

MEMORANDUM

To: Indiana School Superintendents and Principals

From: Steve Balko, Director of School Building Security
Christy Berger, Director of Social, Emotional and Behavioral Wellness

Date: May 8, 2020

Re: Senate Enrolled Act (SEA) 246 - Mental Health Services

Background:

Senate Enrolled Act 246 (2020) requires a memorandum of understanding (MOU) to be in place with a community mental health center (CMHC) or provider certified or licensed by the state to provide mental or behavioral health services to students. There are two different points for which a MOU must be established as outlined below.

Guidance:

By July 1, 2020, each school corporation and charter school shall enter into a memorandum of understanding (MOU) with a community mental health center (CMHC) or a provider certified or licensed by the state to provide mental health or behavioral health services to students. School corporations that do not currently have a MOU established with a CMHC or certified provider to provide appropriate and necessary mental health or behavioral health services should begin working now to establish a MOU.

Beginning July 1, 2021, each school corporation, charter school, or accredited nonpublic school shall certify to the Indiana Department of Homeland Security that the school corporation, charter school, or accredited nonpublic school has a MOU in place with a CMHC established under IC 12-29-2 or provider certified or licensed by the state to provide mental or behavioral health services to students before applying for Indiana Secured School Safety grant.

Requirements of the MOU include:

- A process for school employees to notify a school official of a student pattern of aberrant or abnormal behavior.
- Parents/guardians must be contacted to share concerns.
- A parent/guardian conference must be held to share concerns and address potential needs for mental health services.
- If a parent/guardian plans to seek services, written permission must be required.

Additional information:

- The Family and Social Services Division of Mental Health and Addiction (DMHA) shall develop a MOU for referral and assist school corporations and charter schools in obtaining a MOU with a community mental health center or an appropriate provider.
- Referrals may be noted in the student's cumulative record but may not include any possible diagnosis or mental health concerns.
- Must maintain confidentiality of any medical record.
- School counselors or any other school employee may not diagnose a student as having a mental health condition unless the individual's scope of practice includes diagnosing a mental health condition.

Mental health providers who are certified and licensed by DMHA can be found [here](#). This is not an exhaustive list.

If you have any questions, please contact Christy Berger by phone at (317) 232-1242 or email at cberger@doe.in.gov.

This bill was authored by Senator Michael Crider, and the full bill text can be found [here](#). Information regarding how to contact your legislators can be found [here](#).