

# HOUSE BILL No. 1102

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-35-15; IC 34-30-2.1-286.5.

**Synopsis:** Applied behavioral analysis therapy services. Requires, upon request, a public school to consult with and allow certain licensed or board certified behavior analysts and certified registered behavior technicians to provide applied behavioral analysis therapy services in the public school to a student under certain conditions in accordance with the student's special education program or plan. Provides immunity from civil liability for any actions taken in good faith to comply with the requirements. Requires the department of education to prepare and provide information and guidance to assist public schools in implementing the requirements.

**Effective:** July 1, 2026.

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January 5, 2026, read first time and referred to Committee on Education.

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Second Regular Session of the 124th General Assembly (2026)

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 2025 Regular Session of the General Assembly.

## HOUSE BILL No. 1102

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 20-35-15 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2026]:
- 4 **Chapter 15. Access to Services by Licensed or Board Certified**
- 5 **Behavior Analysts**
- 6 **Sec. 1. This chapter applies to a public school, including a**
- 7 **charter school.**
- 8 **Sec. 2. As used in this chapter, "licensed or board certified**
- 9 **behavior analyst" means a behavior analyst with credentialing as**
- 10 **a licensed or board certified:**
- 11 **(1) behavior analyst doctoral; or**
- 12 **(2) behavior analyst.**
- 13 **Sec. 3. (a) This section applies to a student to whom the**
- 14 **following applies:**
- 15 **(1) The student:**
- 16 **(A) is receiving applied behavioral analysis therapy**
- 17 **services from a licensed or board certified behavior**



analyst; and

(B) has recently enrolled in a public school.

(2) The provision of applied behavioral analysis therapy services are included as part of the student's:

(A) individualized education program; or

(B) plan developed under Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794.

(b) Upon request by the parent of the student or the student, if the student is an adult or emancipated minor, a public school shall do the following:

(1) Consult with a licensed or board certified behavior analyst described in subsection (a)(1)(A) regarding the provision of applied behavioral analysis therapy services for the student.

(2) Allow:

(A) the licensed or board certified behavior analyst described in subdivision (1); and

(B) as applicable, a certified registered behavior technician who works with the analyst described in clause (A);

to provide behavioral analysis therapy services that are within the scope of the analyst's or technician's scope of practice as established by the Behavior Analyst Certification Board to the student at the public school for not less than thirty (30) days and, unless otherwise recommended by the licensed or board certified behavior analyst, not more than ninety (90) days after the date the student begins attending the public school.

(c) The presence or participation of a licensed or board certified behavior analyst under this section is not a designation of a service provider for purposes of 511 IAC 7 or the federal Individual with Disabilities Education Act (IDEA).

(d) An individualized education program is not required to identify an individual licensed or board certified behavior analyst by name.

(e) Nothing in this section may be construed to restrict or limit a public school from allowing an analyst or technician described in subsection (b)(2) to provide behavioral analysis therapy services to a student beyond the ninety (90) day period described in subsection (b)(2).

Sec. 4. (a) Before an analyst or technician described in section 3(b) of this chapter provides behavioral analysis therapy services in a public school under this chapter, the public school shall do the following:



(1) Unless the public school receives results under subdivision (2), conduct an expanded criminal history check and expanded child protection index check as described in IC 20-26-5-10 of the analyst or technician.

(2) Accept the results of an expanded criminal history check and expanded child protection index check that was conducted within the immediately preceding five (5) years if the results are provided to the public school by the analyst or technician.

(b) An analyst or technician described in section 3(b) of this chapter is responsible for all costs associated with obtaining the expanded criminal history check and expanded child protection index check unless the public school agrees to pay the costs.

Sec. 5. A public school may not allow an analyst or technician described in section 3(b) of this chapter to provide applied behavioral analysis therapy services under this chapter if:

(1) the analyst or technician has been convicted of an offense listed in IC 20-28-5-8(c) or described in IC 20-28-5-8(d); and

(2) the conviction has not been reversed, vacated, or set aside on appeal.

Sec. 6. A school corporation, a public school, and school personnel are immune from civil liability for any actions taken in good faith to comply with this chapter. The civil immunity under this section does not apply to an act or omission that constitutes gross negligence or willful, wanton, or intentional misconduct.

Sec. 7. Not later than September 1, 2026, the department shall prepare and provide to public schools information and guidance to assist public schools in implementing this chapter.

Sec. 8. Applied behavioral analysis therapy services delivered by a licensed or board certified behavior analyst or registered behavior technician under this chapter retain their characterization as clinical or therapeutic services for purposes of insurance or third party reimbursement.

Sec. 9. Nothing in this chapter shall be construed to require a public school to employ, contract with, or pay a licensed or board certified behavior analyst or registered behavior technician who provides applied behavioral analysis therapy services under this chapter. The cost of services delivered by an outside licensed or board certified behavior analyst or registered behavior technician remains the responsibility of the parent or the parent's insurer unless the public school voluntarily agrees to pay.

SECTION 2. IC 34-30-2.1-286.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2026]: **Sec. 286.5. IC 20-35-15-6 (Concerning**  
3 **the provision of applied behavioral analysis therapy services in**  
4 **public schools).**

