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# HOUSE BILL No. 1102

Proposed Changes to January 21, 2026 printing by AM110204

## DIGEST OF PROPOSED AMENDMENT

Health services. Applies the provisions of the chapter to a student who is transitioning from applied behavioral analysis therapy services provided by a licensed or board certified behavior analyst to enrollment in a public school, and who will require the creation of a plan under an individualized education program or Section 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. 794, while attending the public school. Provides that a determination by a licensed or board certified behavior analyst or registered behavior technician that a student requires more than 90 days of behavioral analysis therapy services must be made in consultation with a public school.

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> [who]:**
- 15 (1) <The student:

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

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1 a public school from allowing an analyst or technician described in  
 2 subsection (b)(2) to provide behavioral analysis therapy services to  
 3 a student beyond the ninety (90) day period described in subsection  
 4 (b)(2).

5 (f) A:

- 6 (1) licensed or board certified behavior analyst; or
- 7 (2) certified registered behavior technician described in
- 8 subsection (b)(2);

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

14 Sec. 4. (a) Before an analyst or technician described in section  
 15 3(b) of this chapter provides behavioral analysis therapy services  
 16 in a public school under this chapter, the public school shall do the  
 17 following:

- 18 (1) Unless the public school receives results under
- 19 subdivision (2), conduct an expanded criminal history check
- 20 and expanded child protection index check as described in
- 21 IC 20-26-5-10 of the analyst or technician.
- 22 (2) Accept the results of an expanded criminal history check
- 23 and expanded child protection index check that was
- 24 conducted within the immediately preceding five (5) years if
- 25 the results are provided to the public school by the analyst or
- 26 technician.

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

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

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

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

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

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

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

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

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