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

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.

HB 1004—LS 6969/DI 116
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.

HB 1004—LS 6969/DI 116
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:

SECTION 1. IC 5-2-10.1-2, as amended by P.L.25-2016, Section 1, is amended to read as follows [effective upon passage]: 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. However, a grant from the fund may not be used to employ a school resource officer (as defined in IC 20-26-18.2-1) or a law enforcement officer.
enforcement officer (as defined in IC 35-31.5-2-185).

(5) Provide educational outreach and training to school personnel concerning:
   (A) the identification of;
   (B) the prevention of; and
   (C) intervention in;
bullying.

(6) Provide educational outreach to school personnel and training to school safety specialists and school resource officers concerning:
   (A) the identification of;
   (B) the prevention of; and
   (C) intervention in;
criminal organization activities.

(7) Provide grants for school wide programs to improve school climate and professional development and training for school personnel concerning:
   (A) alternatives to suspension and expulsion; and
   (B) evidence based practices that contribute to a positive school environment, including classroom management skills, positive behavioral intervention and support, restorative practices, and social emotional learning.

(b) The fund consists of amounts deposited:
   (1) under IC 33-37-9-4; and
   (2) from any other public or private source.
(c) The institute shall determine grant recipients from the fund with a priority on awarding grants in the following order:
   (1) A grant for a safety plan.
   (2) A safe haven grant requested under section 10 of this chapter.
   (3) A safe haven grant requested under section 7 of this chapter.
(d) Upon recommendation of the council, the institute shall establish a method for determining the maximum amount a grant recipient may receive under this section.

SECTION 2. IC 10-21-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. This chapter does not apply to a virtual charter school or a virtual accredited nonpublic school.

SECTION 3. IC 10-21-1-2, AS ADDED BY P.L.172-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The Indiana secured school fund is established to provide matching grants to enable school corporations, and charter schools, and accredited nonpublic schools to establish
programs under which a school corporation, or charter school, or 
accredited nonpublic school (or a coalition of schools) may:

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

(A) local law enforcement agency;
(B) private entity; or
(C) nonprofit corporation;

to employ a school resource officer or a law enforcement 
officer;

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

(3) purchase equipment and technology to:

(A) restrict access to school property; or
(B) expedite notification of first responders.

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

(c) The fund consists of:

(1) appropriations from the general assembly;
(2) grants from the Indiana safe schools fund established by 
IC 5-2-10.1-2;
(3) federal grants; and
(4) amounts deposited from any other public or private source.

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

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

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

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

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

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

HB 1004—LS 6969/DI 116
(2) The attorney general or the attorney general's designee.
(3) The superintendent of the state police department or the
superintendent's designee.
(4) A local law enforcement officer appointed by the governor.
(5) The state superintendent of public instruction or the
superintendent's designee.
(6) The director of the criminal justice institute or the director's
designee.
(7) An employee of a local school corporation or a charter school
appointed by the governor.

c) The board shall establish criteria to be used in evaluating
applications for matching grants from the fund. These criteria must:
(1) be consistent with the fund's goals; and
(2) provide for an equitable distribution of grants to school
corporations, and charter schools, and accredited nonpublic
schools located throughout Indiana.

SECTION 5. IC 10-21-1-4, AS AMENDED BY P.L.30-2014,
SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
UPON PASSAGE]: Sec. 4. (a) The board may award a matching grant
to enable a school corporation, or charter school, or accredited
nonpublic school (or a coalition of schools applying jointly) to
establish a program to employ a school resource officer, employ a law
enforcement officer, provide school resource officer training
described in IC 20-26-18.2-1(b)(2), conduct a threat assessment, or
purchase equipment to restrict access to the school or expedite the
notification of first responders in accordance with section 2(a) of this
chapter.
(b) A matching grant awarded to a school corporation, or charter
school, or accredited nonpublic school (or a coalition of schools
applying jointly) may not exceed the lesser of the following during a
two (2) year period beginning on or after May 1, 2013:
(1) The total cost of the program established by the school
corporation, or charter school, or accredited nonpublic school
(or the coalition of schools applying jointly).
(2) The following amounts:
   (A) Fifty thousand dollars ($50,000) per year; in the case of a
       school corporation or charter school that:
           (i) has an ADM of at least one thousand (1,000); and
           (ii) is not applying jointly with any other school corporation
               or charter school.
   (B) Thirty-five thousand dollars ($35,000) per year; in the case
       of a school corporation or charter school that:
(i) has an ADM of less than one thousand (1,000); and
(ii) is not applying jointly with any other school corporation or charter school.

(C) Fifty thousand dollars ($50,000) per year, in the case of a coalition of schools applying jointly.

(A) Thirty-five thousand dollars ($35,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of at least one (1) and less than one thousand one (1,001) students; and
(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(B) Fifty thousand dollars ($50,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of more than one thousand (1,000) and less than five thousand one (5,001) students; and
(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(C) Seventy-five thousand dollars ($75,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of more than five thousand (5,000) and less than fifteen thousand one (15,001) students; and
(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(D) One hundred thousand dollars ($100,000) per year, in the case of a school corporation, charter school, or accredited nonpublic school that:

(i) has an ADM of more than fifteen thousand (15,000); and
(ii) is not applying jointly with any other school corporation, charter school, or accredited nonpublic school.

(E) One hundred thousand dollars ($100,000) per year, in the case of a coalition of schools applying jointly.

(c) The match requirement for a grant under this chapter is based on the ADM, as follows:

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

HB 1004—LS 6969/DI 116
(7) A statement whether the school corporation or charter school (or coalition of public schools applying jointly) requests an advance under IC 20-49-10 in addition to a matching grant under this chapter.

(c) 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 grant under this chapter.

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

SECTION 8. IC 20-34-3-20, AS AMENDED BY P.L.103-2015, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: 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) At least one (1) manmade occurrence disaster drill required under subsection (b) must be an active shooter drill and must be conducted within ninety (90) days after the beginning of the semester.

(d) Each:

(1) accredited nonpublic school; and

(2) charter school;

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

(e) 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.

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

(g) 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.

SECTION 9. IC 20-34-3-24 IS ADDED TO THE INDIANA CODE
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
1, 2019]: Sec. 24. Beginning after July 1, 2019, or 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 (1) 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.

SECTION 10. IC 20-34-3-25 IS ADDED TO THE INDIANA
CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2019]: Sec. 25. (a) 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.

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

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.