

First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1040

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-28-5.5-1, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2021 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The state board shall determine the timing, frequency, whether training requirements can be combined or merged, and the method of training, including whether the training should be required for purposes of obtaining or renewing a license under IC 20-28-5, or, in consultation with teacher preparation programs (as defined in IC 20-28-3-1(b)), as part of the completion requirements for a teacher preparation program for training required under the following sections:

IC 20-26-5-34.2.

IC 20-28-3-4.5.

IC 20-28-3-6.

IC 20-28-3-7.

IC 20-34-7-6.

IC 20-34-7-7.

IC 20-34-8-9.

However, nothing in this subsection shall be construed to authorize the state board to suspend or otherwise eliminate training requirements described in this subsection.

(b) In addition to the training described in subsection (a), the

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department shall, in a manner prescribed by the state board:

- (1) ensure a teacher has training in:
 - (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
 - (B) removing a foreign body causing an obstruction in an airway;
 - (C) the Heimlich maneuver; and
 - (D) the use of an automated external defibrillator;
- (2) ensure a teacher holds a valid certification in each of the procedures described in subdivision (1) issued by:
 - (A) the American Red Cross;
 - (B) the American Heart Association; or
 - (C) a comparable organization or institution approved by the state board; or
- (3) determine if a teacher has physical limitations that make it impracticable to complete a course or certification described in subdivision (1) or (2).

The state board shall determine the timing, frequency, whether training requirements can be combined or merged, and the method of training or certification, including whether the training or certification should be required for purposes of obtaining or renewing a license under IC 20-28-5, or, in consultation with teacher preparation programs (as defined in IC 20-28-3-1(b)), as part of the completion requirements for a teacher preparation program. However, the frequency of the training may not be more frequent and the method of training may not be more stringent than required in IC 20-28-5-3(c) through IC 20-28-5-3(e), as in effect on January 1, 2020. Nothing in this subsection shall be construed to authorize the state board to suspend or otherwise eliminate training requirements described in this subsection.

(c) The state board may recommend to the general assembly, in a report in an electronic format under IC 5-14-6, to eliminate training requirements described in subsection (a) or (b).

(d) In determining the training requirements for a school corporation, charter school, or **state** accredited nonpublic school for training required under:

- (1) IC 20-26-5-34.2;
- (2) IC 20-28-3-4.5;
- (3) IC 20-28-3-6; or
- (4) IC 20-28-3-7;

the state board may consider whether a particular teacher received the training described in this subsection as part of the teacher's licensing requirements or at a teacher preparation program when determining



whether the particular teacher is required to receive the training by the school corporation, charter school, or **state** accredited nonpublic school.

SECTION 2. IC 20-34-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. As used in this chapter, "applicable student" means a student who competes in an athletic activity.**

SECTION 3. IC 20-34-8-2, AS AMENDED BY P.L.127-2016, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "athletic activity" includes the following:

- (1) An athletic contest or competition conducted between or among schools.
- (2) Competitive and noncompetitive cheerleading that is sponsored by or associated with a school.
- (3) Marching band.**
- (4) Other extracurricular competitive or noncompetitive activities in which students have an increased risk of sudden cardiac arrest as determined by the department in consultation with an organization that specializes in preventing sudden cardiac arrest.**

SECTION 4. IC 20-34-8-4, AS ADDED BY P.L.139-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. This chapter does not require information to be provided to or consent to be received from the parent ~~or legal guardian~~ of a **an applicable student athlete** if the **applicable student athlete** is:

- (1) at least eighteen (18) years of age; or
- (2) an emancipated minor.

SECTION 5. IC 20-34-8-5, AS AMENDED BY P.L.92-2020, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department shall disseminate guidelines, information sheets, and forms to each state accredited nonpublic school, charter school, and each school corporation for distribution to schools to inform and educate coaches, ~~student athletes,~~ **marching band leaders, applicable students,** and parents ~~and legal guardians of student athletes~~ **applicable students** of the nature and risk of sudden cardiac arrest to ~~student athletes.~~ **applicable students. The guidelines and information sheets must include the following information:**

- (1) The nature and warning signs of sudden cardiac arrest, including the risks associated with continuing to play or**



practice after experiencing one (1) or more symptoms of sudden cardiac arrest, including:

- (A) fainting;
- (B) difficulty breathing;
- (C) chest pains;
- (D) dizziness; and
- (E) abnormal racing heart rate.

(2) Information about electrocardiogram testing, including the potential risks, benefits, and evidentiary basis behind electrocardiogram testing.

(b) The department:

- (1) may consult with an association, medical professionals, and others with expertise in diagnosing and treating sudden cardiac arrest; and
- (2) may request the assistance of an association in disseminating the guidelines, information sheets, and forms required under subsection (a).

(c) The department may disseminate the guidelines, information sheets, and forms required under this section in an electronic format **and must be made available on the department's Internet web site.**

SECTION 6. IC 20-34-8-6, AS ADDED BY P.L.139-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Each year, before beginning practice for an athletic activity, a **an applicable student athlete** and the **student athlete's applicable student's** parent: ~~or legal guardian:~~

- (1) must be given the information sheet and form described in section 5 of this chapter; and
- (2) shall sign and return the form acknowledging the receipt **and review** of the information sheet to the **student athlete's applicable student's coach, marching band leader, or other official designated by the applicable student's school entity.**

The coach, **marching band leader, or other official designated by the applicable student's school entity** shall maintain a file of the completed forms.

SECTION 7. IC 20-34-8-7, AS ADDED BY P.L.139-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. If a **an applicable student athlete** is suspected, **as determined by a game official, coach from the applicable student's team, licensed athletic trainer, physician assistant, advanced practice registered nurse, licensed physician, marching band leader, or other official designated by the applicable student's school entity,** of experiencing a symptom of



sudden cardiac arrest in a practice for an athletic activity or in an athletic activity:

- (1) the **applicable** student ~~athlete~~ shall be removed from practice or play at the time that the symptom is identified; and
- (2) the parent ~~or legal guardian~~ of the **applicable** student ~~athlete~~ shall be notified of the ~~student athlete's~~ **applicable student's** symptoms.

SECTION 8. IC 20-34-8-8, AS ADDED BY P.L.139-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. ~~☆ An applicable~~ student ~~athlete~~ who has been removed from practice or play under section 7 of this chapter may not return to practice or play until the coach, **marching band leader, or other official designated by the applicable student's school entity** has:

- (1) **provided the applicable student's parent with information regarding sudden cardiac arrest described in section 5 of this chapter; and**
- (2) received verbal permission from a parent ~~or legal guardian~~ of the **applicable** student ~~athlete~~ for the **applicable** student ~~athlete~~ to return to practice and play.

Within twenty-four (24) hours after giving verbal permission for the **applicable** student ~~athlete~~ to return to practice and play, the parent ~~or legal guardian~~ must provide the coach, **marching band leader, or other official designated by the applicable student's school entity** with a written statement that the **applicable** student ~~athlete~~ has permission to return to practice and play.

SECTION 9. IC 20-34-8-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **This section applies to:**

- (1) **a head coach or assistant coach who coaches an athletic activity;**
- (2) **a marching band leader; or**
- (3) **a leader of an extracurricular activity in which students have an increased risk of sudden cardiac arrest activity as determined by the department in consultation with an organization that specializes in the prevention of sudden cardiac arrest.**

(b) **An individual described in subsection (a) shall complete the sudden cardiac arrest training course offered by a provider approved by the department in a manner specified by the state board under IC 20-28-5.5-1. An individual described in subsection (a) may not coach or lead the athletic activity until the individual**



completes the training course required under this subsection. The provider shall provide the school with a certificate of completion to the school corporation, charter school, or state accredited nonpublic school for each individual who completes a course under this subsection.

(c) Each school corporation, charter school, or state accredited nonpublic school shall maintain all certificates of completion awarded under subsection (b) for each individual described in subsection (a).

(d) An individual described in subsection (a) who complies with this section and provides coaching or leadership services in good faith is not personally liable for damages in a civil action as a result of a sudden cardiac arrest incurred by an applicable student participating in an athletic activity for which the head coach, assistant coach, marching band leader, or other applicable leader provided coaching or leadership services, except for an act or omission by the individual described in subsection (a) that constitutes gross negligence or willful or wanton misconduct.

SECTION 10. IC 34-30-2-85.9, AS AMENDED BY P.L.135-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 85.9. IC 20-34-7-6, ~~and~~ IC 20-34-7-7, **and IC 20-34-8-9** (Concerning coaches and assistant coaches, **marching band leaders, or other extracurricular activity leaders**).

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



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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