



Reprinted
January 17, 2020

SENATE BILL No. 246

DIGEST OF SB 246 (Updated January 16, 2020 3:27 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 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 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.

Effective: July 1, 2020.

Crider, Becker

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.

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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 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 20-34-3-21, 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 ~~and charter school may~~ **shall** enter into a memorandum
- 31 of understanding with a community mental health center established
- 32 under IC 12-29-2 or a provider certified or licensed by the ~~division of~~
- 33 ~~mental health and addiction state to establish conditions or terms for~~
- 34 ~~referring students of the school corporation to the mental health care~~
- 35 ~~provider or community mental health center for services.~~ **provide**
- 36 **appropriate and necessary mental or behavioral health services to**
- 37 **students. The division of mental health and addiction shall develop**
- 38 **a memorandum of understanding for referral and assist school**
- 39 **corporations and charter schools in obtaining a memorandum of**
- 40 **understanding with a community mental health center or an**
- 41 **appropriate provider.**
- 42 (b) A school corporation ~~and a charter school~~ may not refer a



1 student to a mental health care provider or a community mental health
2 center for services unless the school corporation **or charter school** has
3 received the written consent of the student's parent or guardian.

4 (c) If a school corporation **or charter school** refers a student to a
5 mental health care provider, the school corporation **or charter school**
6 may note the referral in the student's cumulative record but may not
7 include any possible diagnosis or information concerning the student's
8 mental health other than any medication that the student takes for the
9 student's mental health. A student record that contains medical
10 information must be kept confidential.

11 (d) A school counselor or other employee of a school corporation **or**
12 **a charter school** may not diagnose a student as having a mental health
13 condition unless the individual's scope of practice includes diagnosing
14 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.

 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

