

PROPOSED AMENDMENT

SB 128 # 1

DIGEST

School website. Requires a school to publish certain information in a conspicuous place on the school's website and to provide a direct link to that information in a school's written request for consent for instruction on human sexuality.

- 1 Page 2, line 29, after "following" insert "**in a conspicuous place**".
- 2 Page 2, between lines 36 and 37, begin a new paragraph and insert:
- 3 "SECTION 2. IC 20-30-5-17, AS AMENDED BY P.L.154-2018,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2024]: Sec. 17. (a) Each school corporation shall make
- 6 available for inspection by the parent of a student any instructional
- 7 materials, including teachers' manuals, curricular materials, films or
- 8 other video materials, tapes, and other materials, used in connection
- 9 with:
- 10 (1) a personal analysis, an evaluation, or a survey described in
- 11 subsection (b); or
- 12 (2) instruction on human sexuality.
- 13 (b) A student shall not be required to participate in a personal
- 14 analysis, an evaluation, or a survey that is not directly related to
- 15 academic instruction and that reveals or attempts to affect the student's
- 16 attitudes, habits, traits, opinions, beliefs, or feelings concerning:
- 17 (1) political affiliations;
- 18 (2) religious beliefs or practices;
- 19 (3) mental or psychological conditions that may embarrass the
- 20 student or the student's family;
- 21 (4) sexual behavior or attitudes;
- 22 (5) illegal, antisocial, self-incriminating, or demeaning behavior;
- 23 (6) critical appraisals of other individuals with whom the student
- 24 has a close family relationship;
- 25 (7) legally recognized privileged or confidential relationships,
- 26 including a relationship with a lawyer, minister, or physician; or

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

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

10 (c) Before a school may provide a student with instruction on human
11 sexuality, the school must provide the parent of the student or the
12 student, if the student is an adult or an emancipated minor, with a
13 written request for consent of instruction. A consent form provided to
14 a parent of a student or a student under this subsection must accurately
15 summarize the contents and nature of the instruction on human
16 sexuality that will be provided to the student, ~~and~~ indicate that a parent
17 of a student or an adult or emancipated minor student has the right to
18 review and inspect all materials related to the instruction on human
19 sexuality, **and provide a direct link to the information and material**
20 **published on the school's website pursuant to IC 20-26-5.1-5.** The
21 written consent form may be sent in an electronic format. The parent
22 of the student or the student, if the student is an adult or an
23 emancipated minor, may return the consent form indicating that the
24 parent of the student or the adult or emancipated student:

25 (1) consents to the instruction; or

26 (2) declines instruction.

27 If a student does not participate in the instruction on human sexuality,
28 the school shall provide the student with alternative academic
29 instruction during the same time frame that the instruction on human
30 sexuality is provided.

31 (d) If the parent of the student or the student, if the student is an
32 adult or an emancipated minor, does not respond to the written request
33 provided by the school under subsection (c) within twenty-one (21)
34 calendar days after receiving the request under subsection (c), the
35 school shall provide the parent of the student, or the student, if the
36 student is an adult or an emancipated minor, a written notice requesting
37 that the parent of the student, or the student, if the student is an adult
38 or an emancipated minor, indicate, in a manner prescribed by the
39 school, whether the parent of the student or the adult or emancipated
40 student:

1 (1) consents to the instruction; or

2 (2) declines instruction.

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

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

15 (f) The governing body shall enforce this section."

16 Renumber all SECTIONS consecutively.

(Reference is to SB 128 as introduced.)