



Comparison of Proposals for House Bill 1004

Rep. McNamara's Proposal vs. Senate Version

Issue	Rep. McNamara's Proposal for HB 1004 on 4/17/19	Senate Version of HB 1004 on 4/11/19
1. Protects children by requiring prior written parental consent before a student is subjected to a mental health screening, survey, evaluation, assessment, etc.; or referred for mental health treatment.	No	Yes
2. Helps protect students from being inappropriately labeled as "mentally ill" or in need of mental health services by requiring prior written parental consent before a school can conduct a universal screening of all children in the school.	No	Yes
3. Protects the confidentiality of information in a student's educational file by requiring prior written parental consent before information can be released	No	Yes
<p>4. Protects parental rights by creating an appropriate remedy if the law is broken because prior written parental consent was not obtained.</p> <p>#1 – A civil penalty can be assessed by the Attorney General with the fine being deposited in the Indiana secured school fund.</p> <p>#2 – Parents are provided with a remedy where they can recover liquidated or actual damages; and attorney fees and court costs. The only issue will be: "Did the school obtain prior written parental consent as required by Indiana law?"</p>	No	Yes
5. Protects children by requiring prior written parental consent before a student can be given the CDC Youth Risk Behavior Survey that includes very personal questions about sexuality involving the student.	No	Yes
6. By requiring prior written parental consent, children and parents are protected because Indiana law is acknowledging that parents are responsible for raising their children and not the government.	No	Yes

This non-partisan analysis was prepared by Advance America.