

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1608

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-28-10-17, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) Except as provided in **IC 20-33-7.5 and IC 31-32-11-1**, a school counselor is immune from disclosing privileged or confidential communication made to the counselor as a counselor by a student.

(b) Except as provided in **IC 20-33-7.5 and IC 31-32-11-1**, the matters communicated are privileged and protected against disclosure.

SECTION 2. IC 20-28-12-5, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 5. A school psychologist who is endorsed under this chapter may not disclose any information acquired from persons with whom the school psychologist has dealt in a professional capacity, except under the following circumstances:

- (1) Trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide.
- (2) Proceedings:
 - (A) to determine mental competency; or
 - (B) in which a defense of mental incompetency is raised.
- (3) Civil or criminal actions against a school psychologist for malpractice.
- (4) Upon an issue as to the validity of a document.

HEA 1608 — Concur



(5) If the school psychologist has the express consent of the client or, in the case of a client's death or disability, the express consent of the client's legal representative.

(6) Circumstances under which privileged communication is lawfully invalidated.

(7) Disclosures required by IC 20-33-7.5.

SECTION 3. IC 20-30-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 17. Prohibited Instruction

Sec. 1. As used in this chapter, "school" means any of the following:

- (1) A public school, including a charter school.
- (2) A laboratory school established under IC 20-24.5-2.
- (3) The Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.
- (4) The Indiana School for the Deaf established by IC 20-22-2-1.

Sec. 2. A school, an employee or staff member of a school, or a third party vendor used by a school to provide instruction may not provide any instruction to a student in prekindergarten through grade 3 on human sexuality.

Sec. 3. Nothing in this chapter may be construed to prohibit a teacher from providing instruction on academic standards developed by the department under IC 20-31-3-2 or instruction required under IC 20-30-5-5.7.

Sec. 4. Nothing in this chapter may be construed to prevent a school employee or a school staff member from responding to a question from a student regarding the topic described in section 2 of this chapter.

SECTION 4. IC 20-33-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

Chapter 7.5. Parental Notification Regarding Identification

Sec. 1. As used in this chapter, "school" has the meaning set forth in IC 20-30-17-1.

Sec. 2. (a) A school shall notify in writing at least one (1) parent of a student, if the student is an unemancipated minor, of a request made by the student to change the student's:

- (1) name; or
 - (2) pronoun, title, or word to identify the student.
- (b) Not later than five (5) business days after the date on which**



a school receives a request described in subsection (a), the school shall provide notification to a parent as required by subsection (a).

Sec. 3. This chapter does not:

- (1) change an individual's duty to report child abuse or neglect, as required under IC 31-33-5; or**
- (2) permit a school to establish a policy described in IC 20-26-5-35.5.**

Sec. 4. Nothing in this chapter may be construed to require a school psychologist, a school nurse, a school social worker, or a school counselor to violate a federal law or regulation.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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