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

HEA 1608 — Concur
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.