



Reprinted
February 18, 2020

ENGROSSED SENATE BILL No. 246

DIGEST OF SB 246 (Updated February 17, 2020 3:10 pm - DI 136)

Citations Affected: IC 10-21; IC 20-26; IC 20-34.

Synopsis: Mental health services. Requires a school corporation, charter school, or accredited nonpublic school to certify to the department of homeland security that the school corporation, charter school, or accredited nonpublic school has a memorandum of (Continued next page)

Effective: July 1, 2020.

**Crider, Merritt, Becker, Mrvan,
Buck, Raatz, Rogers, Ford J.D.,
Melton, Randolph Lonnie M, Stoops**
(HOUSE SPONSORS — COOK, SCHAIBLEY, SHACKLEFORD, HATFIELD)

January 9, 2020, read first time and referred to Committee on Homeland Security and Transportation.

January 14, 2020, amended, reported favorably — Do Pass.

January 16, 2020, read second time, amended, ordered engrossed.

January 17, 2020, engrossed.

January 21, 2020, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 10, 2020, read first time and referred to Committee on Public Health.

February 13, 2020, amended, reported — Do Pass.

February 17, 2020, read second time, amended, ordered engrossed.

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Digest Continued

understanding in place with a community mental health center or provider certified or licensed by the state to provide mental and behavioral health services to students before applying for a grant from the Indiana secured school fund. Provides that the community mental health center or provider may be employed by the school corporation, charter school, or accredited nonpublic school. Requires a school corporation or charter school to annually report to the department of homeland security the number of school resource officers employed by the school corporation for the protection of the school corporation. Requires the department of homeland security to annually compile the number of school resource officers employed by school corporations for the protection of the school corporations and retain that information. Requires a school corporation and a charter school to enter into a memorandum of understanding with a community mental health center or provider certified or licensed by the state to provide mental and behavioral health services to students. Requires the division of mental health and addiction to develop a memorandum of understanding for referral and assist school corporations and charter schools in obtaining a memorandum of understanding with a community mental health center or an appropriate provider. Requires each school corporation and charter school that enters into a memorandum of understanding with a community mental health center or appropriate provider to comply with certain confidentiality and referral requirements.



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February 18, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 246

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 10-21-1-5, AS AMENDED BY P.L.211-2019,
2 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 5. (a) A school corporation, charter school, or
4 accredited nonpublic school may annually apply to the board for a
5 matching grant from the fund for a program described in section
6 2(a)(1) of this chapter.
7 (b) The application must include the following:
8 (1) A concise description of the school corporation's, charter
9 school's, or accredited nonpublic school's security needs.
10 (2) The estimated cost of the program to the school corporation,
11 charter school, or accredited nonpublic school.
12 (3) The extent to which the school corporation, charter school, or
13 accredited nonpublic school has access to and support from a
14 nearby law enforcement agency, if applicable.
15 (4) The ADM of the school corporation or charter school or the
16 equivalent for an accredited nonpublic school (or the combined
17 ADM of the coalition of schools applying jointly).

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1 (5) Any other information required by the board.

2 (6) A statement whether the school corporation or charter school
3 has completed a local plan and has filed the plan with the county
4 school safety commission for the county in which the school
5 corporation or charter school is located.

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

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

17 **(d) Before July 1, 2021, each school corporation, charter school,
18 or accredited nonpublic school shall certify to the department of
19 homeland security that the school corporation, charter school, or
20 accredited nonpublic school has a memorandum of understanding
21 in place with a community mental health center established under
22 IC 12-29-2 or provider certified or licensed by the state to provide
23 mental or behavioral health services to students before applying
24 for a grant under this chapter. A provider described in this
25 subsection may be employed by the school corporation, charter
26 school, or accredited nonpublic school.**

27 SECTION 2. IC 20-26-18.2-5 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2020]: **Sec. 5. (a) A school corporation or
30 charter school served by a school resource officer employed for the
31 protection of the school corporation or charter school under
32 section 2 of this chapter shall annually report the number of school
33 resource officers serving the school corporation or charter school
34 to the department of homeland security before September 1.**

35 **(b) The department of homeland security shall:**

36 **(1) annually compile the information reported under
37 subsection (a); and**

38 **(2) retain the information reported under subsection (a).**

39 SECTION 3. IC 20-34-3-21, AS ADDED BY P.L.185-2015,
40 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2020]: **Sec. 21. (a) ~~Before July 1, 2016,~~ Each school
42 corporation ~~and charter school may~~ shall enter into a memorandum**



1 of understanding with a community mental health center established
 2 under IC 12-29-2 or a provider certified or licensed by the ~~division of~~
 3 ~~mental health and addiction state~~ to establish conditions or terms for
 4 referring students of the school corporation to the mental health care
 5 provider or community mental health center for services: **provide**
 6 **appropriate and necessary mental or behavioral health services to**
 7 **students. The division of mental health and addiction shall develop**
 8 **a memorandum of understanding for referral and assist school**
 9 **corporations and charter schools in obtaining a memorandum of**
 10 **understanding with a community mental health center or an**
 11 **appropriate provider.**

12 (b) A school corporation **and a charter school** may not refer a
 13 student to a mental health care provider or a community mental health
 14 center for services unless the school corporation **or charter school** has
 15 received the written consent of the student's parent or guardian.

16 (c) If a school corporation **or charter school** refers a student to a
 17 mental health care provider, the school corporation **or charter school**
 18 may note the referral in the student's cumulative record but may not
 19 include any possible diagnosis or information concerning the student's
 20 mental health other than any medication that the student takes for the
 21 student's mental health. A student record that contains medical
 22 information must be kept confidential.

23 (d) A school counselor or other employee of a school corporation **or**
 24 **a charter school** may not diagnose a student as having a mental health
 25 condition unless the individual's scope of practice includes diagnosing
 26 a mental health condition.

27 (e) **Before providing a referral under a memorandum of**
 28 **understanding, each school corporation and charter school shall**
 29 **comply with the following requirements:**

30 (1) **Develop a process for a teacher or school employee to**
 31 **notify a school official to contact a student's parent if the**
 32 **student demonstrates a repeated pattern of aberrant or**
 33 **abnormal behavior. The parental notification process**
 34 **described in this subdivision must also include that the school**
 35 **will hold a conference with the student and the student's**
 36 **parent.**

37 (2) **Require that the conference described in subdivision (1)**
 38 **must address the student's potential need for and benefit**
 39 **from:**

40 (A) **mental or behavioral health services; or**

41 (B) **mental or behavioral health services provided by the**
 42 **community mental health center or appropriate provider**



- 1 that is contracted and paid for by the school corporation or
- 2 charter school.
- 3 **(3) Establish a procedure for a parent who chooses to seek**
- 4 **services for the student to follow that includes granting**
- 5 **written parental consent for the student to receive mental or**
- 6 **behavioral health services by a community mental health**
- 7 **center or appropriate provider described under subdivision**
- 8 **(2).**
- 9 **(4) Ensure that a school maintains the confidentiality of any**
- 10 **medical records that result from a student's participation in**
- 11 **any treatment described in subdivision (2). The school must**
- 12 **adopt a policy that prohibits the school from:**
- 13 **(A) sharing any reports or notes resulting from the**
- 14 **provision of mental or behavioral health services described**
- 15 **in subdivision (2)(A) with other school officials; and**
- 16 **(B) maintaining any reports, notes, diagnosis, or**
- 17 **appointments that result from a student's participation in**
- 18 **any treatment described in subdivision (2)(A) through**
- 19 **(2)(B) in the student's permanent educational file.**



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security and Transportation, to which was referred Senate Bill No. 246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 21, after "community" insert "**mental**".

Page 2, line 21, after "center" insert "**established under IC 12-29-2**".

and when so amended that said bill do pass.

(Reference is to SB 246 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 8, Nays 0.

 SENATE MOTION

Madam President: I move that Senate Bill 246 be amended to read as follows:

Page 2, line 22, delete "division of" and insert "**state**".

Page 2, line 23, delete "mental health and addiction".

Page 2, line 23, after "provide" insert "**mental or behavioral health**".

Page 2, line 30, delete ", including a charter school," and insert "**and charter school**".

Page 2, line 33, strike "division of mental health and addiction" and insert "**state**".

Page 2, line 36, after "mental" insert "**or behavioral**".

Page 2, line 38, delete "referral." and insert "**referral and assist school corporations and charter schools in obtaining a memorandum of understanding with a community mental health center or an appropriate provider.**".

Page 2, line 39, delete ", including a charter school," and insert "**and a charter school**".

Page 3, line 9, delete "corporation," and insert "corporation".

Page 3, line 10, delete "including" and insert "**or**".

Page 3, line 10, delete "school," and insert "**school**".

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(Reference is to SB 246 as printed January 15, 2020.)

CRIDER

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 246, 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 3, after line 14, begin a new paragraph and insert:

"(e) Before providing a referral under a memorandum of understanding, each school corporation and charter school shall comply with the following requirements:

(1) Develop a process for a teacher or school employee to notify a school official to contact a student's parent if the student demonstrates a repeated pattern of aberrant or abnormal behavior. The parental notification process described in this subdivision must also include that the school will hold a conference with the student and the student's parent.

(2) Require that the conference described in subdivision (1) must address the student's potential need for and benefit from:

(A) mental or behavioral health services; or

(B) mental or behavioral health services provided by the community mental health center or appropriate provider that is contracted and paid for by the school corporation or charter school.

(3) Establish a procedure for a parent who chooses to seek services for the student to follow that includes granting written parental consent for the student to receive mental or behavioral health services by a community mental health center or appropriate provider described under subdivision (2).

(4) Ensure that a school maintains the confidentiality of any medical records that result from a student's participation in any treatment described in subdivision (2). The school must adopt a policy that prohibits the school from:

(A) sharing any reports or notes resulting from the provision of mental or behavioral health services described



in subdivision (2)(A) with other school officials; and (B) maintaining any reports, notes, diagnosis, or appointments that result from a student's participation in any treatment described in subdivision (2)(A) through (2)(B) in the student's permanent educational file."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 246 as reprinted January 17, 2020.)

KIRCHHOFER

Committee Vote: yeas 11, nays 1.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 246 be amended to read as follows:

Page 2, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 2. IC 20-26-18.2-5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) A school corporation or charter school served by a school resource officer employed for the protection of the school corporation or charter school under section 2 of this chapter shall annually report the number of school resource officers serving the school corporation or charter school to the department of homeland security before September 1.**

(b) The department of homeland security shall:

(1) annually compile the information reported under subsection (a); and

(2) retain the information reported under subsection (a)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 246 as printed February 14, 2020.)

AUSTIN

