

# PROPOSED AMENDMENT

## HB 1608 # 14

### DIGEST

Parental notification of identification. Removes certain provisions in the bill regarding gender identification and requires certain schools to notify in writing at least one parent of an unemancipated minor student of a request made by the student to change the student's name or pronoun, title, or word to identify the student. Provides that 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 (instead of kindergarten through grade 3) on human sexuality.

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- 1           Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3           "SECTION 1. IC 20-28-10-17, AS ADDED BY P.L.1-2005,  
4 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2023]: Sec. 17. (a) Except as provided in **IC 20-33-7.5 and**  
6 **IC 31-32-11-1**, a school counselor is immune from disclosing  
7 privileged or confidential communication made to the counselor as a  
8 counselor by a student.  
9           (b) Except as provided in **IC 20-33-7.5 and IC 31-32-11-1**, the  
10 matters communicated are privileged and protected against disclosure.  
11           SECTION 2. IC 20-28-12-5, AS ADDED BY P.L.1-2005,  
12 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2023]: Sec. 5. A school psychologist who is endorsed under  
14 this chapter may not disclose any information acquired from persons  
15 with whom the school psychologist has dealt in a professional capacity,  
16 except under the following circumstances:  
17           (1) Trials for homicide when the disclosure relates directly to the  
18 fact or immediate circumstances of the homicide.  
19           (2) Proceedings:  
20               (A) to determine mental competency; or  
21               (B) in which a defense of mental incompetency is raised.  
22           (3) Civil or criminal actions against a school psychologist for  
23 malpractice.  
24           (4) Upon an issue as to the validity of a document.

- 1 (5) If the school psychologist has the express consent of the client  
 2 or, in the case of a client's death or disability, the express consent  
 3 of the client's legal representative.
- 4 (6) Circumstances under which privileged communication is  
 5 lawfully invalidated.
- 6 **(7) Disclosures required by IC 20-33-7.5."**
- 7 Page 1, line 15, delete "kindergarten" and insert "**prekindergarten**".
- 8 Page 2, line 2, delete "IC 20-31-3-2." and insert "**IC 20-31-3-2 or**  
 9 **instruction required under IC 20-30-5-5.7."**
- 10 Page 2, delete lines 7 through 39, begin a new paragraph and insert:  
 11 "SECTION 4. IC 20-33-7.5 IS ADDED TO THE INDIANA CODE  
 12 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2023]:
- 14 **Chapter 7.5. Parental Notification Regarding Identification**
- 15 **Sec. 1. As used in this chapter, "school" has the meaning set**  
 16 **forth in IC 20-30-17-1.**
- 17 **Sec. 2. (a) A school shall notify in writing at least one (1) parent**  
 18 **of a student, if the student is an unemancipated minor, of a request**  
 19 **made by the student to change the student's:**
- 20 **(1) name; or**
- 21 **(2) pronoun, title, or word to identify the student.**
- 22 **(b) Not later than five (5) business days after the date on which**  
 23 **a school receives a request described in subsection (a), the school**  
 24 **shall provide notification to a parent as required by subsection**  
 25 **(a)."**
- 26 Page 2, line 40, delete "5." and insert "3".
- 27 Page 3, line 1, delete "6." and insert "4".
- 28 Page 3, after line 5, begin a new paragraph and insert:  
 29 "**Sec. 5. Nothing in this chapter may be construed to require a**  
 30 **school psychologist, a school nurse, a school social worker, or a**  
 31 **school counselor to violate a federal law or regulation."**
- 32 Renumber all SECTIONS consecutively.  
 (Reference is to HB 1608 as printed February 20, 2023.)