



Indiana's Anti-bullying Statutes (2018)

TIMELINE OF INDIANA'S ANTI-BULLYING LAWS

2005	<ul style="list-style-type: none">• Bullying Prevention Law (P.L.106-2005)<ul style="list-style-type: none">• Author: Senator Tom Wyss• Adds definition, discipline policy requirement and training recommendations
2011	<ul style="list-style-type: none">• Various Criminal Law Matters (P.L.180-2011)<ul style="list-style-type: none">• Required discipline rules to prohibit bullying via a school computer or network• SB538 Bullying Prevention<ul style="list-style-type: none">• Author: Senator Tom Wyss• Died in Senate committee; attempted to update definition to include cyberbullying
2013	<ul style="list-style-type: none">• Anti-bullying Law (P.L.285-2013)<ul style="list-style-type: none">• Author: Representative Greg Porter• Expanded definition, required training, student education, discipline and intervention strategies, and required annual school reporting
2018	<ul style="list-style-type: none">• Bullying Law (P.L.83-2-18)<ul style="list-style-type: none">• Author: Representative Greg Porter• Removes requirement for reporting in annual school performance report, requires Indiana Department of Education to periodically audit school bullying reports, remind schools of reporting requirement and survey schools about reporting

2018 UPDATE – HEA1356 BULLYING (REP. GREG PORTER)

CHANGES REPORTING REQUIREMENTS

- School corporations are no longer required to report the number of bullying incidents on their annual performance reports, however, they must continue to report incidents in their student safety reports.
 - Their reports will not count against the annual school improvement grade.

INCREASES SCHOOL ACCOUNTABILITY

- Requires the Indiana Department of Education (IDOE) to send annual reminders to school corporations regarding the requirement to report incidents of bullying.
 - IDOE may conduct audits to ensure compliance and accuracy of reporting.
 - Audits must be reported on the IDOE website if discrepancies are found.
- Requires the IDOE to conduct a statewide survey concerning improving reporting of bullying incidents.

2013 UPDATE – HEA1423 ANTI-BULLYING (REP. GREG PORTER)

INCREASES ACCOUNTABILITY OF SCHOOL POLICIES AND PROCEDURES

- Requires the IDOE and a school corporation's school safety specialist to not only provide materials but also **guidelines** to assist a safe school committee in developing not only a plan but also a **policy** for the school that addresses unsafe conditions at school and professional development needs to address those unsafe conditions.
 - These guidelines must include information that assists school corporations and safe school committees in **developing and implementing bullying prevention programs** as well as **investigation and reporting procedures related to bullying and discipline rules** that are required by statute.
- Requires schools to add the **number and nature of bullying incidents** to their student safety reports.

IMPROVES SCHOOL CLIMATE

- Requires school corporations to provide **training to employees and volunteers** who have direct, ongoing contact with students regarding the **school's bullying prevention and reporting policy**.
- Requires each public school to provide **age appropriate instruction focusing on bullying prevention for all students in grades 1-12 annually and to be completed before October 15**.
- The DOE, in consultation with school safety specialists and school counselors, **will prepare outlines or materials** for the bullying prevention instruction.
- Suggests that the **bullying prevention instruction be provided by the school safety specialist, school counselor or any other trained person with expertise in bullying prevention and intervention**.

PROVIDES CLEARER DEFINITIONS

- Bullying means:
 - Overt, **unwanted**, repeated acts or gestures including verbal or written communications **or images** transmitted **in any matter (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 students an objectively hostile school environment that**:
 - **Places the targeted student in reasonable fear of harm to the targeted student's person or property;**
 - **Has a substantially detrimental effect on the targeted student's physical or mental health;**
 - **Has the effect of substantially interfering with the targeted student's academic performance; or**
 - **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.**
 - **The term may not be interpreted to impose any burden or sanction on, or include in the definition of the term, the following**:
 - **Participating in a religious event.**
 - **Acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger.**
 - **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.**

- Participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults.
- Participating in an activity undertaken at the prior written direction of the student's parent.
- Engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.

CLARIFIES HOW TO ADDRESS BULLYING INCIDENTS

- Discipline rules must include:
 - A **detailed procedure for the expedited investigation of incidents of bullying** that includes:
 - **Appropriate responses to bullying behaviors, wherever the behaviors occur;**
 - **Provisions for anonymous and personal reporting of bullying to a teacher or other school staff;**
 - **Timetables for reporting bullying incidents to the parents of both the targeted student and the bully, in an expedited manner;**
 - **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;**
 - **Discipline provisions for teachers, school staff or school administrators who fail to initiate or conduct an investigation of a bullying incident; and**
 - **Discipline provisions for false reporting of bullying; and**
 - A **detailed procedure outlining the use of follow-up services** that includes:
 - **Support services for the victim; and**
 - **Bullying education for the bully**
- The **IDOE** is required to **periodically review each school's policy to ensure compliance**
- **Discipline rules may be applied regardless of the physical location in which the bullying behavior occurred, whenever:**
 - **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**
 - **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.**

ADDRESSES BULLYING ON COLLEGE CAMPUSES

- State educational institutions, if they regulate the conduct of students, faculty, employees and others on the property owned, used or occupied by the institution, must include policy prohibiting bullying

STATUTES & CODE CITATIONS

IC 5-2-10.1 Chapter 10.1. Indiana Safe Schools Fund

IC 5-2-10.1-2 Purpose and composition of fund; grant priorities and amounts

Sec. 2. (a) The Indiana safe schools fund is established to do the following:

- (1) Promote school safety through the:
 - (A) use of dogs trained to detect drugs and illegal substances; and
 - (B) purchase of other equipment and materials used to enhance the safety of schools.
- (2) Combat truancy.
- (3) Provide matching grants to schools for school safe haven programs.
- (4) Provide grants for school safety and safety plans.
- (5) Provide educational outreach and training to school personnel concerning:
 - (A) the identification of;
 - (B) the prevention of; and
 - (C) intervention in; bullying.

Amended by [P.L.106-2005, SEC.1](#)

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

Amended by [P.L.106-2005, SEC.2](#)

IC 5-2-10.1-12 Safe school committees; school plans; copies of floor plans to law enforcement agency and fire department

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, child abuse and child sexual abuse, 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 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.

As added by P.L.106-2005, SEC.3. Amended by P.L.285-2013, SEC.1

IC 20-20-8 Chapter 8. School Corporation Annual Performance Report

IC 20-20-8-8 Report information

(11) School safety, including:

- (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;
- (B) the number of incidents reported under [IC 20-33-9](#); and
- (C) the number of bullying incidents reported under [IC 20-34-6](#) by category.

Amended by P.L.285-2013, SEC.2

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

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.

As added by P.L.285-2013, SEC.3.

IC 20-30-5 Chapter 5. Mandatory Curriculum

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

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.

As added by P.L.285-2013, SEC.4.

IC 20-33-8 Chapter 8. Student Discipline

IC 20-33-8-0.2 "Bullying"

Sec. 0.2. (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.

As added by P.L.106-2005, SEC.6. Amended by P.L.285-2013, SEC.5.

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 parents 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 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; 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.

As added by P.L.106-2005, SEC.7. Amended by P.L.285-2013, SEC.6.

IC 20-34-6 Chapter 6. Student Safety Reporting

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 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.

Amended by P.L.285-2013, SEC.7

IC 21-39-1 Chapter 1. General Provisions; Definitions

IC 21-39-2-2.1 State educational institutions; bullying prevention policies

Sec. 2.1. (a) This section applies to the board of trustees of the following state educational institutions:

- (1) Ball State University.
- (2) Indiana University.
- (3) Indiana State University.
- (4) Purdue University.
- (5) University of Southern Indiana.

(b) As used in this section, "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 other student and create for the targeted student, while the targeted student is on the property owned, used, or occupied by the state educational institution, an objectively hostile 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 state educational institution.

(c) If the board of trustees of a state educational institution elects to govern, by regulation or another means, the conduct of students, faculty, employees, and others on the property owned, used, or occupied by the state educational institution, the regulation must include a policy prohibiting bullying.

As added by P.L.285-2013, SEC.8.