

PROPOSED AMENDMENT

HB 1134 # 34

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 and presentation content of guest speakers. Requires, not later than November 30, 2022, the department of education (department) to prepare and submit to the general assembly a report regarding certain committees established by governing bodies. 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 without consent. Amends a provision regarding good citizenship instruction. Provides that the consent requirements for certain student personal analysis, evaluations, or surveys apply even if the analysis, evaluation, or survey is directly related to academic instruction. 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 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. Urges legislative council to assign to an appropriate interim study committee the task of studying the following: (1) The provision of services for mental, social-emotional, or psychological health issues in public schools by licensed psychologists, school psychologists, social workers, or other employees of public schools. (2) Parental consent regarding the provision of the services.

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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:**

(1) Textbooks and other printed materials.

(2) Audiovisual materials.

(3) Materials in electronic or digital formats, including materials accessible through the Internet.

(4) Library materials.

(5) Student surveys.

(6) Syllabi.

(b) The term does not include:

(1) an academic test or assessment, scoring keys, or other test or assessment data used in administering an academic test or assessment that is directly related to measuring a student's academic performance in understanding a particular curricular subject matter, as prescribed by the department; or

(2) a lesson plan.

SECTION 2. IC 20-23-18-3, AS AMENDED BY P.L.147-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c), the Muncie Community School Corporation is subject to all applicable federal and state laws.

(b) If a provision of this chapter conflicts with any other law, including IC 20-23-4, the provision in this chapter controls.

(c) Notwithstanding subsection (a), to provide all administrative and academic flexibility to implement innovative strategies, the Muncie Community School Corporation is subject only to the following IC 20 and IC 22 provisions:

(1) IC 20-26-5-10 (criminal history).

(2) IC 20-26-21 (personal analysis, evaluations, or surveys by third party vendors).

~~(3)~~ **(3) IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).**

~~(4)~~ **(4) IC 20-28-10-17 (school counselor immunity).**

~~(5)~~ **(5) IC 20-29 (collective bargaining) to the extent required by subsection (e).**

~~(6)~~ **(6) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).**

~~(7)~~ **(7) The following:**

(A) IC 20-30-5-0.5 (display of the United States flag; Pledge of Allegiance).

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

(limitation on employment of minors).

(d) The Muncie Community School Corporation is subject to required audits by the state board of accounts under IC 5-11-1-9.

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

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

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

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

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

- (1) extended for usage by students under section ~~24(c)~~ **24(d)** of this chapter; and
- (2) paid for through rental fees previously collected.

(c) This section does not limit other laws.

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

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

(1) the superintendent; and

(2) as applicable, a curriculum advisory committee established under section 24.5 of this chapter;

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

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

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

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

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

(1) large type;

(2) Braille; and

(3) audio format.

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

(1) review, at the discretion of the committee, learning materials used or proposed for use by the school corporation and presentation content of guest speakers; and

(2) as applicable, make recommendations to the superintendent and the governing body concerning the use of the learning materials.

(b) If the governing body of a school corporation establishes a curriculum advisory committee under subsection (a), the governing

body shall appoint individuals, including parents and teachers, to serve as members of the curriculum advisory committee.

(c) If the governing body of a school corporation has not established a curriculum advisory committee under subsection (a), a parent of a student who is enrolled in the school corporation may request the governing body to:

(1) determine the level of interest that:

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

(B) educators employed by the school corporation;

have in establishing a curriculum advisory committee; and

(2) discuss establishing a curriculum advisory committee;

at the next regularly scheduled meeting of the governing body.

(d) If a curriculum advisory committee has been established by the governing body of a school corporation under this section, a parent of a student who is enrolled in the school corporation may request that the committee review specific:

(1) learning material, including textbooks or other materials used for social-emotional learning; and

(2) presentation content of guest speakers.

The committee shall provide a response to a request by a parent under this subsection.

(e) Not later than November 30, 2022, the department shall prepare and submit to the general assembly in an electronic format under IC 5-14-6 a report concerning the number of governing bodies that have established:

(1) a committee described in subsection (a); or

(2) any other committee to review the adoption of textbooks and other curricular material.

This subsection expires January 1, 2023."

Delete pages 2 through 16.

Page 17, delete lines 1 through 31.

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

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

(1) A school maintained by a school corporation.

(2) A charter school.

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

(4) The Indiana School for the Blind and Visually Impaired

established by IC 20-21-2-1.

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

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

(1) An academic test or assessment.

(2) A career aptitude or career interest survey."

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

"(c) A school corporation or qualified school and a third party vendor may record, collect, and maintain responses to or results of an analysis, evaluation, or survey described in subsection (b) in a manner that would identify an individual student if the parent of the student or the student, if the student is an adult or emancipated minor, provides written consent to the school corporation or qualified school for the recording, collecting, or maintaining of the student's responses or results.

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

Sec. 4. The department shall:

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

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

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

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

SECTION 8. IC 20-30-5-6, AS AMENDED BY P.L.246-2005, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) This section applies only to public schools.

(b) As used in this section, "good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:

- (1) Being honest and truthful.
- (2) Respecting authority.
- (3) Respecting the property of others.
- (4) Always doing the student's personal best.
- (5) Not stealing.
- (6) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
- (7) Taking personal responsibility for obligations to family and community.
- (8) Taking personal responsibility for earning a livelihood.
- (9) Treating others the way the student would want to be treated.
- (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
- (11) Respecting the student's parents and home.
- (12) Respecting the student's self.
- (13) Respecting the rights of others to have their own views and religious beliefs.
- (14) Understanding how the ideals and values expressed or enumerated in the Constitution of the United States and the economic and political institutions of the United States have contributed towards human advancement, prosperity, scientific inquiry, and well-being.**
- (15) Individual rights, freedoms, and political suffrage.**

(c) The department shall:

- (1) identify; and
- (2) make available;

models of conflict resolution instruction to school corporations. The instruction may consist of a teacher education program that applies the techniques to the students in the classroom to assist school corporations in complying with this section.

SECTION 9. IC 20-30-5-17, AS AMENDED BY P.L.154-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17. (a) **As used in this section, "qualified school" has the meaning set forth in IC 20-26-21-1.**

(b) Each school corporation **or qualified school** shall make available for inspection by the parent of a student any instructional

materials, including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials, used in connection with:

- (1) a personal analysis, an evaluation, or a survey described in subsection ~~(b)~~; **(c)**; or
- (2) instruction on human sexuality.

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

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

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

~~(c)~~ **(d)** Before a **qualified** school may provide a student with instruction on human sexuality, the **qualified** school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent of instruction. A consent form provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The written consent form may be sent

in an electronic format. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student:

(1) consents to the instruction; or

(2) declines instruction.

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

~~(d)~~ (e) If the parent of the student or the student, if the student is an adult or an emancipated minor, does not respond to the written request provided by the **qualified** school under subsection ~~(e)~~ (d) within twenty-one (21) calendar days after receiving the request under subsection ~~(e)~~; (d), the school shall provide the parent of the student, or the student, if the student is an adult or an emancipated minor, a written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the **qualified** school, whether the parent of the student or the adult or emancipated student:

(1) consents to the instruction; or

(2) declines instruction.

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

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

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

SECTION 10. IC 20-30-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

1 JULY 1, 2022]:

2 **Chapter 17. Learning Management System**

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

5 **Sec. 2. (a)** Each qualified school shall, not later than July 1,
6 2023, use a web based learning management system that:

- 7 (1) is used by each teacher of the qualified school;
- 8 (2) is accessible by each parent of a student and each student
9 enrolled in the qualified school; and
- 10 (3) allows a parent and student described in subdivision (2) to,
11 through the learning management system, contact the teacher
12 of each course, class, or program in which the student is
13 enrolled.

14 **(b)** A teacher or other employee of a qualified school shall allow
15 a parent to review any learning material requested by a parent of
16 a student enrolled in the qualified school.

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

21 SECTION 11. IC 20-33-1.5 IS ADDED TO THE INDIANA CODE
22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2022]:

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

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

27 **Sec. 2.** As used in this chapter, "state agency" has the meaning
28 set forth in IC 4-13-1.4-2.

29 **Sec. 3. (a)** In accordance with IC 20-33-1-1, a school corporation
30 or qualified school:

- 31 (1) shall not promote as part of a course of instruction or in a
32 curriculum or instructional program the concept that any sex,
33 race, ethnicity, religion, color, or national origin is inherently
34 superior or inferior to another sex, race, ethnicity, religion,
35 color, or national origin;
- 36 (2) shall not promote as part of a course of instruction or in a
37 curriculum or instructional program the concept that an
38 individual should be treated adversely or preferentially
39 because of the individual's sex, race, ethnicity, religion, color,
40 or national origin; and

1 (3) shall not promote as part of a course of instruction or in a
2 curriculum or instructional program the concept that an
3 individual, by virtue of sex, race, ethnicity, religion, color, or
4 national origin, is inherently responsible for actions
5 committed in the past by other members of the same sex, race,
6 ethnicity, religion, color, or national origin.

7 (b) A school corporation or qualified school shall not allow
8 teachers or other employees of the school corporation or qualified
9 school to use supplemental materials in a course of instruction or
10 in a curriculum or instructional program to promote the concepts
11 listed in subsection (a).

12 Sec. 4. A school corporation or qualified school may not do the
13 following:

14 (1) Provide, contract to provide, offer, or sponsor any course
15 that promotes practices prohibited under this chapter. This
16 subdivision includes programs, curricular materials,
17 instructional materials, curriculum, classroom assignments,
18 orientation, interventions, or counseling offered by a state
19 agency.

20 (2) Use money, property, assets, or resources for a purpose
21 that promotes practices prohibited under this chapter.

22 (3) Adopt programs or use curricular material, instructional
23 material, curriculum, classroom assignments, orientation,
24 interventions, or counseling that promote practices prohibited
25 under this chapter. This subdivision includes curricular
26 materials, instructional materials, curriculum, classroom
27 assignments, orientations, interventions, or counseling offered
28 by a state agency.

29 (4) Execute a contract or agreement with an internal or
30 external entity or person to provide services, training,
31 professional development, or any other assistance that
32 promotes practices prohibited under this chapter. This
33 subdivision includes contracts to provide services, training,
34 professional development, or any other assistance with a state
35 agency.

36 (5) Receive or apply to receive money that requires, as a
37 condition of receipt of the money, the adoption of a course,
38 policy, curriculum, or any other instructional material that
39 promotes practices prohibited under this chapter. This
40 subdivision includes money received from a state agency.

1 **Sec. 5. Nothing in this chapter shall be construed to exclude the**
 2 **teaching or discussion of factual history or historical injustices**
 3 **committed against any sex, race, ethnicity, religion, color, or**
 4 **national origin, including the teaching and discussion of**
 5 **curriculum required under IC 20-30-5-7.**

6 **Sec. 6. (a) If a parent of a student or student, if the student is an**
 7 **adult or emancipated minor, of a qualified school has a complaint**
 8 **regarding:**

9 **(1) the use or proposed use of specific learning material in the**
 10 **classroom; or**

11 **(2) an alleged violation of this chapter;**
 12 **by a teacher, the parent or student, if the student is an adult or**
 13 **emancipated minor, shall request a meeting with the teacher to**
 14 **discuss the complaint.**

15 **(b) If a parent or student described in subsection (a) is not**
 16 **satisfied with the resolution of the meeting with a teacher under**
 17 **subsection (a), the parent or student may submit a complaint**
 18 **through the grievance procedure maintained by the qualified**
 19 **school under section 7 of this chapter.**

20 **Sec. 7. (a) Each school corporation or qualified school shall**
 21 **establish and maintain a grievance procedure for the resolution of**
 22 **a complaint submitted by a parent of a student or student, if the**
 23 **student is an adult or emancipated minor, for the following:**

24 **(1) A complaint described in section 6 of this chapter if the**
 25 **parent or student is not satisfied with the resolution of the**
 26 **meeting with the teacher under section 6 of this chapter.**

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

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

32 **(c) A qualified school shall post the following on the qualified**
 33 **school's Internet web site:**

34 **(1) The grievance procedure established by the school**
 35 **corporation or qualified school under subsection (a).**

36 **(2) The complaint form described in subsection (b).**

37 **Sec. 8. (a) If a parent or student described in section 7(a) of this**
 38 **chapter is not satisfied with the final decision by a school**
 39 **corporation or qualified school regarding a complaint submitted**
 40 **under section 7 of this chapter, the parent or student may submit**

a request to the department, on a form prescribed by the department, to review the complaint and decision.

(b) The department shall review the request submitted under subsection (a) and issue a final order not later than thirty (30) days after the date that the department receives the request.

Sec. 9. The department shall:

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

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

SECTION 12. IC 20-34-3-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 27. (a) As used in this section, "provider" means the following:**

(1) A psychologist licensed under IC 25-33.

(2) A social worker or clinical social worker licensed under IC 25-23.6.

(3) A school psychologist.

(b) As used in this section, "qualified school" has the meaning set forth in IC 20-26-21-1.

(c) This section does not apply to the following:

(1) Transitional services as described in 34 CFR 300.320(b) that are part of a student's individualized education program.

(2) A student who is an adult or emancipated minor.

(3) The daily interactions between a teacher or other employee of a qualified school and a student.

(d) Before a provider at a qualified school or an employee of a qualified school may provide a student with ongoing or recurring consultation, collaboration, or intervention services for mental, social-emotional, or psychological health issues, the provider or employee shall attempt to contact the parent by telephone to notify the parent that the provider or employee will be sending the following to the parent:

(1) Information that includes the following:

(A) A description of the services that the provider or employee intends to provide to the student.

(B) The reason that the provider or school employee is requesting to provide the services to the student.

(C) A statement that if the parent:

1 (i) returns a signed consent form; or
 2 (ii) fails to return a signed consent form within the time
 3 periods established under subsections (f) and (g) and
 4 does not opt the student out of services;
 5 the provider or employee is allowed to provide the services
 6 to the student.

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

8 (e) A provider or employee described in subsection (d) shall
 9 send, through the United States mail or by electronic means, the
 10 information and form described in subsection (d).

11 (f) If a parent of a student does not return the consent form to
 12 the qualified school indicating that the parent consents to the
 13 services described in subsection (d) within:

14 (1) five (5) business days after the date the provider or
 15 employee sent the information and consent form if the
 16 provider or employee sent the information and form by
 17 electronic mail; or

18 (2) ten (10) business days after the date the provider or
 19 employee sent the information and consent form if the
 20 provider or employee sent the information and form through
 21 the United States mail;

22 the provider or employee shall subsequently send, through the
 23 United States mail or by electronic means, the information and a
 24 second consent form to the parent.

25 (g) Except as provided under subsection (i) and unless parental
 26 consent is otherwise required under state or federal law, if a parent
 27 of a student does not return the second consent form to the
 28 qualified school indicating that the parent consents to the services
 29 described in subsection (d) within:

30 (1) two (2) business days after the date the provider or
 31 employee sent the information and consent form if the
 32 provider or employee sent the information and form by
 33 electronic mail; and

34 (2) five (5) business days after the date the provider or
 35 employee sent the information and consent form if the
 36 provider or employee sent the information and form through
 37 United States mail;

38 the provider or employee may provide the services described in the
 39 information that the provider or employee sent to the parent.

40 (h) If a parent of a student returns a signed consent form under

1 this section, the provider or employee may provide to the student
 2 the services described in the information that the provider or
 3 employee sent to the parent.

4 (i) A provider or employee may not provide services described
 5 under subsection (d) to a student if the parent of the student opts
 6 the student out of the services, including if a parent subsequently
 7 opts out of services for the student after consenting to the services
 8 or not responding to the notices under this section.

9 (j) Nothing in this section may be construed to:

10 (1) require a qualified school to obtain parental consent
 11 before providing an emergency response:

12 (A) in a crisis situation in which a provider or employee
 13 described in subsection (d) reasonably believes that the
 14 student is in immediate danger of harming the student or
 15 another person; or

16 (B) without which, the student is in danger of experiencing
 17 abuse or neglect by the parent of the student; or

18 (2) authorize a provider at a qualified school or an employee
 19 of a qualified school to:

20 (A) provide services or otherwise act in a manner that
 21 would violate a state or federal law or regulation; or

22 (B) practice outside the scope of the provider's or
 23 employee's license.

24 (k) The department shall:

25 (1) develop guidance materials for qualified schools to assist
 26 qualified schools in implementing this section; and

27 (2) post the guidance materials on the department's Internet
 28 web site.

29 SECTION 13. [EFFECTIVE UPON PASSAGE] (a) The legislative
 30 council is urged to assign to an appropriate interim study
 31 committee the task of studying the following:

32 (1) The provision of services for mental, social-emotional, or
 33 psychological health issues in public schools by licensed
 34 psychologists, school psychologists, social workers, or other
 35 employees of public schools.

36 (2) Parental consent regarding the provision of services
 37 described in subdivision (1).

38 (b) This SECTION expires January 1, 2023.

39 SECTION 14. An emergency is declared for this act."

40 Delete pages 19 through 38.

- 1 Renumber all SECTIONS consecutively.
 (Reference is to HB 1134 as reprinted January 26, 2022.)