least three (3) members that specifically:

(1) either:

(A) promotes, sponsors, or assists in;

(B) participates in; or

(C) has as one (1) of its goals; or

(2) requires as a condition of membership or continued membership;

the commission of a felony, an act that would be a felony if committed by an adult or the offense of battery (IC 35-42-2-1).

IC 20-19-3-12

Sec. 12. (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 for the schools' school corporations under IC 20-26-18.

(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 20-26-18
Criminal Organization Measures
Chapter 18

Sec. 1. This chapter applies to every school corporation and to a school city to which IC 20-25 applies.

Sec. 2 (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.

Sec. 3. A school corporation shall put a copy of the school corporation's criminal organization policy established under section 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.

Sec. 4. A school corporation shall establish the following educational programs in its effort to address criminal organization activity:

(1) An evidence based educational criminal organization awareness program for students, school employees, and parents.
(2) A school employee development program to provide the training to school employees in the implementation of the criminal organization policy established under section 2 of this chapter.

Sec. 5. 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.

Sec. 6. (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 20-33-9-10.5

Sec.10.5 (a) This section does not apply to a charter school or an 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.

Section 9 (a) The state police department shall perform a county by county assessment to:

(1) locate and map criminal organization activity; and

(2) identify and document any existing intervention and prevention services relating to criminal organization activity.

The report may not disclose information or sources of information that are confidential under federal or state law.

(b) The assessment required under subsection (a) shall be completed and submitted to the department of education not later than July 1, 2014, for the department's consideration in developing model educational materials and policies under IC 20-19-3-12, as added by this act.

(c.) This section expires July 2, 2014.

IC 35-45-9-5
Criminal organization recruitment

Sec. 5. (a) Except as provided in subsection (b), an individual who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal organization commits criminal organization recruitment, a Class D felony.

(b) The offense under subsection (a) is a Class C felony if:

(1) the solicitation, recruitment, enticement, or intimidation occurs within one

thousand (1,000) feet of school property; or

(2) the individual who is solicited, recruited, enticed, or intimidated is less than eighteen (18) years of age.

XVI. Drills

IC 20-34-3-20

Sec. 20. (a) The governing body of a school corporation shall require each school in the governing body's jurisdiction to conduct periodic emergency preparedness drills during the school year in compliance with rules adopted under IC 4-22-2 by the state board.

(b) Each school and attendance center shall conduct at least:

(1) one (1) tornado preparedness drill; and

(2) one (1) manmade occurrence disaster drill;

during each semester.

(c) Notwithstanding rules established by the state fire marshal under IC 12-17-12-19, a drill conducted under subsection (b) may be conducted instead of a periodic or monthly fire evacuation drill requirement established by the state fire marshal. However, a drill conducted under subsection (b) may not be made:

(1) instead of more than two (2) periodic or monthly fire evacuation drills in a particular school semester; and

(2) in two (2) consecutive months

(d) The governing body of a school corporation may direct schools to conduct emergency preparedness drills in addition to those required under subsection (b).

(e) The governing body of a school corporation shall require each principal to file a certified statement that all drills have been conducted as required under this section.

XVII. Items Excepted From Public Disclosure

IC 5-14-3-4 Records excepted from disclosure requirements; time limitations; destruction of records; time limitations; destruction of records

Sect. 4. (a) The following public records are excepted from section of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

(18) School safety and security measures, plans, and systems ,including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

XVIII. Indiana State Board of Education Rules

511 IAC 6.1-2-2.5 Safe schools and emergency preparedness planning

Authority: IC 20-19-2-8; IC 20-31-4-17

Affected: IC 20-31-4-1

Sec. 2.5. (a) Each school corporation shall, in consultation with local public safety agencies, develop a written emergency preparedness plan for the school corporation and each school in the corporation. An emergency preparedness plan shall, at a minimum, contain the following:

(1) Appropriate warning systems.
(2) Procedures for notifying other agencies and organizations.
(3) Posting of evacuation routes.
(4) Emergency preparedness instruction for staff and students.
(5) Public information procedures.
(6) Steps that will be taken prior to a decision to evacuate buildings or dismiss classes.
(7) Provisions to protect the safety and well-being of staff, students, and the public in case of:
(A) fire;
(B) natural disaster, such as tornado, flood, or earthquake;
(C) adverse weather conditions, such as winter storms or extreme heat;
(D) nuclear contamination, such as power plant or transport vehicle spills;
(E) exposure to chemicals, such as pesticides, industrial spills and contaminants, laboratory chemicals, and cleaning agents; and
(F) manmade occurrences, such as student disturbance, weapon, weapon of mass destruction, contamination of water supply or air supply, hostage, and kidnapping incidents.

(b) Within sixty (60) days after the beginning date of each school year, the superintendent shall certify to the department that the emergency preparedness plans for the school corporation and each school in the school corporation have been reviewed and revised, if necessary. Within sixty (60) days of opening a new or significantly remodeled school, the superintendent shall certify to the department that a new plan has been developed or that the existing plan has been reviewed and revised, if necessary.

(c) Emergency preparedness plans shall be available for inspection by the department.

511 IAC 7-36-6 Facilities

Authority: IC 20-19-2-8; IC 20-19-2-16
Affected: IC 20-19-2; IC 20-34-3-20; IC 20-35

Sec. 6. (a) The public agency shall provide instructional space for students with disabilities that is:
(1) not less than the per student instructional space for general education students of the same chronological age in the same
building;
(2) comparable to the general space and instructional environment of the general education students in the same building;
and
(3) sufficient to accommodate a student's:
(A) special equipment;
(B) assistive devices; or
(C) curricular needs.

(b) Each public agency, when developing written emergency preparedness plans in accordance with **511 IAC 6.1-2-2.5**, shall
include provisions for warning and evacuating students whose disabilities require special warning or evacuation procedures. Special
warning and evacuation provisions shall:
(1) address individual needs of students;
(2) be reviewed on an annual and as needed basis; and
(3) be implemented during tornado (shelter) preparedness drills, fire drills, and manmade occurrence disaster drills as required by IC 20-34-3-20.
(Indiana State Board of Education; 511 IAC 7-36-6; filed Jul 14, 2008, 1:24 p.m.: 20080813-IR-511080112FRA)

511 IAC 4-1.5-7 Crisis intervention plans
Authority: IC 20-19-2-8; IC 20-31-4-17
Affected: IC 20-31-4-6
Sec. 7. Each school corporation shall, in concert with the emergency preparedness plan developed under 511 IAC 6.1-2-2.5, develop a crisis intervention plan for the school corporation and for each school in the school corporation. The plan, which should be developed by student services personnel in conjunction with school administrators and community crisis intervention personnel, shall include crisis management and intervention provisions.

XIX. Student Safety Reporting

IC 20-34-6-1
School corporation reports; department reports
Sec. 1. (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 education roundtable established by IC 20-19-4-2;

(3) the board for the coordination of programs serving vulnerable individuals established by IC 4-23-30.2-8; and

(4) 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.

As added by P.L.74-2010, SEC.3.

XX. School Resource Officers

IC 20-26-18.2

School Resource Officers

Sec.1. (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 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 officer 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.

Sec. 2. (a) A school resource officer may be employed:

(1) by one (1) or more school corporations or charter schools through a contact 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 person 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.

(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.

Sec. 3. (a) A school resource officer may;

(1) make an arrest;

(2) conduct a search or 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.

This document is meant to be a quick reference to the laws and board rules in the State of Indiana, and is not meant to substitute for a full review of the Indiana Code. It is not a complete resource for each law, nor is it precise in its organization. For complete review of the information we refer you to the complete citation in the Indiana Code.