

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 ENROLLED ACT No. 246

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 10-21-1-5, AS AMENDED BY P.L.211-2019, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) A school corporation, charter school, or accredited nonpublic school may annually apply to the board for a matching grant from the fund for a program described in section 2(a)(1) of this chapter.

(b) The application must include the following:

- (1) A concise description of the school corporation's, charter school's, or accredited nonpublic school's security needs.
- (2) The estimated cost of the program to the school corporation, charter school, or accredited nonpublic school.
- (3) The extent to which the school corporation, charter school, or accredited nonpublic school has access to and support from a nearby law enforcement agency, if applicable.
- (4) The ADM of the school corporation or charter school or the equivalent for an accredited nonpublic school (or the combined ADM of the coalition of schools applying jointly).
- (5) Any other information required by the board.
- (6) A statement whether the school corporation or charter school has completed a local plan and has filed the plan with the county school safety commission for the county in which the school corporation or charter school is located.
- (7) A statement whether the school corporation or charter school



(or coalition of public schools applying jointly) requests an advance under IC 20-49-10 in addition to a matching grant under this chapter.

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

(d) Before July 1, 2021, each school corporation, charter school, or accredited nonpublic school shall 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 established under IC 12-29-2 or provider certified or licensed by the state to provide mental or behavioral health services to students before applying for a grant under this chapter. A provider described in this subsection may be employed by the school corporation, charter school, or accredited nonpublic school.

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

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

(c) If a school corporation **or charter school** refers a student to a mental health care provider, the school corporation **or charter school** may note the referral in the student's cumulative record but may not



include any possible diagnosis or information concerning the student's mental health other than any medication that the student takes for the student's mental health. A student record that contains medical information must be kept confidential.

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

(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.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

