



February 20, 2018

ENGROSSED SENATE BILL No. 65

DIGEST OF SB 65 (Updated February 20, 2018 9:56 am - DI 116)

Citations Affected: IC 20-30.

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. Provides that, before a school may provide a student with instruction on human sexuality, the school must provide the parent of the student or the student, if the student is an adult or an emancipated
(Continued next page)

Effective: July 1, 2018.

**Kruse, Doriot, Young M, Raatz,
Tomes, Crane, Houchin, Freeman,
Bassler, Zay, Delph, Ford, Brown L,
Buck, Eckerty, Grooms, Holdman,
Koch, Niemeyer, Smith J, Sandlin,
Crider, Merritt**

(HOUSE SPONSORS — WESCO, THOMPSON, BURTON, DEVON)

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

January 25, 2018, reported favorably — Do Pass.

January 29, 2018, read second time, ordered engrossed. Engrossed.

January 30, 2018, read third time, passed. Yeas 37, nays 12.

HOUSE ACTION

February 6, 2018, read first time and referred to Committee on Education.

February 20, 2018, amended, reported — Do Pass.

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Digest Continued

minor, with a written request for consent of instruction. Provides that a consent form provided to a parent of a student or a student must accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. Provides that the parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student: (1) consents to the instruction; or (2) declines instruction. Provides that, if the parent of the student or the student, if the student is an adult or an emancipated minor, does not respond to the written request provided by the school within 45 days of receiving the request, the school shall provide the parent of the student, or the adult or emancipated minor student, a written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate whether the parent of the student or the adult or emancipated student: (1) consents to the instruction; or (2) declines instruction. Provides that the parent or the adult or emancipated student may subsequently opt out of the instruction.



February 20, 2018

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.

ENGROSSED 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:

1 SECTION 1. IC 20-30-5-17, AS AMENDED BY P.L.286-2013,
2 SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 17. (a) ~~A~~ **Each** school corporation shall make
4 available for inspection by the parent of a student any instructional
5 materials, including
6 (1) teachers' manuals,
7 (2) curricular materials,
8 (3) films or other video materials,
9 (4) tapes, and
10 (5) other materials,
11 used in connection with:
12 (1) a personal analysis, an evaluation, or a survey described in
13 subsection (b); or
14 (2) **instruction on human sexuality.**
15 (b) A student shall not be required to participate in a personal
16 analysis, an evaluation, or a survey that is not directly related to
17 academic instruction and that reveals or attempts to affect the student's

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1 attitudes, habits, traits, opinions, beliefs, or feelings concerning:

- 2 (1) political affiliations;
 3 (2) religious beliefs or practices;
 4 (3) mental or psychological conditions that may embarrass the
 5 student or the student's family;
 6 (4) sexual behavior or attitudes;
 7 (5) illegal, antisocial, self-incriminating, or demeaning behavior;
 8 (6) critical appraisals of other individuals with whom the student
 9 has a close family relationship;
 10 (7) legally recognized privileged or confidential relationships,
 11 including a relationship with a lawyer, minister, or physician; or
 12 (8) income (except as required by law to determine eligibility for
 13 participation in a program or for receiving financial assistance
 14 under a program);

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

21 **(c) Before a school may provide a student with instruction on**
 22 **human sexuality, the school must provide the parent of the student**
 23 **or the student, if the student is an adult or an emancipated minor,**
 24 **with a written request for consent of instruction. A consent form**
 25 **provided to a parent of a student or a student under this subsection**
 26 **must accurately summarize the contents and nature of the**
 27 **instruction on human sexuality that will be provided to the student**
 28 **and indicate that a parent of a student or an adult or emancipated**
 29 **minor student has the right to review and inspect all materials**
 30 **related to the instruction on human sexuality. The written consent**
 31 **form may be sent in an electronic format. The parent of the student**
 32 **or the student, if the student is an adult or an emancipated minor,**
 33 **may return the consent form indicating that the parent of the**
 34 **student or the adult or emancipated student:**

- 35 (1) consents to the instruction; or
 36 (2) declines instruction.

37 **If a student does not participate in the instruction on human**
 38 **sexuality, the school shall provide the student with alternative**
 39 **academic instruction during the same time frame that the**
 40 **instruction on human sexuality is provided.**

41 **(d) If the parent of the student or the student, if the student is an**
 42 **adult or an emancipated minor, does not respond to the written**



1 request provided by the school under subsection (c) within
 2 forty-five (45) days after receiving the request under subsection (c),
 3 the school shall provide the parent of the student, or the student, if
 4 the student is an adult or an emancipated minor, a written notice
 5 requesting that the parent of the student, or the student, if the
 6 student is an adult or an emancipated minor, indicate, in a manner
 7 prescribed by the school, whether the parent of the student or the
 8 adult or emancipated student:

9 (1) consents to the instruction; or

10 (2) declines instruction.

11 A notice provided to a parent of a student or a student under this
 12 subsection must accurately summarize the contents and nature of
 13 the instruction on human sexuality that will be provided to the
 14 student and indicate that a parent of a student or an adult or
 15 emancipated minor student has the right to review and inspect all
 16 materials related to the instruction on human sexuality. The notice
 17 may be sent in an electronic format. If the school does not receive
 18 a response within ten (10) days after the notice, the student will
 19 receive the instruction on human sexuality unless the parent or the
 20 adult or emancipated student subsequently opts out of the
 21 instruction for the student.

22 ~~(e)~~ (e) The department and the governing body shall give parents
 23 and students notice of their rights under this section.

24 ~~(f)~~ (f) The governing body shall enforce this section.



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 65, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 65 as introduced.)

KRUSE, Chairperson

Committee Vote: Yeas 9, Nays 1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Senate Bill 65, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "sexuality, including sexual activity," and insert "**sexuality**".

Page 1, delete line 15.

Page 2, delete lines 22 through 29, begin a new paragraph and insert:

"(c) Before a school may provide a student with instruction on human sexuality, the school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent of instruction. A consent form provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The written consent form may be sent in an electronic format. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student:

(1) consents to the instruction; or

(2) declines instruction.

If a student does not participate in the instruction on human sexuality, the school shall provide the student with alternative



academic instruction during the same time frame that the instruction on human sexuality is provided.

(d) If the parent of the student or the student, if the student is an adult or an emancipated minor, does not respond to the written request provided by the school under subsection (c) within forty-five (45) days after receiving the request under subsection (c), the school shall provide the parent of the student, or the student, if the student is an adult or an emancipated minor, a written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the school, whether the parent of the student or the adult or emancipated student:

(1) consents to the instruction; or

(2) declines instruction.

A notice provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The notice may be sent in an electronic format. If the school does not receive a response within ten (10) days after the notice, the student will receive the instruction on human sexuality unless the parent or the adult or emancipated student subsequently opts out of the instruction for the student."

Page 2, line 30, delete "(d)" and insert "(e)".

Page 2, line 32, delete "(e)" and insert "(f)".

and when so amended that said bill do pass.

(Reference is to SB 65 as printed January 26, 2018.)

BEHNING

Committee Vote: yeas 8, nays 5.

