



January 17, 2019

HOUSE BILL No. 1004

DIGEST OF HB 1004 (Updated January 15, 2019 5:06 pm - DI 131)

Citations Affected: IC 5-2; IC 10-21; IC 20-34.

Synopsis: School safety. Provides that the Indiana safe schools fund may not be used to provide grants to employ a school resource officer or a law enforcement officer. Provides that an Indiana secured school fund matching grant may be used to employ a law enforcement officer. Provides that an accredited nonpublic school may receive a grant from the Indiana secured school fund (fund). Makes changes to the maximum grant amounts that a school corporation, charter school, accredited nonpublic school, or coalition of schools may receive from the fund. Provides that a virtual charter school or a virtual accredited nonpublic school may not receive a grant from the fund. Establishes minimum grant match percentages necessary to be eligible to receive a grant from the fund. Provides that, before July 1, 2021, each school corporation, charter school, or accredited nonpublic school shall certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has conducted a threat assessment for each school building used by the school corporation, charter school, or accredited nonpublic school before applying for a fund matching grant. Requires that at least one of the manmade disaster drills that is required to be conducted by each school in a school corporation during each semester must be an active shooter drill and must be conducted within 90 days after the beginning of the semester. Provides that each: (1) accredited nonpublic school; and (2) charter school; must conduct at least one active shooter drill during each
(Continued next page)

Effective: Upon passage; July 1, 2019.

McNamara, Cook, Mahan

January 7, 2019, read first time and referred to Committee on Veterans Affairs and Public Safety.
January 16, 2019, amended, reported — Do Pass.

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Digest Continued

school year. Provides that, beginning after July 1, 2019, for each year that the federal Centers for Disease Control and Prevention Youth Risk Behavior Survey or a successor survey is administered by the state department of health, each public school, charter school, and accredited nonpublic school with at least one employee shall work with the state department of health to provide students in grades 9 through 12 with the opportunity to participate in the survey. Provides that each school corporation and charter school shall: (1) identify; and (2) enter into a memorandum of understanding for referral with; a provider or providers to provide appropriate and necessary mental health services to students. A memorandum of understanding for referral shall be developed by the division of mental health and addiction.



January 17, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1004

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-10.1-2, AS AMENDED BY P.L.25-2016,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 2. (a) The Indiana safe schools fund is
4 established to do the following:
5 (1) Promote school safety through the:
6 (A) use of dogs trained to detect drugs and illegal substances;
7 and
8 (B) purchase of other equipment and materials used to
9 enhance the safety of schools.
10 (2) Combat truancy.
11 (3) Provide matching grants to schools for school safe haven
12 programs.
13 (4) Provide grants for school safety and safety plans. **However,**
14 **a grant from the fund may not be used to employ a school**
15 **resource officer (as defined in IC 20-26-18.2-1) or a law**

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- 1 **enforcement officer (as defined in IC 35-31.5-2-185).**
 2 (5) Provide educational outreach and training to school personnel
 3 concerning:
 4 (A) the identification of;
 5 (B) the prevention of; and
 6 (C) intervention in;
 7 bullying.
 8 (6) Provide educational outreach to school personnel and training
 9 to school safety specialists and school resource officers
 10 concerning:
 11 (A) the identification of;
 12 (B) the prevention of; and
 13 (C) intervention in;
 14 criminal organization activities.
 15 (7) Provide grants for school wide programs to improve school
 16 climate and professional development and training for school
 17 personnel concerning:
 18 (A) alternatives to suspension and expulsion; and
 19 (B) evidence based practices that contribute to a positive
 20 school environment, including classroom management skills,
 21 positive behavioral intervention and support, restorative
 22 practices, and social emotional learning.
 23 (b) The fund consists of amounts deposited:
 24 (1) under IC 33-37-9-4; and
 25 (2) from any other public or private source.
 26 (c) The institute shall determine grant recipients from the fund with
 27 a priority on awarding grants in the following order:
 28 (1) A grant for a safety plan.
 29 (2) A safe haven grant requested under section 10 of this chapter.
 30 (3) A safe haven grant requested under section 7 of this chapter.
 31 (d) Upon recommendation of the council, the institute shall establish
 32 a method for determining the maximum amount a grant recipient may
 33 receive under this section.
 34 SECTION 2. IC 10-21-1-0.5 IS ADDED TO THE INDIANA CODE
 35 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE**
 36 **UPON PASSAGE]: Sec. 0.5. This chapter does not apply to a virtual**
 37 **charter school or a virtual accredited nonpublic school.**
 38 SECTION 3. IC 10-21-1-2, AS ADDED BY P.L.172-2013,
 39 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 2. (a) The Indiana secured school fund is
 41 established to provide matching grants to enable school corporations,
 42 ~~and~~ charter schools, **and accredited nonpublic schools** to establish



1 programs under which a school corporation, ~~or~~ charter school, **or**
 2 **accredited nonpublic school** (or a coalition of schools) may:

3 (1) employ a school resource officer, **employ a law enforcement**
 4 **officer**, or enter into a contract or a memorandum of
 5 understanding with a:

6 (A) local law enforcement agency;

7 (B) private entity; or

8 (C) nonprofit corporation;

9 to employ a school resource officer **or a law enforcement**
 10 **officer**;

11 (2) conduct a threat assessment of the buildings within a school
 12 corporation or **the buildings that are** operated by a charter school
 13 **or accredited nonpublic school**; or

14 (3) purchase equipment and technology to:

15 (A) restrict access to school property; or

16 (B) expedite notification of first responders.

17 (b) The fund shall be administered by the department of homeland
 18 security.

19 (c) The fund consists of:

20 (1) appropriations from the general assembly;

21 (2) grants from the Indiana safe schools fund established by
 22 IC 5-2-10.1-2;

23 (3) federal grants; and

24 (4) amounts deposited from any other public or private source.

25 (d) The expenses of administering the fund shall be paid from
 26 money in the fund.

27 (e) The treasurer of state shall invest the money in the fund not
 28 currently needed to meet the obligations of the fund in the same
 29 manner as other public money may be invested. Interest that accrues
 30 from these investments shall be deposited in the fund.

31 (f) Money in the fund at the end of a state fiscal year does not revert
 32 to the state general fund.

33 SECTION 4. IC 10-21-1-3, AS ADDED BY P.L.172-2013,
 34 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]: Sec. 3. (a) The secured school safety board is
 36 established to approve or disapprove applications for matching grants
 37 to fund programs described in section 2(a) of this chapter.

38 (b) The board consists of seven (7) members appointed as follows:

39 (1) The executive director of the department of homeland security
 40 or the executive director's designee. The executive director of the
 41 department of homeland security or the executive director's
 42 designee serves as the chairperson of the board.



- 1 (2) The attorney general or the attorney general's designee.
 2 (3) The superintendent of the state police department or the
 3 superintendent's designee.
 4 (4) A local law enforcement officer appointed by the governor.
 5 (5) The state superintendent of public instruction or the
 6 superintendent's designee.
 7 (6) The director of the criminal justice institute or the director's
 8 designee.
 9 (7) An employee of a local school corporation or a charter school
 10 appointed by the governor.
 11 (c) The board shall establish criteria to be used in evaluating
 12 applications for matching grants from the fund. These criteria must:
 13 (1) be consistent with the fund's goals; and
 14 (2) provide for an equitable distribution of grants to school
 15 corporations, ~~and~~ charter schools, **and accredited nonpublic**
 16 **schools** located throughout Indiana.
 17 SECTION 5. IC 10-21-1-4, AS AMENDED BY P.L.30-2014,
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 4. (a) The board may award a matching grant
 20 to enable a school corporation, ~~or~~ charter school, **or accredited**
 21 **nonpublic school** (or a coalition of schools applying jointly) to
 22 establish a program to employ a school resource officer, **employ a law**
 23 **enforcement officer**, provide school resource officer training
 24 described in IC 20-26-18.2-1(b)(2), conduct a threat assessment, or
 25 purchase equipment to restrict access to the school or expedite the
 26 notification of first responders in accordance with section 2(a) of this
 27 chapter.
 28 (b) A matching grant awarded to a school corporation, ~~or~~ charter
 29 school, **or accredited nonpublic school** (or a coalition of schools
 30 applying jointly) may not exceed the lesser of the following during a
 31 two (2) year period beginning on or after May 1, 2013:
 32 (1) The total cost of the program established by the school
 33 corporation, ~~or~~ charter school, **or accredited nonpublic school**
 34 (or the coalition of schools applying jointly).
 35 (2) The following amounts:
 36 (A) ~~Fifty thousand dollars (\$50,000) per year, in the case of a~~
 37 ~~school corporation or charter school that:~~
 38 (i) ~~has an ADM of at least one thousand (1,000); and~~
 39 (ii) ~~is not applying jointly with any other school corporation~~
 40 ~~or charter school.~~
 41 (B) ~~Thirty-five thousand dollars (\$35,000) per year, in the case~~
 42 ~~of a school corporation or charter school that:~~



- 1 (i) has an ADM of less than one thousand (1,000); and
 2 (ii) is not applying jointly with any other school corporation
 3 or charter school.
 4 ~~(C)~~ Fifty thousand dollars (\$50,000) per year, in the case of a
 5 coalition of schools applying jointly.
 6 **(A) Thirty-five thousand dollars (\$35,000) per year, in the**
 7 **case of a school corporation, charter school, or accredited**
 8 **nonpublic school that:**
 9 (i) has an ADM of at least one (1) and less than one
 10 thousand one (1,001) students; and
 11 (ii) is not applying jointly with any other school
 12 corporation, charter school, or accredited nonpublic
 13 school.
 14 **(B) Fifty thousand dollars (\$50,000) per year, in the case of**
 15 **a school corporation, charter school, or accredited**
 16 **nonpublic school that:**
 17 (i) has an ADM of more than one thousand (1,000) and
 18 less than five thousand one (5,001) students; and
 19 (ii) is not applying jointly with any other school
 20 corporation, charter school, or accredited nonpublic
 21 school.
 22 **(C) Seventy-five thousand dollars (\$75,000) per year, in the**
 23 **case of a school corporation, charter school, or accredited**
 24 **nonpublic school that:**
 25 (i) has an ADM of more than five thousand (5,000) and
 26 less than fifteen thousand one (15,001) students; and
 27 (ii) is not applying jointly with any other school
 28 corporation, charter school, or accredited nonpublic
 29 school.
 30 **(D) One hundred thousand dollars (\$100,000) per year, in**
 31 **the case of a school corporation, charter school, or**
 32 **accredited nonpublic school that:**
 33 (i) has an ADM of more than fifteen thousand (15,000);
 34 and
 35 (ii) is not applying jointly with any other school
 36 corporation, charter school, or accredited nonpublic
 37 school.
 38 **(E) One hundred thousand dollars (\$100,000) per year, in**
 39 **the case of a coalition of schools applying jointly.**
 40 **(c) The match requirement for a grant under this chapter is**
 41 **based on the ADM, as follows:**
 42 **(1) For a school corporation, charter school, or accredited**



- 1 **nonpublic school with an ADM of less than five hundred one**
 2 **(501) students, the grant match must be twenty-five percent**
 3 **(25%) of the grant amount described in subsection (b).**
 4 **(2) For a school corporation, charter school, or accredited**
 5 **nonpublic school with an ADM of more than five hundred**
 6 **(500) and less than one thousand one (1,001) students, the**
 7 **grant match must be fifty percent (50%) of the grant amount**
 8 **described in subsection (b).**
 9 **(3) For a school corporation, charter school, or accredited**
 10 **nonpublic school with an ADM of more than one thousand**
 11 **(1,000) students or a coalition of schools applying jointly, the**
 12 **grant match must be one hundred percent (100%) of the**
 13 **grant amount described in subsection (b).**
 14 ~~(c)~~ **(d) A school corporation, or charter school, or accredited**
 15 **nonpublic school** may receive only one (1) matching grant under this
 16 section each year.
 17 ~~(d)~~ **(e) The board may not award a grant to a school corporation, or**
 18 **charter school, or accredited nonpublic school** under this chapter
 19 unless the school corporation, or charter school, or **accredited**
 20 **nonpublic school** is in a county that has a county school safety
 21 commission, as described in IC 5-2-10.1-10.
 22 SECTION 6. IC 10-21-1-5, AS AMENDED BY P.L.211-2018(ss),
 23 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2019]: Sec. 5. (a) A school corporation, or charter school, or
 25 **accredited nonpublic school** may annually apply to the board for a
 26 matching grant from the fund for a program described in section 2(a)
 27 of this chapter.
 28 (b) The application must include the following:
 29 (1) A concise description of the school corporation's, or charter
 30 school's, or **accredited nonpublic school's** security needs.
 31 (2) The estimated cost of the program to the school corporation,
 32 or charter school, or **accredited nonpublic school**.
 33 (3) The extent to which the school corporation, or charter school,
 34 or **accredited nonpublic school** has access to and support from
 35 a nearby law enforcement agency, if applicable.
 36 (4) The ADM of the school corporation or charter school or **the**
 37 **equivalent for an accredited nonpublic school** (or the combined
 38 ADM of the coalition of schools applying jointly).
 39 (5) Any other information required by the board.
 40 (6) A statement whether the school corporation or charter school
 41 has completed a local plan and has filed the plan with the county
 42 school safety commission for the county in which the school



1 corporation or charter school is located.

2 (7) A statement whether the school corporation or charter school
3 (or coalition of public schools applying jointly) requests an
4 advance under IC 20-49-10 in addition to a matching grant under
5 this chapter.

6 **(c) Before July 1, 2021, each school corporation, charter school,
7 or accredited nonpublic school shall certify to the department of
8 homeland security that the school corporation, charter school, or
9 accredited nonpublic school has conducted a threat assessment for
10 each school building used by the school corporation, charter
11 school, or accredited nonpublic school before applying for a grant
12 under this chapter.**

13 SECTION 7. IC 10-21-1-6, AS ADDED BY P.L.172-2013,
14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 UPON PASSAGE]: Sec. 6. A school corporation, ~~or~~ charter school, ~~or~~
16 **accredited nonpublic school** that is awarded a matching grant under
17 this chapter is not required to repay or reimburse the board or fund the
18 amount of the matching grant.

19 SECTION 8. IC 20-34-3-20, AS AMENDED BY P.L.103-2015,
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2019]: Sec. 20. (a) The governing body of a school
22 corporation shall require each school in the governing body's
23 jurisdiction to conduct periodic emergency preparedness drills during
24 the school year in compliance with rules adopted under IC 4-22-2 by
25 the state board.

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

- 27 (1) one (1) tornado preparedness drill; and
28 (2) one (1) manmade occurrence disaster drill;

29 during each semester.

30 **(c) At least one (1) manmade occurrence disaster drill required
31 under subsection (b) must be an active shooter drill and must be
32 conducted within ninety (90) days after the beginning of the
33 semester.**

34 **(d) Each:**

- 35 **(1) accredited nonpublic school; and
36 (2) charter school;**

37 **must conduct at least one (1) active shooter drill during each school
38 year.**

39 **(e) (e)** Notwithstanding rules established by the state fire marshal
40 under IC 12-17-12-19, a drill conducted under subsection (b) may be
41 conducted instead of a periodic or monthly fire evacuation drill
42 requirement established by the state fire marshal. However, a drill



1 conducted under subsection (b) may not be made:

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

4 (2) in two (2) consecutive months.

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

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

11 SECTION 9. IC 20-34-3-24 IS ADDED TO THE INDIANA CODE
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
13 1, 2019]: **Sec. 24. Beginning after July 1, 2019, or each year that the
14 federal Centers for Disease Control and Prevention Youth Risk
15 Behavior Survey or a successor survey is administered by the state
16 department of health, each public school, charter school, and
17 accredited nonpublic school with at least one (1) employee shall
18 work with the state department of health to provide students in
19 grades 9 through 12 with the opportunity to participate in the
20 survey.**

21 SECTION 10. IC 20-34-3-25 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2019]: **Sec. 25. (a) Each school corporation
24 and charter school shall:**

25 (1) identify; and

26 (2) enter into a memorandum of understanding for referral
27 with;

28 a provider or providers to provide appropriate and necessary
29 mental health services to students. A memorandum of
30 understanding for referral shall be developed by the division of
31 mental health and addiction.

32 (b) A provider or providers described in subsection (a) may be
33 employed by the school corporation or charter school.

34 SECTION 11. An emergency is declared for this act.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, line 32, delete "thirty (30)" and insert "**ninety (90)**".

Page 8, line 26, delete "an agreement" and insert "**a memorandum of understanding for referral**".

Page 8, line 28, after "students." insert "**A memorandum of understanding for referral shall be developed by the division of mental health and addiction.**".

and when so amended that said bill do pass.

(Reference is to HB 1004 as introduced.)

FRYE R

Committee Vote: yeas 12, nays 0.

