



January 15, 2020

SENATE BILL No. 246

DIGEST OF SB 246 (Updated January 14, 2020 3:42 pm - DI 132)

Citations Affected: IC 10-21; 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 understanding in place with a community mental health center or provider certified or licensed by the division of mental health and addiction to provide 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, including a charter school, to enter into a memorandum of understanding with a community mental health center or provider certified or licensed with the division of mental health and addiction to provide services to students. Requires the division of mental health and addiction to develop a referral process through a memorandum of understanding.

Effective: July 1, 2020.

Crider

January 9, 2020, read first time and referred to Committee on Homeland Security and Transportation.
January 14, 2020, amended, reported favorably — Do Pass.

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January 15, 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.

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 division of**
23 **mental health and addiction to provide services to students before**
24 **applying for a grant under this chapter. A provider described in**
25 **this subsection may be employed by the school corporation, charter**
26 **school, or accredited nonpublic school.**

27 SECTION 2. IC 20-34-3-21, AS ADDED BY P.L.185-2015,
28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2020]: Sec. 21. (a) ~~Before July 1, 2016,~~ Each school
30 corporation, **including a charter school,** ~~may shall~~ enter into a
31 memorandum of understanding with a community mental health center
32 established under IC 12-29-2 or a provider certified or licensed by the
33 division of mental health and addiction to ~~establish conditions or terms~~
34 ~~for referring students of the school corporation to the mental health~~
35 ~~care provider or community mental health center for services.~~ **provide**
36 **appropriate and necessary mental health services to students. The**
37 **division of mental health and addiction shall develop a**
38 **memorandum of understanding for referral.**

39 (b) A school corporation, **including a charter school,** may not refer
40 a student to a mental health care provider or a community mental
41 health center for services unless the school corporation **or charter**
42 **school** has received the written consent of the student's parent or



- 1 guardian.
- 2 (c) If a school corporation **or charter school** refers a student to a
3 mental health care provider, the school corporation **or charter school**
4 may note the referral in the student's cumulative record but may not
5 include any possible diagnosis or information concerning the student's
6 mental health other than any medication that the student takes for the
7 student's mental health. A student record that contains medical
8 information must be kept confidential.
- 9 (d) A school counselor or other employee of a school corporation,
10 **including a charter school**, may not diagnose a student as having a
11 mental health condition unless the individual's scope of practice
12 includes diagnosing a mental health condition.



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.

