

# SENATE BILL No. 165

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-23-18-3; IC 20-34-9.

**Synopsis:** School concussion recovery protocol. Requires the department of education to develop and disseminate, before July 1, 2020, a protocol for allowing a student who has received a concussion or head injury to return to classroom work. Requires: (1) a public school, including a charter school; and (2) an accredited nonpublic school; to comply with the protocol in determining the conditions under which a student who has received a concussion or head injury may return to classroom work.

**Effective:** July 1, 2019.

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January 3, 2019, read first time and referred to Committee on Education and Career Development.

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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.

## SENATE BILL No. 165

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 20-23-18-3, AS ADDED BY P.L.213-2018(ss),
- 2 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2019]: Sec. 3. (a) Except as provided in subsection (c), the
- 4 Muncie Community school corporation is subject to all applicable
- 5 federal and state laws.
- 6 (b) If a provision of this chapter conflicts with any other law,
- 7 including IC 20-23-4, the provision in this chapter controls.
- 8 (c) Notwithstanding subsection (a), to provide all administrative and
- 9 academic flexibility to implement innovative strategies, the Muncie
- 10 Community school corporation is subject only to the following IC 20
- 11 provisions:
- 12 (1) IC 20-26-5-10 (criminal history).
- 13 (2) IC 20-28-5-8 (conviction of certain felonies; notice and
- 14 hearing; permanent revocation of license; data base of school
- 15 employees who have been reported).
- 16 (3) IC 20-28-10-17 (school counselor immunity).
- 17 (4) IC 20-29 (collective bargaining) to the extent required by



- 1 subsection (e).  
 2 (5) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative  
 3 observances).  
 4 (6) The following:  
 5 (A) IC 20-30-5-0.5 (display of the United States flag; Pledge  
 6 of Allegiance).  
 7 (B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the  
 8 constitutions of Indiana and the United States; writings,  
 9 documents, and records of American history or heritage).  
 10 (C) IC 20-30-5-4 (system of government; American history).  
 11 (D) IC 20-30-5-5 (morals instruction).  
 12 (E) IC 20-30-5-6 (good citizenship instruction).  
 13 (7) IC 20-32-4, concerning graduation requirements.  
 14 (8) IC 20-32-5.1, concerning the Indiana's Learning Evaluation  
 15 Assessment Readiness Network (ILEARN) program.  
 16 (9) IC 20-32-8.5 (IRead3).  
 17 (10) IC 20-33-2 (compulsory school attendance).  
 18 (11) IC 20-33-3 (limitations on employment of students).  
 19 (12) IC 20-33-8-16 (firearms and deadly weapons).  
 20 (13) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student  
 21 due process and judicial review).  
 22 (14) IC 20-33-7 (parental access to education records).  
 23 (15) IC 20-33-9 (reporting of student violations of law).  
 24 (16) IC 20-34-3 (health and safety measures).  
 25 **(17) IC 20-34-9 (student concussion protocol).**  
 26 ~~(17)~~ **(18)** IC 20-35, concerning special education.  
 27 ~~(18)~~ **(19)** IC 20-39 (accounting and financial reporting  
 28 procedures).  
 29 ~~(19)~~ **(20)** IC 20-40 (government funds and accounts).  
 30 ~~(20)~~ **(21)** IC 20-41 (extracurricular funds and accounts).  
 31 ~~(21)~~ **(22)** IC 20-42 (fiduciary funds and accounts).  
 32 ~~(22)~~ **(23)** IC 20-42.5 (allocation of expenditures to student  
 33 instruction and learning).  
 34 ~~(23)~~ **(24)** IC 20-43 (state tuition support).  
 35 ~~(24)~~ **(25)** IC 20-44 (property tax levies).  
 36 ~~(25)~~ **(26)** IC 20-46 (levies other than general fund levies).  
 37 ~~(26)~~ **(27)** IC 20-47 (related entities; holding companies; lease  
 38 agreements).  
 39 ~~(27)~~ **(28)** IC 20-48 (borrowing and bonds).  
 40 ~~(28)~~ **(29)** IC 20-49 (state management of common school funds;  
 41 state advances and loans).  
 42 ~~(29)~~ **(30)** IC 20-50 (concerning homeless children and foster care



1 children).

2 (d) The Muncie Community school corporation is subject to  
3 required audits by the state board of accounts under IC 5-11-1-9.

4 (e) Except to the extent required under a collective bargaining  
5 agreement entered into before July 1, 2018, the Muncie Community  
6 school corporation is not subject to IC 20-29 unless the school  
7 corporation voluntarily recognizes an exclusive representative under  
8 IC 20-29-5-2. If the school corporation voluntarily recognizes an  
9 exclusive representative under IC 20-29-5-2, the school corporation  
10 may authorize a school within the corporation to opt out of bargaining  
11 allowable subjects or discussing discussion items by specifying the  
12 excluded items on the notice required under IC 20-29-5-2(b). The  
13 notice must be provided to the education employment relations board  
14 at the time the notice is posted.

15 SECTION 2. IC 20-34-9 IS ADDED TO THE INDIANA CODE AS  
16 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2019]:

18 **Chapter 9. Student Concussion Protocol**

19 **Sec. 1. The following definitions apply throughout this chapter:**

20 (1) "Concussion protocol" refers to the protocol developed by  
21 the department under section 2 of this chapter.

22 (2) "School" means:

23 (A) a public school, including a charter school; and

24 (B) an accredited nonpublic school.

25 **Sec. 2. (a) Before July 1, 2020, the department shall develop and**  
26 **disseminate to each school a protocol for allowing a student who**  
27 **has received a concussion or head injury to return to classroom**  
28 **work.**

29 (b) In developing the concussion protocol, the department may:

30 (1) consult with medical professionals and others with  
31 expertise in diagnosing and treating concussions and head  
32 injuries; and

33 (2) consider protocols adopted by other states and  
34 organizations, including the "Return to Learn" protocols  
35 developed by the Brain Injury Association of America.

36 (c) The department may disseminate the concussion protocol in  
37 an electronic format.

38 (d) The department shall post the concussion protocol on the  
39 department's Internet web site.

40 **Sec. 3. (a) A school shall comply with the concussion protocol in**  
41 **determining the conditions under which a student who has received**  
42 **a concussion or head injury may return to classroom work.**



1           **(b) A school shall provide a copy of the concussion protocol to**  
2           **the parent of each student attending the school. The school may**  
3           **provide the protocol to parents in an electronic format.**

