

PROPOSED AMENDMENT

HB 1134 # 20

DIGEST

Education matters. Removes the provisions in the current bill except for language regarding third party vendors. Provides that, if the governing body of a school corporation has not established a curriculum advisory committee (committee), a parent of a student may request the governing body to determine the level of interest in and discuss establishing a committee at the next regularly scheduled meeting of the governing body. Provides that, if a committee has been established, a parent of a student may request that the committee review specific learning material. Provides that, if a school corporation or qualified school uses a third party vendor in providing certain personal analyses, evaluations, or surveys, the third party vendor and the school corporation or qualified school may not record, collect, or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student. Provides that any information collected by a third party vendor from certain personal analyses, evaluations, or surveys: (1) is the property of and may be used by the school corporation, qualified school, and the state of Indiana; and (2) may not be used for any other purpose outside of Indiana. Provides that the consent requirements for certain student personal analysis, evaluations, or surveys apply to each school corporation or qualified schools (instead of school corporations only). Requires, not later than July 1, 2023, each qualified school to use a web based learning management system. Requires a teacher or other employee of a qualified school, upon request, to allow a parent to review any learning material. Provides that a school corporation or qualified school shall not promote certain concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees to use supplemental learning materials to promote certain concepts regarding sex, race, ethnicity, religion, color, or national origin. Requires requesting to meet with a teacher for certain complaints. Requires each school corporation or qualified school to establish a grievance process for certain complaints. Provides that, if a parent of a student or a student, if the student is an adult or emancipated minor, is not satisfied with a final decision, the parent or student may submit a request to the department of education (department) to review the complaint and decision. Establishes a notice and consent procedure to be used before a qualified school may provide or administer certain mental, social-emotional, or psychological health services to a student. Requires the department to establish guidance materials regarding certain provisions and post the guidance materials on the department's Internet web site.

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- 1 Page 1, delete lines 1 through 15, begin a new paragraph and insert:
2 "SECTION 1. IC 20-18-2-10.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2022]: **Sec. 10.5. (a) "Learning material"**
5 **means any material used for student instruction, including the**
6 **following:**
7 **(1) Textbooks and other printed materials.**
8 **(2) Audiovisual materials.**
9 **(3) Materials in electronic or digital formats, including**

- 1 **materials accessible through the Internet.**
- 2 **(4) Library materials.**
- 3 **(5) Student surveys.**
- 4 **(6) Syllabi.**
- 5 **(b) The term does not include:**
- 6 **(1) an academic test or assessment, scoring keys, or other test**
7 **or assessment data used in administering an academic test or**
8 **assessment that is directly related to measuring a student's**
9 **academic performance in understanding a particular**
10 **curricular subject matter, as prescribed by the department;**
11 **or**
- 12 **(2) a lesson plan.**
- 13 SECTION 2. IC 20-23-18-3, AS AMENDED BY P.L.147-2020,
14 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c), the
16 Muncie Community School Corporation is subject to all applicable
17 federal and state laws.
- 18 (b) If a provision of this chapter conflicts with any other law,
19 including IC 20-23-4, the provision in this chapter controls.
- 20 (c) Notwithstanding subsection (a), to provide all administrative and
21 academic flexibility to implement innovative strategies, the Muncie
22 Community School Corporation is subject only to the following IC 20
23 and IC 22 provisions:
- 24 (1) IC 20-26-5-10 (criminal history).
- 25 **(2) IC 20-26-21 (personal analysis, evaluations, or surveys by**
26 **third party vendors).**
- 27 ~~(3)~~ **(3)** IC 20-28-5-8 (conviction of certain felonies; notice and
28 hearing; permanent revocation of license; data base of school
29 employees who have been reported).
- 30 ~~(4)~~ **(4)** IC 20-28-10-17 (school counselor immunity).
- 31 ~~(5)~~ **(5)** IC 20-29 (collective bargaining) to the extent required by
32 subsection (e).
- 33 ~~(6)~~ **(6)** IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
34 observances).
- 35 ~~(7)~~ **(7)** The following:
- 36 (A) IC 20-30-5-0.5 (display of the United States flag; Pledge
37 of Allegiance).
- 38 (B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the
39 constitutions of Indiana and the United States; writings,
40 documents, and records of American history or heritage).

- 1 (C) IC 20-30-5-4 (system of government; American history).
 2 (D) IC 20-30-5-5 (morals instruction).
 3 (E) IC 20-30-5-6 (good citizenship instruction).
 4 **(8) IC 20-30-17 (learning management system).**
 5 ~~(7)~~ **(9)** IC 20-32-4, concerning graduation requirements.
 6 ~~(8)~~ **(10)** IC 20-32-5.1, concerning the Indiana's Learning
 7 Evaluation Assessment Readiness Network (ILEARN) program.
 8 ~~(9)~~ **(11)** IC 20-32-8.5 (IRead3).
 9 **(12) IC 20-33-1.5 (dignity and nondiscrimination in**
 10 **education).**
 11 ~~(10)~~ **(13)** IC 20-33-2 (compulsory school attendance).
 12 ~~(11)~~ **(14)** IC 20-33-8-16 (firearms and deadly weapons).
 13 ~~(12)~~ **(15)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22
 14 (student due process and judicial review).
 15 ~~(13)~~ **(16)** IC 20-33-7 (parental access to education records).
 16 ~~(14)~~ **(17)** IC 20-33-9 (reporting of student violations of law).
 17 ~~(15)~~ **(18)** IC 20-34-3 (health and safety measures).
 18 ~~(16)~~ **(19)** IC 20-35 (concerning special education).
 19 ~~(17)~~ **(20)** IC 20-39 (accounting and financial reporting
 20 procedures).
 21 ~~(18)~~ **(21)** IC 20-40 (government funds and accounts).
 22 ~~(19)~~ **(22)** IC 20-41 (extracurricular funds and accounts).
 23 ~~(20)~~ **(23)** IC 20-42 (fiduciary funds and accounts).
 24 ~~(21)~~ **(24)** IC 20-42.5 (allocation of expenditures to student
 25 instruction and learning).
 26 ~~(22)~~ **(25)** IC 20-43 (state tuition support).
 27 ~~(23)~~ **(26)** IC 20-44 (property tax levies).
 28 ~~(24)~~ **(27)** IC 20-46 (levies other than general fund levies).
 29 ~~(25)~~ **(28)** IC 20-47 (related entities; holding companies; lease
 30 agreements).
 31 ~~(26)~~ **(29)** IC 20-48 (borrowing and bonds).
 32 ~~(27)~~ **(30)** IC 20-49 (state management of common school funds;
 33 state advances and loans).
 34 ~~(28)~~ **(31)** IC 20-50 (concerning homeless children and foster care
 35 children).
 36 ~~(29)~~ **(32)** IC 22-2-18, before its expiration on June 30, 2021
 37 (limitation on employment of minors).
 38 (d) The Muncie Community School Corporation is subject to
 39 required audits by the state board of accounts under IC 5-11-1-9.

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

12 SECTION 3. IC 20-26-12-2, AS AMENDED BY P.L.233-2015,
 13 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A governing body may
 15 purchase from a publisher any curricular material selected by the
 16 proper local officials. The governing body may rent the curricular
 17 materials to students enrolled in any public or nonpublic school that is:

- 18 (1) in compliance with the minimum certification standards of the
- 19 state board; and
- 20 (2) located within the attendance unit served by the governing
- 21 body.

22 The annual rental rate may not exceed twenty-five percent (25%) of the
 23 retail price of the curricular materials.

24 (b) Notwithstanding subsection (a), the governing body may not
 25 assess a rental fee of more than twenty-five percent (25%) of the retail
 26 price of curricular materials that have been:

- 27 (1) extended for usage by students under section ~~24(e)~~ **24(d)** of
 - 28 this chapter; and
 - 29 (2) paid for through rental fees previously collected.
- 30 (c) This section does not limit other laws.

31 SECTION 4. IC 20-26-12-24, AS AMENDED BY P.L.216-2021,
 32 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2022]: Sec. 24. (a) The superintendent, after approval from
 34 the governing body, shall establish procedures for adoption of
 35 curricular materials.

36 (b) The governing body, after reviewing any recommendations
 37 from:

- 38 (1) the superintendent; **and**
- 39 (2) **as applicable, a curriculum advisory committee**
- 40 **established under section 24.5 of this chapter;**

1 shall adopt curricular materials for use in teaching each subject in the
2 school corporation.

3 (c) A special committee of teachers and parents may also be
4 appointed to review books, magazines, and audiovisual material used
5 or proposed for use in the classroom to supplement state adopted
6 curricular materials and may make recommendations to the
7 superintendent and the governing body concerning the use of these
8 materials:

9 (d) (c) The governing body may, if the governing body considers it
10 appropriate, retain curricular materials adopted under this section and
11 authorize the purchase of supplemental materials to ensure continued
12 alignment with academic standards adopted by the state board.

13 (e) (d) The superintendent, advisory committee, and governing body
14 may consider using the list of curricular materials provided by the
15 department under IC 20-20-5.5.

16 (f) (e) A governing body may not purchase curricular materials from
17 a publisher unless the publisher agrees, in accordance with Sections
18 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities
19 Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide
20 or grant a license to the school corporation to allow for the
21 reproduction of adopted curricular materials in:

- 22 (1) large type;
- 23 (2) Braille; and
- 24 (3) audio format.

25 SECTION 5. IC 20-26-12-24.5 IS ADDED TO THE INDIANA
26 CODE AS A NEW SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2022]: **Sec. 24.5. (a) The governing body of**
28 **a school corporation may establish a curriculum advisory**
29 **committee to:**

- 30 (1) review, at the discretion of the committee, learning
31 materials used or proposed for use by the school corporation;
32 and
- 33 (2) as applicable, make recommendations to the
34 superintendent and the governing body concerning the use of
35 the learning materials.

36 (b) If the governing body of a school corporation establishes a
37 curriculum advisory committee under subsection (a), the governing
38 body shall appoint individuals, including parents and teachers, to
39 serve as members of the curriculum advisory committee.

40 (c) If the governing body of a school corporation has not

1 established a curriculum advisory committee under subsection (a),
 2 a parent of a student who is enrolled in the school corporation may
 3 request the governing body to:

4 (1) determine the level of interest that:

5 (A) parents of students enrolled in the school corporation;

6 and

7 (B) educators employed by the school corporation;

8 have in establishing a curriculum advisory committee; and

9 (2) discuss establishing a curriculum advisory committee;

10 at the next regularly scheduled meeting of the governing body.

11 (d) If a curriculum advisory committee has been established by
 12 the governing body of a school corporation under this section, a
 13 parent of a student who is enrolled in the school corporation may
 14 request that the committee review specific learning material,
 15 including textbooks or other materials used for social-emotional
 16 learning."

17 Delete pages 2 through 16.

18 Page 17, delete lines 1 through 31.

19 Page 17, delete lines 37 through 40, begin a new paragraph and
 20 insert:

21 "Sec. 1. As used in this chapter, "qualified school" means the
 22 following:

23 (1) A school maintained by a school corporation.

24 (2) A charter school.

25 (3) A laboratory school established under IC 20-24.5-2.

26 (4) The Indiana School for the Blind and Visually Impaired
 27 established by IC 20-21-2-1.

28 (5) The Indiana School for the Deaf established by
 29 IC 20-22-2-1.

30 Sec. 2. (a) This section does not apply to the following:

31 (1) An academic test or assessment.

32 (2) A career aptitude or career interest survey administered
 33 during the administration of a standardized assessment."

34 Page 18, delete lines 7 through 42, begin a new paragraph and
 35 insert:

36 "(c) Any information collected by a third party vendor from a
 37 personal analysis, evaluation, or survey described in subsection (b):

38 (1) is the property of and may be used by the:

39 (A) school corporation, as applicable, and qualified school;

40 and

1 **(B) state of Indiana; and**
 2 **(2) may not be used for any other purpose outside of Indiana.**

3 **Sec. 3. A parent of a student or a student, if the student is an**
 4 **adult or emancipated minor, who is enrolled in a qualified school**
 5 **may submit a complaint for a violation of this chapter under the**
 6 **grievance procedure maintained by the qualified school in**
 7 **accordance with IC 20-33-1.5-5.**

8 **Sec. 4. The department shall:**

9 **(1) develop guidance materials for school corporations and**
 10 **qualified schools to assist school corporations and qualified**
 11 **schools in implementing this chapter; and**

12 **(2) post the guidance materials on the department's Internet**
 13 **web site.**

14 SECTION 7. IC 20-28-10-17, AS ADDED BY P.L.1-2005,
 15 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2022]: Sec. 17. (a) Except as provided in IC 31-32-11-1 **and**
 17 **subject to IC 20-34-3-27**, a school counselor is immune from
 18 disclosing privileged or confidential communication made to the
 19 counselor as a counselor by a student.

20 (b) Except as provided in IC 31-32-11-1 **and subject to**
 21 **IC 20-34-3-27**, the matters communicated are privileged and protected
 22 against disclosure.

23 SECTION 8. IC 20-30-5-17, AS AMENDED BY P.L.154-2018,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2022]: Sec. 17. (a) **As used in this section, "qualified**
 26 **school" has the meaning set forth in IC 20-26-21-1.**

27 **(b) Each school corporation or qualified school shall make**
 28 **available for inspection by the parent of a student any instructional**
 29 **materials, including teachers' manuals, curricular materials, films or**
 30 **other video materials, tapes, and other materials, used in connection**
 31 **with:**

32 (1) a personal analysis, an evaluation, or a survey described in
 33 subsection ~~(b)~~; **(c)**; or

34 (2) instruction on human sexuality.

35 ~~(b)~~ **(c) A student shall not be required to participate in a personal**
 36 **analysis, an evaluation, or a survey that is not directly related to**
 37 **academic instruction and that reveals or attempts to affect the student's**
 38 **attitudes, habits, traits, opinions, beliefs, or feelings concerning:**

39 (1) political affiliations;

40 (2) religious beliefs or practices;

- 1 (3) mental or psychological conditions that may embarrass the
 2 student or the student's family;
 3 (4) sexual behavior or attitudes;
 4 (5) illegal, antisocial, self-incriminating, or demeaning behavior;
 5 (6) critical appraisals of other individuals with whom the student
 6 has a close family relationship;
 7 (7) legally recognized privileged or confidential relationships,
 8 including a relationship with a lawyer, minister, or physician; or
 9 (8) income (except as required by law to determine eligibility for
 10 participation in a program or for receiving financial assistance
 11 under a program);

12 without the prior **written** consent of the student if the student is an
 13 adult or an emancipated minor or the prior written consent of the
 14 student's parent if the student is an unemancipated minor. A parental
 15 consent form for a personal analysis, an evaluation, or a survey
 16 described in this subsection shall accurately reflect the contents and
 17 nature of the personal analysis, evaluation, or survey.

18 ~~(e)~~ **(d)** Before a **qualified** school may provide a student with
 19 instruction on human sexuality, the **qualified** school must provide the
 20 parent of the student or the student, if the student is an adult or an
 21 emancipated minor, with a written request for consent of instruction.
 22 A consent form provided to a parent of a student or a student under this
 23 subsection must accurately summarize the contents and nature of the
 24 instruction on human sexuality that will be provided to the student and
 25 indicate that a parent of a student or an adult or emancipated minor
 26 student has the right to review and inspect all materials related to the
 27 instruction on human sexuality. The written consent form may be sent
 28 in an electronic format. The parent of the student or the student, if the
 29 student is an adult or an emancipated minor, may return the consent
 30 form indicating that the parent of the student or the adult or
 31 emancipated student:

- 32 (1) consents to the instruction; or
 33 (2) declines instruction.

34 If a student does not participate in the instruction on human sexuality,
 35 the **qualified** school shall provide the student with alternative academic
 36 instruction during the same time frame that the instruction on human
 37 sexuality is provided.

38 ~~(d)~~ **(e)** If the parent of the student or the student, if the student is an
 39 adult or an emancipated minor, does not respond to the written request
 40 provided by the **qualified** school under subsection ~~(e)~~ **(d)** within

1 twenty-one (21) calendar days after receiving the request under
 2 subsection ~~(c)~~, **(d)**, the school shall provide the parent of the student,
 3 or the student, if the student is an adult or an emancipated minor, a
 4 written notice requesting that the parent of the student, or the student,
 5 if the student is an adult or an emancipated minor, indicate, in a
 6 manner prescribed by the **qualified** school, whether the parent of the
 7 student or the adult or emancipated student:

8 (1) consents to the instruction; or

9 (2) declines instruction.

10 A notice provided to a parent of a student or a student under this
 11 subsection must accurately summarize the contents and nature of the
 12 instruction on human sexuality that will be provided to the student and
 13 indicate that a parent of a student or an adult or emancipated minor
 14 student has the right to review and inspect all materials related to the
 15 instruction on human sexuality. The notice may be sent in an electronic
 16 format. If the **qualified** school does not receive a response within ten
 17 (10) days after the notice, the student will receive the instruction on
 18 human sexuality unless the parent or the adult or emancipated student
 19 subsequently opts out of the instruction for the student.

20 ~~(c)~~ **(f)** The department and the governing body **of a school**
 21 **corporation, or its equivalent for a qualified school**, shall give
 22 parents and students notice of their rights under this section.

23 ~~(f)~~ **(g)** The governing body **of a school corporation, or its**
 24 **equivalent for a qualified school**, shall enforce this section.

25 SECTION 9. IC 20-30-17 IS ADDED TO THE INDIANA CODE
 26 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2022]:

28 **Chapter 17. Learning Management System**

29 **Sec. 1. As used in this chapter, "qualified school" has the**
 30 **meaning set forth in IC 20-26-21-1.**

31 **Sec. 2. (a) Each qualified school shall, not later than July 1,**
 32 **2023, use a web based learning management system that:**

33 **(1) is used by each teacher of the qualified school;**

34 **(2) is accessible by each parent of a student and each student**
 35 **enrolled in the qualified school; and**

36 **(3) allows a parent and student described in subdivision (2) to,**
 37 **through the learning management system, contact the teacher**
 38 **of each course, class, or program in which the student is**
 39 **enrolled.**

40 **(b) A teacher or other employee of a qualified school shall allow**

1 a parent to review any learning material requested by a parent of
2 a student enrolled in the qualified school.

3 **Sec. 3. Nothing in this chapter requires a qualified school to**
4 **provide information described in section 2 of this chapter in a**
5 **manner that would constitute an infringement of copyright under**
6 **the federal Copyright Act, 1017 U.S.C. 101 through 1332.**

7 SECTION 10. IC 20-33-1.5 IS ADDED TO THE INDIANA CODE
8 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2022]:

10 **Chapter 1.5. Dignity and Nondiscrimination in Education**

11 **Sec. 1. As used in this chapter, "qualified school" has the**
12 **meaning set forth in IC 20-26-21-1.**

13 **Sec. 2. In accordance with IC 20-33-1-1, a school corporation or**
14 **qualified school:**

15 (1) shall not promote the concept as part of a course of
16 instruction or in a curriculum or instructional program or
17 allow teachers or other employees of the school corporation
18 or qualified school to use supplemental learning materials to
19 promote the concept that any sex, race, ethnicity, religion,
20 color, or national origin is inherently superior or inferior to
21 another sex, race, ethnicity, religion, color, or national origin;

22 (2) shall not promote the concept as part of a course of
23 instruction or in a curriculum or instructional program or
24 allow teachers or other employees of the school corporation
25 or qualified school to use supplemental learning materials to
26 promote the concept that an individual should be treated
27 adversely or preferentially because of the individual's sex,
28 race, ethnicity, religion, color, or national origin; and

29 (3) shall not promote the concept as part of a course of
30 instruction or in a curriculum or instructional program or
31 allow teachers or other employees of the school corporation
32 or qualified school to use supplemental learning materials to
33 promote the concept that an individual, by virtue of sex, race,
34 ethnicity, religion, color, or national origin, is inherently
35 responsible for actions committed in the past by other
36 members of the same sex, race, ethnicity, religion, color, or
37 national origin.

38 **Sec. 3. Nothing in this chapter shall be construed to exclude the**
39 **teaching or discussion of factual history or historical injustices**
40 **committed against any sex, race, ethnicity, religion, color, or**

1 national origin, including the teaching and discussion of
2 curriculum required under IC 20-30-5-7.

3 **Sec. 4. (a) If a parent of a student or student, if the student is an**
4 **adult or emancipated minor, of a qualified school has a complaint**
5 **regarding:**

6 (1) the use or proposed use of specific learning material in the
7 classroom; or

8 (2) an alleged violation of this chapter;

9 by a teacher, the parent or student, if the student is an adult or
10 emancipated minor, shall request a meeting with the teacher to
11 discuss the complaint.

12 (b) If a parent or student described in subsection (a) is not
13 satisfied with the resolution of the meeting with a teacher under
14 subsection (a), the parent or student may submit a complaint
15 through the grievance procedure maintained by the qualified
16 school under section 5 of this chapter.

17 **Sec. 5. (a) Each school corporation or qualified school shall**
18 **establish and maintain a grievance procedure for the resolution of**
19 **a complaint submitted by a parent of a student or student, if the**
20 **student is an adult or emancipated minor, for the following:**

21 (1) A complaint described in section 4 of this chapter if the
22 parent or student is not satisfied with the resolution of the
23 meeting with the teacher under section 4 of this chapter.

24 (2) A violation of IC 20-26-21 or this chapter.

25 (b) A grievance procedure under this section must include a
26 complaint form that a parent or student described in subsection (a)
27 may submit to the qualified school for a complaint described in
28 subsection (a).

29 (c) A qualified school shall post the following on the qualified
30 school's Internet web site:

31 (1) The grievance procedure established by the school
32 corporation or qualified school under subsection (a).

33 (2) The complaint form described in subsection (b).

34 **Sec. 6. (a) If a parent or student described in section 5(a) of this**
35 **chapter is not satisfied with the final decision by a school**
36 **corporation or qualified school regarding a complaint submitted**
37 **under section 5 of this chapter, the parent or student may submit**
38 **a request to the department, on a form prescribed by the**
39 **department, to review the complaint and decision.**

40 (b) The department shall review the request submitted under

1 subsection (a) and issue a final order not later than thirty (30) days
2 after the date that the department receives the request.

3 **Sec. 7. The department shall:**

- 4 (1) develop guidance materials for school corporations and
5 qualified schools to assist school corporations and qualified
6 schools in implementing this chapter; and
7 (2) post the guidance materials on the department's Internet
8 web site.

9 SECTION 11. IC 20-34-3-27 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2022]: **Sec. 27. (a) As used in this section,**
12 **"qualified school" has the meaning set forth in IC 20-26-21-1.**

13 **(b) This section does not apply to the following:**

- 14 (1) Transitional services as described in 34 CFR 300.320(b)
15 that are part of a student's individualized education program.
16 (2) A student who is an adult or emancipated minor.
17 (3) The daily interactions between a teacher or other
18 employee of a qualified school and a student.

19 **(c) Before a licensed psychologist or school psychologist at a**
20 **qualified school or an employee of a qualified school may provide**
21 **a student with ongoing or recurring consultation, collaboration, or**
22 **intervention services for mental, social-emotional, or psychological**
23 **health issues, the psychologist or employee shall attempt to contact**
24 **the parent by telephone to notify the parent that the psychologist**
25 **or employee will be sending the following to the parent:**

26 **(1) Information that includes the following:**

- 27 **(A) A description of the services that the psychologist or**
28 **employee intends to provide to the student.**
29 **(B) The reason that the psychologist or school employee is**
30 **requesting to provide the services to the student.**
31 **(C) A statement that if the parent:**

- 32 **(i) returns a signed consent form; or**
33 **(ii) fails to return a signed consent form within the time**
34 **periods established under subsections (e) and (f) and**
35 **does not opt the student out of services;**

36 **the psychologist or employee is allowed to provide the**
37 **services to the student.**

38 **(2) A parental consent form for the provision of the services.**

39 **(d) A psychologist or employee described in subsection (c) shall**
40 **send, through the United States mail or by electronic means, the**

1 information and form described in subsection (c).

2 (e) If a parent of a student does not return the consent form to
3 the qualified school indicating that the parent consents to the
4 services described in subsection (c) within:

5 (1) five (5) business days after the date the psychologist or
6 employee sent the information and consent form if the
7 psychologist or employee sent the information and form by
8 electronic mail; or

9 (2) ten (10) business days after the date the psychologist or
10 employee sent the information and consent form if the
11 psychologist or employee sent the information and form by
12 United States mail;

13 the psychologist or employee shall subsequently send, through the
14 United States mail or by electronic means, the information and a
15 second consent form to the parent.

16 (f) Except as provided under subsection (h), if a parent of a
17 student does not return the second consent form to the qualified
18 school indicating that the parent consents to the services described
19 in subsection (c) within:

20 (1) two (2) business days after the date the psychologist or
21 employee sent the information and consent form if the
22 psychologist or employee sent the information and form by
23 electronic mail; and

24 (2) five (5) business days after the date the psychologist or
25 employee sent the information and consent form if the
26 psychologist or employee sent the information and form by
27 United States mail;

28 the psychologist or employee may provide the services described in
29 the information that the psychologist or employee sent to the
30 parent.

31 (g) If a parent of a student returns a signed consent form under
32 this section, the psychologist or employee may provide to the
33 student the services described in the information that the
34 psychologist or employee sent to the parent.

35 (h) A psychologist or employee may not provide services
36 described under subsection (c) to a student if the parent of the
37 student opts the student out of the services.

38 (i) Nothing in this section may be construed to require a
39 qualified school to obtain parental consent before providing an
40 emergency response:

- 1 **(1) in a crisis situation in which a psychologist or employee**
- 2 **described in subsection (c) reasonably believes that the**
- 3 **student is in immediate danger of harming the student or**
- 4 **another person; or**
- 5 **(2) without which, the student is in immediate danger of**
- 6 **experiencing abuse or neglect.**
- 7 **(j) The department shall:**
- 8 **(1) develop guidance materials for qualified schools to assist**
- 9 **qualified schools in implementing this section; and**
- 10 **(2) post the guidance materials on the department's Internet**
- 11 **web site."**

12 Delete pages 19 through 38.

13 Renumber all SECTIONS consecutively.

(Reference is to HB 1134 as reprinted January 26, 2022.)