

SENATE BILL No. 261

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-20-40-13; IC 20-26; IC 20-28-3.

Synopsis: School deregulation. Makes changes to training requirements established by the restraint and seclusion commission (commission). Provides that, after June 30, 2020, the commission may not require recurrent training but may recommend optional recurrent training, which must take into consideration school resources and the time commitments of school employees. Provides that a school corporation may provide training to the school corporation's employees and volunteers concerning the school's bullying prevention and reporting policy. (Current law provides that a school corporation shall provide training to the school corporation's employees and volunteers concerning the school's bullying prevention and reporting policy.) Provides that a school corporation may establish educational programs to address criminal organization activity. (Current law requires a school corporation to establish educational programs to address criminal organization activity.) Provides that each school corporation, charter school, and accredited nonpublic school may require each school employee to attend or participate in training on child abuse and neglect. (Current law provides that each school corporation, charter school, and accredited nonpublic school shall require school employees to attend or participate in training on child abuse and neglect.) Provides that a school corporation, charter school, and accredited nonpublic school may require training regarding suicide awareness. (Current law requires a school corporation, charter school, and accredited nonpublic

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Effective: Upon passage; July 1, 2020.

Spartz

January 9, 2020, read first time and referred to Committee on Education and Career Development.



Digest Continued

school to provide training pertaining to suicide awareness.) Provides that a school corporation and accredited nonpublic school may require training concerning human trafficking. (Current law requires a school corporation and accredited nonpublic school to provide such training.) Provides that a school corporation and charter school may require training concerning seizures. (Current law requires a school corporation and charter school to provide such training.) Makes technical corrections.



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. 261

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 20-20-40-13, AS AMENDED BY P.L.227-2017,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 13. (a) The commission has the following
4 duties:
5 (1) To adopt rules concerning the following:
6 (A) The use of restraint and seclusion in a school corporation
7 or an accredited nonpublic school, with an emphasis on
8 eliminating or minimizing the use of restraint and seclusion.
9 (B) The prevention of the use of types of restraint or seclusion
10 that may harm a student, a school employee, a school
11 volunteer, or the educational environment of the school.
12 (C) Requirements for notifying parents.
13 (D) Training regarding the use of restraint and seclusion,
14 including the frequency of training and what employees ~~must~~
15 **may** be trained.
16 (E) The distribution of the seclusion and restraint policy to
17 parents and the public.



- 1 (F) Requirements for the reporting of incidents of restraint and
 2 seclusion in the annual school performance report, including
 3 incidents of restraint and seclusion involving school resource
 4 officers (as defined in IC 20-26-18.2-1).
 5 (G) Circumstances that may require more timely incident
 6 reporting and the requirements for such reporting.
- 7 (2) To develop, maintain, and revise a model restraint and
 8 seclusion plan for schools that includes the following elements:
 9 (A) A statement on how students will be treated with dignity
 10 and respect and how appropriate student behavior will be
 11 promoted and taught.
 12 (B) A statement ensuring that the school will use prevention,
 13 positive behavior intervention and support, and conflict
 14 deescalation to eliminate or minimize the need for use of any
 15 of the following:
 16 (i) Seclusion.
 17 (ii) Chemical restraint.
 18 (iii) Mechanical restraint.
 19 (iv) Physical restraint.
 20 (C) A statement ensuring that any behavioral intervention used
 21 will be consistent with the student's most current behavioral
 22 intervention plan, or individualized education program, if
 23 applicable.
 24 (D) Definitions for restraint and seclusion, as defined in this
 25 chapter.
 26 (E) A statement ensuring that if a procedure listed in clause
 27 (B) is used, the procedure will be used:
 28 (i) as a last resort safety procedure, employed only after
 29 another, less restrictive procedure has been implemented
 30 without success; and
 31 (ii) in a situation in which there is an imminent risk of injury
 32 to the student, other students, school employees, or visitors
 33 to the school.
 34 (F) An indication that restraint or seclusion may be used only
 35 for a short time period, or until the imminent risk of injury has
 36 passed.
 37 (G) A documentation and recording requirement governing
 38 instances in which procedures listed in clause (B) are used,
 39 including:
 40 (i) how every incident will be documented and debriefed;
 41 (ii) how responsibilities will be assigned to designated
 42 employees for evaluation and oversight; and



- 1 (iii) designation of a school employee to be the keeper of
2 such documents.
- 3 (H) A requirement that the student's parent must be notified as
4 soon as possible when an incident involving the student occurs
5 that includes use of procedures listed in clause (B).
- 6 (I) A requirement that a copy of an incident report must be
7 sent to the student's parent after the student is subject to a
8 procedure listed in clause (B).
- 9 (J) **Before July 1, 2020**, required recurrent training for
10 appropriate school employees on the appropriate use of
11 effective alternatives to physical restraint and seclusion,
12 including the use of positive behavioral intervention and
13 support and conflict deescalation. The training must include
14 the safe use of physical restraint and seclusion in incidents
15 involving imminent danger or serious harm to the student,
16 school employees, or others. Consideration must be given to
17 available school resources and the time commitments of
18 school employees. **After June 30, 2020, the commission may**
19 **not require recurrent training under this clause but may**
20 **recommend optional recurrent training, which must take**
21 **into consideration school resources and the time**
22 **commitments of school employees.**
- 23 (3) To accept and review reports from the public and make
24 nonbinding recommendations to the department of any suggested
25 action to be taken.
- 26 (b) The model policy developed by the commission must take into
27 consideration that implementation and reporting requirements for
28 accredited nonpublic schools may vary, and the model plan must
29 provide accredited nonpublic schools flexibility with regards to
30 accountability under and implementation of the plan adopted by an
31 accredited nonpublic school under section 14 of this chapter.
- 32 SECTION 2. IC 20-26-5-34.2, AS ADDED BY P.L.285-2013,
33 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 UPON PASSAGE]: Sec. 34.2. A school corporation ~~shall~~ **may** provide
35 training to the school corporation's employees and volunteers who have
36 direct, ongoing contact with students concerning the school's bullying
37 prevention and reporting policy adopted under IC 20-33-8-13.5.
- 38 SECTION 3. IC 20-26-18-4, AS AMENDED BY P.L.25-2016,
39 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
40 UPON PASSAGE]: Sec. 4. A school corporation ~~shall~~ **may** establish
41 the following educational programs in its efforts to address criminal
42 organization activity:



1 (1) An evidence based educational criminal organization
2 awareness program for students, school employees, and parents.

3 (2) A school employee development program to provide training
4 to school employees in the implementation of the criminal
5 organization policy established under section 2 of this chapter.

6 SECTION 4. IC 20-28-3-4.5, AS ADDED BY P.L.183-2017,
7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 4.5. (a) Each school corporation, charter
9 school, and accredited nonpublic school ~~shall~~ **may** require each school
10 employee likely to have direct, ongoing contact with children within
11 the scope of the employee's employment to attend or participate in
12 training on child abuse and neglect, including:

13 (1) training on the duty to report suspected child abuse or neglect
14 under IC 31-33-5; and

15 (2) training on recognizing possible signs of child abuse or
16 neglect;

17 at least once every two (2) years.

18 (b) The format of training under this section may include:

19 (1) an in-person presentation;

20 (2) an electronic or technology based medium, including
21 self-review modules available on an online system;

22 (3) an individual program of study of designated materials; or

23 (4) any other method approved by the governing body that is
24 consistent with current professional development standards.

25 (c) The training **required provided** under this section must count
26 toward the requirements for professional development required by the
27 governing body.

28 (d) The training **required provided** under this section must be
29 during the school employee's contracted day or at a time chosen by the
30 employee.

31 SECTION 5. IC 20-28-3-6, AS AMENDED BY P.L.56-2018,
32 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]: Sec. 6. (a) For purposes of this section, "teacher"
34 includes the following:

35 (1) A superintendent who holds a license under IC 20-28-5.

36 (2) A principal.

37 (3) A teacher.

38 (4) A librarian.

39 (5) A school counselor.

40 (6) A school psychologist.

41 (7) A school nurse.

42 (8) A school social worker.



1 (b) ~~Beginning after June 30, 2018~~, Each school corporation, charter
2 school, and accredited nonpublic school **may require**:

3 (1) ~~shall require~~ all teachers; and

4 (2) ~~may require~~ any other appropriate school employees;
5 who are employed at schools that provide instruction to students in any
6 combination of grade 5, 6, 7, 8, 9, 10, 11, or 12 to attend or participate
7 in at least two (2) hours of research based inservice youth suicide
8 awareness and prevention training every three (3) school years. The
9 training **required provided** under this subsection must be during the
10 teacher's or school employee's contracted day or at a time chosen by the
11 teacher or employee.

12 (c) Subject to subsection (e), the format of training **required**
13 **provided** under this section may include:

14 (1) an in-person presentation;

15 (2) an electronic or technology based medium, including
16 self-review modules available on an online system;

17 (3) an individual program of study of designated materials; or

18 (4) any other method approved by the governing body that is
19 consistent with current professional development standards.

20 (d) The inservice training **required provided** under this section shall
21 count toward the requirements for professional development required
22 by the governing body.

23 (e) The research based youth suicide awareness and prevention
24 training program **required provided** under subsection (b) must be:

25 (1) demonstrated to be an effective or promising program; and

26 (2) recommended by the Indiana Suicide Prevention Network
27 Advisory Council.

28 (f) A school or school corporation may leverage any:

29 (1) existing or new state and federal grant funds; or

30 (2) free or reduced cost evidence based youth suicide awareness
31 and prevention training provided by any state agency or qualified
32 statewide or local organization;

33 to cover the costs of the training **required provided** under this section.

34 SECTION 6. IC 20-28-3-7, AS ADDED BY P.L.211-2018(ss),
35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 UPON PASSAGE]: Sec. 7. (a) Each school corporation and accredited
37 nonpublic school ~~shall~~ **may** require all school employees likely to have
38 direct, ongoing contact with children within the scope of the
39 employee's employment to attend or participate in at least one (1) hour
40 of inservice training every two (2) school years pertaining to the
41 identification and reporting of human trafficking.

42 (b) The format of the inservice training **required provided** under



1 this section may include:

- 2 (1) an in-person presentation;
 3 (2) an electronic or technology based medium, including
 4 self-review modules available on an online system;
 5 (3) an individual program of study of designated materials; or
 6 (4) any other method approved by the governing body, or the
 7 equivalent authority for an accredited nonpublic school, that is
 8 consistent with current professional development standards.

9 (c) The inservice training **required provided** under this section shall
 10 count toward the requirements for professional development required
 11 by the governing body or the equivalent authority for an accredited
 12 nonpublic school.

13 SECTION 7. IC 20-28-3-9, AS ADDED BY P.L.241-2019,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2020]: Sec. 9. (a) Each school corporation and charter school
 16 ~~shall~~ **may** require all applicants for employment who will have direct,
 17 ongoing contact with children within the scope of the applicant's
 18 employment to attend, before or not later than thirty (30) days after the
 19 start date of the applicant's employment, training concerning
 20 recognition of the signs and symptoms of seizures and the appropriate
 21 steps to be taken to respond to these symptoms.

22 (b) Each school corporation and charter school ~~shall~~ **may** require all
 23 school employees who have direct, ongoing contact with children
 24 within the scope of the employee's employment to attend the training
 25 described in subsection (a) at least once every five (5) years.

26 (c) The format of the training **required provided** under this section
 27 may include:

- 28 (1) an in-person presentation;
 29 (2) an electronic or technology based medium, including
 30 self-review modules available on an online system;
 31 (3) an individual program of study designated materials; or
 32 (4) any other method approved by the governing body or
 33 organizer of a charter school that is consistent with current
 34 professional development standards.

35 (d) The training **required provided** under this section must be
 36 during the school employee's contracted day or at a time chosen by the
 37 employee.

38 (e) The training **required provided** under this section shall count
 39 toward the requirements for professional development required by the
 40 governing body of a school corporation or its equivalent for a charter
 41 school.

42 (f) The training **requirements provided** must be consistent with the



1 training programs and guidelines developed by the Epilepsy
2 Foundation of America or a successor organization.

3 SECTION 8. **An emergency is declared for this act.**

