SENATE BILL No. 65

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-30-5-17.

Synopsis: Instruction on human sexuality. Requires each school corporation to make available for inspection to a parent of a student instructional material used in connection with instruction on human sexuality. Prohibits a school from providing a student with instruction on human sexuality unless the parent of the student or the student (if the student is an adult or an emancipated minor) consents to the instruction. Establishes requirements regarding the consent form. Requires the department of education and the governing body of a school corporation to give parents and students notice of these requirements.

Effective: July 1, 2018.

Kruse, Doriot, Young M

January 3, 2018, read first time and referred to Committee on Education and Career Development.

Introduced

Second Regular Session 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

SENATE BILL No. 65

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-30-5-17, AS AMENDED BY P.L.286-2013, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 17. (a) ~~A~~ **Each** school corporation shall make available for inspection by the parent of a student any instructional materials, including

~~(1)~~ teachers' manuals,

~~(2)~~ curricular materials,

~~(3)~~ films or other video materials,

~~(4)~~ tapes, and

~~(5)~~ other materials,

used in connection with:

(1) a personal analysis, an evaluation, or a survey described in subsection (b); **or**

(2) instruction on human sexuality, including sexual activity, sexual orientation, and gender identity.

(b) A student shall not be required to participate in a personal analysis, an evaluation, or a survey that is not directly related to

academic instruction and that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning:

(1) political affiliations;

(2) religious beliefs or practices;

(3) mental or psychological conditions that may embarrass the student or the student's family;

(4) sexual behavior or attitudes;

(5) illegal, antisocial, self-incriminating, or demeaning behavior;

(6) critical appraisals of other individuals with whom the student has a close family relationship;

(7) legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or

(8) income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program);

without the prior consent of the student if the student is an adult or an emancipated minor or the prior written consent of the student's parent if the student is an unemancipated minor. A parental consent form for a personal analysis, an evaluation, or a survey described in this ~~section~~ **subsection** shall accurately reflect the contents and nature of the personal analysis, evaluation, or survey.

(c) A school may not provide a student with instruction on human sexuality, including sexual activity, sexual orientation, or gender identity, unless the parent of the student or the student, if the student is an adult or an emancipated minor, has provided the school with written consent for the instruction. A consent form provided to a parent of a student or a student under this subsection must accurately reflect the contents and nature of the instruction on human sexuality that will be provided to the student.

~~(c)~~ **(d)** The department and the governing body shall give parents and students notice of their rights under this section.

~~(d)~~ **(e)** The governing body shall enforce this section.