



Reprinted
February 24, 2023

HOUSE BILL No. 1483

DIGEST OF HB 1483 (Updated February 23, 2023 12:33 pm - DI 143)

Citations Affected: IC 20-33.

Synopsis: Prohibiting bullying in schools. Requires the governing body of a school corporation to: (1) require a school corporation to prioritize the safety of a victim of an act of bullying; (2) require a school corporation to report an act of bullying to the parents of the victim within three business days and the parents of an alleged perpetrator within five business days after the incident is reported; (3) require a school corporation to determine the severity of an incident of bullying and whether the incident may warrant transfer of the victim or the alleged perpetrator to another school in the school corporation; (4) require a school corporation to approve the transfer of a victim or the alleged perpetrator of an act of bullying to another school in the school corporation under certain circumstances; and (5) allow certain parents to review audiovisual materials that contain graphic sexual or violent content used in a bullying prevention or suicide prevention program.

Effective: July 1, 2023.

Smith V, Behning, Cash, Carbaugh

January 17, 2023, read first time and referred to Committee on Education.
February 20, 2023, amended, reported — Do Pass.
February 23, 2023, read second time, amended, ordered engrossed.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1483

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 20-33-8-13.5, AS AMENDED BY
- 2 P.L.211-2018(ss), SECTION 9, IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 13.5. (a) Discipline
- 4 rules adopted by the governing body of a school corporation under
- 5 section 12 of this chapter must:
- 6 (1) prohibit bullying; and
- 7 (2) include:
- 8 (A) provisions concerning education, parental involvement,
- 9 and intervention;
- 10 (B) a detailed procedure for the expedited investigation of
- 11 incidents of bullying that includes:
- 12 (i) appropriate responses to bullying behaviors, wherever the
- 13 behaviors occur;
- 14 (ii) provisions for anonymous and personal reporting of
- 15 bullying to a teacher or other school staff;
- 16 **(iii) provisions that require a school to prioritize the**
- 17 **safety of the victim;**

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~~(iii)~~ **(iv)** timetables for reporting of bullying incidents ~~to the parents of both the targeted student and the bully, in an expedited manner;~~ **that require an act of bullying to be reported to the parents of the victim within three (3) business days and the parents of the alleged perpetrator within five (5) business days after the incident is reported;**

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

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

(vii) provisions to determine the severity of an incident of bullying and to determine whether an incident of bullying may warrant the transfer of the victim or the alleged perpetrator to another school in the school corporation; and

~~(vi)~~ **(viii)** 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~~ **alleged perpetrator**.

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

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

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

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

(1) computer;

(2) computer system;

(3) computer network; or

(4) cellular telephone or other wireless or cellular



communications device.

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

~~(d)~~ **(e)** 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)~~ **(f)** 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.

(g) A school corporation may transfer either the victim or the alleged perpetrator of a severe incident of bullying to another school in the school corporation if the following conditions are met:

(1) The school completes an expedited investigation of the bullying incident following procedure adopted under subsection (a)(2)(B).

(2) The school determines that the severity of the incident of bullying may warrant a transfer under subsection (a)(2)(B)(vii).

(3) The school prioritizes the victim by providing the following accommodations:

(A) If the victim requests a transfer to another school in the school corporation, the school must approve the transfer of the victim.

(B) If the victim requests the transfer of the alleged perpetrator to another school in the school corporation, the school must approve the transfer of the alleged perpetrator.

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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1483, 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 1, line 17, delete "targeted student;" and insert "**victim;**".

Page 2, line 4, delete "targeted student" and insert "**victim**".

Page 2, line 16, delete "targeted student" and insert "**victim**".

Page 2, line 22, reset in roman "victim;".

Page 2, line 22, delete "targeted student;".

and when so amended that said bill do pass.

(Reference is to HB 1483 as introduced.)

BEHNING

Committee Vote: yeas 12, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1483 be amended to read as follows:

Page 2, delete lines 15 through 17, begin a new line triple block indented and insert:

"(vii) provisions to determine the severity of an incident of bullying and to determine whether an incident of bullying may warrant the transfer of the victim or the alleged perpetrator to another school in the school corporation; and".

Page 3, between lines 12 and 13, begin a new paragraph and insert:

"(g) A school corporation may transfer either the victim or the alleged perpetrator of a severe incident of bullying to another school in the school corporation if the following conditions are met:

(1) The school completes an expedited investigation of the bullying incident following procedure adopted under subsection (a)(2)(B).

(2) The school determines that the severity of the incident of bullying may warrant a transfer under subsection (a)(2)(B)(vii).

(3) The school prioritizes the victim by providing the

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following accommodations:

(A) If the victim requests a transfer to another school in the school corporation, the school must approve the transfer of the victim.

(B) If the victim requests the transfer of the alleged perpetrator to another school in the school corporation, the school must approve the transfer of the alleged perpetrator."

Page 3, line 13, delete "(g)" and insert "(h)".

(Reference is to HB 1483 as printed February 20, 2023.)

BEHNING

