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HOUSE BILL No. 1102

Proposed Changes to January 21, 2026 printing by AM110202

DIGEST OF PROPOSED AMENDMENT

Therapy. Provides that a public school is not required to employ, contract with, or pay an Indiana therapy center, provider specialty 087, or provider type 11 that provides a certified behavior analyst or registered behavior technician who provides certain services.

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**
- 18 **analyst; and**
- 19 **(B) has recently enrolled in a public school.**

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- 1 (2) The provision of applied behavioral analysis therapy
2 services are included as part of the student's:
3 (A) individualized education program; or
4 (B) plan developed under Section 504 of the federal
5 Rehabilitation Act of 1973, 29 U.S.C. 794.
- 6 (b) Upon request by the parent of the student or the student,
7 if the student is an adult or emancipated minor, a public school
8 shall do the following:
- 9 (1) Consult with a licensed or board certified behavior
10 analyst described in subsection (a)(1)(A) regarding the
11 provision of applied behavioral analysis therapy services for
12 the student.
- 13 (2) Allow:
- 14 (A) the licensed or board certified behavior analyst
15 described in subdivision (1); and
16 (B) as applicable, a certified registered behavior
17 technician who works with the analyst described in
18 clause (A);
- 19 to provide behavioral analysis therapy services that are
20 within the scope of the analyst's or technician's scope of
21 practice as established by the Behavior Analyst Certification
22 Board to the student at the public school for not less than
23 thirty (30) days and, unless otherwise recommended by the
24 licensed or board certified behavior analyst, not more than
25 ninety (90) days after the date the student begins attending
26 the public school.
- 27 (c) The presence or participation of a licensed or board
28 certified behavior analyst under this section is not a designation of
29 a service provider for purposes of 511 IAC 7 or the federal
30 Individual with Disabilities Education Act (IDEA).
- 31 (d) An individualized education program is not required to
32 identify an individual licensed or board certified behavior analyst [\[](#)
33 [therapy center, or clinic\]](#) by name.
- 34 (e) Nothing in this section may be construed to restrict or limit
35 a public school from allowing an analyst or technician described in
36 subsection (b)(2) to provide behavioral analysis therapy services to
37 a student beyond the ninety (90) day period described in subsection
38 (b)(2).
- 39 (f) A:
- 40 (1) licensed or board certified behavior analyst; or
41 (2) certified registered behavior technician described in
42 subsection (b)(2);

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1 may not provide applied behavioral analysis therapy services in a
 2 public school under this chapter virtually or through telehealth (as
 3 defined in IC 25-1-9.5-6). The provision of applied behavioral
 4 analysis therapy services in a public school under this chapter must
 5 be provided in person.

6 Sec. 4. (a) Before an analyst or technician described in section
 7 3(b) of this chapter provides behavioral analysis therapy services
 8 in a public school under this chapter, the public school shall do the
 9 following:

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

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

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

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

26 (1) the analyst or technician has been convicted of an offense
 27 listed in IC 20-28-5-8(c) or described in IC 20-28-5-8(d); and
 28 (2) the conviction has not been reversed, vacated, or set aside
 29 on appeal.

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

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

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

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1 **Sec. 9. Nothing in this chapter shall be construed to require a**
 2 **public school to employ, contract with, or pay[;**

3 **(1) a licensed or board certified behavior analyst or**
 4 **registered behavior technician[;] or**

5 **(2) an Indiana therapy center, provider specialty 087, or**
 6 **provider type 11 that provides a certified behavior analyst or**
 7 **registered behavior technician;**

8 **]who provides applied behavioral analysis therapy services under**
 9 **this chapter. The cost of services delivered by an outside licensed**
 10 **or board certified behavior analyst or registered behavior**
 11 **technician via an external therapy provider remains the**
 12 **responsibility of the parent or the parent's insurer unless the public**
 13 **school voluntarily agrees to pay.**

14 **SECTION 2. IC 34-30-2.1-286.5 IS ADDED TO THE INDIANA**
 15 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 16 **[EFFECTIVE JULY 1, 2026]: Sec. 286.5. IC 20-35-15-6 (Concerning**
 17 **the provision of applied behavioral analysis therapy services in**
 18 **public schools).**

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