

# SENATE BILL No. 413

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-26-21.

**Synopsis:** Parental rights in education. Requires a governing body of a school corporation to adopt procedures to require schools to notify a parent of an unemancipated minor student regarding the: (1) student's services, support, or monitoring related to the student's social emotional, behavioral, mental, or physical health; or (2) school's ability to provide a safe and supportive learning environment for the student. Establishes requirements and restrictions regarding the procedures. Prohibits school corporation personnel or a third party vendor that contracts with a school corporation from providing instruction on sexual orientation or gender identity: (1) to any students of the school corporation enrolled in kindergarten through grade 12; or (2) in a manner that is not age appropriate or developmentally appropriate for students in accordance with state law. Establishes requirements regarding: (1) student support services training; (2) notifying parents of social emotional, behavioral, mental, and physical health services or support offered by a school corporation and the parent's option to withhold consent or decline any of those health services or support; and (3) administering a social emotional, behavioral, mental, or physical health personal analysis or evaluation, questionnaire, screening, survey, or assessment to an unemancipated minor student enrolled in kindergarten through grade 12. Requires a school corporation to notify the parent of each student enrolled in a school maintained by the school corporation if the school corporation permits a student of that school to use a multiple occupancy restroom or locker room that is designated for a sex that is not the student's biological sex. Requires a school corporation to: (1) establish a grievance procedure for a violation of the  
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**Effective:** July 1, 2023.

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## Byrne

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January 19, 2023, read first time and referred to Committee on Education and Career Development.

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provisions; and (2) post the grievance procedure on the school corporation's website. Provides that a parent who is not satisfied with a decision by a school principal or principal's designee regarding a complaint by the parent may request the department of education (department) to review the complaint and decision. Provides that a parent of a student may bring a civil action against the school corporation for a violation of the provisions. Requires, not later than May 30, 2024, the department to adopt or update, as necessary and as approved by the state board of education, certain student services, personnel guidelines, standards, frameworks, practices, and principles.



Introduced

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.

## SENATE BILL No. 413

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 20-26-21 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]:

4 **Chapter 21. Parental Rights in Education**

5 **Sec. 1. (a) A governing body of a school corporation shall adopt**  
6 **procedures to require a school maintained by the school**  
7 **corporation to notify a parent of an unemancipated minor student**  
8 **if there is a change in the:**

9 (1) student's services, support, or monitoring related to the  
10 student's social emotional, behavioral, mental, or physical  
11 health; or

12 (2) school's ability to provide a safe and supportive learning  
13 environment for the student.

14 (b) The procedures adopted under subsection (a) must reinforce  
15 the fundamental right of a parent to make decisions regarding the



upbringing and control of the parent's unemancipated minor student by requiring school corporation personnel to:

- (1) encourage an unemancipated minor student to discuss issues relating to the student's social emotional, behavioral, mental, or physical health with the student's parent; and
- (2) facilitate discussion with the student's parent regarding issues related to the student's social emotional, behavioral, mental, or physical health.

**Sec. 2.** The procedures adopted under section 1 of this chapter may not prohibit a parent of an unemancipated minor student from accessing:

- (1) any of the unemancipated minor student's health or education records created, maintained, or used by the school corporation; or
- (2) any other records of the unemancipated minor student that are created, maintained, or used by a community mental health center or provider under IC 20-34-3-21.

**Sec. 3. (a)** A governing body of a school corporation may not adopt or implement procedures or student support forms that:

- (1) prohibit school corporation personnel from notifying a parent of an unemancipated minor student about:
  - (A) the student's social emotional, behavioral, mental, or physical health; or
  - (B) a change in services, support, or monitoring related to a student's social emotional, behavioral, mental, or physical health; or
- (2) encourage or have the effect of encouraging an unemancipated minor student to withhold from a parent of the student the information described in subdivision (1).

(b) School corporation personnel may not discourage or prohibit parental notification of and involvement in decisions affecting a student's social emotional, behavioral, mental, or physical health.

(c) If a school maintained by a school corporation believes that a disclosure required under this chapter would result in abuse, abandonment, or neglect of a student, the school shall make a report in accordance with IC 12-17.2-3.5 or IC 31-33-5.

**Sec. 4.** School corporation personnel or a third party vendor that contracts with a school corporation may not provide instruction on sexual orientation or gender identity:

- (1) to any students of the school corporation enrolled in kindergarten through grade 12; or



(2) in a manner that is not age appropriate or developmentally appropriate for students in accordance with state law.

**Sec. 5.** Student support services training developed or provided by a school corporation to school corporation personnel must adhere to student services guidelines and frameworks established by the department and aligned to the standards adopted by the state board.

**Sec. 6. (a)** At the beginning of each school year, each school corporation shall notify a parent of each unemancipated minor student enrolled in the school corporation regarding:

- (1) each social emotional, behavioral, mental, and physical health service or support offered at the student's school; and
- (2) the parent's option to withhold consent or decline any social emotional, behavioral, mental, and physical health service or support.

(b) Parental consent to a social emotional, behavioral, mental, and physical health service or support does not waive the right of a parent of an unemancipated minor student:

- (1) to access the student's education or health records; or
- (2) to be notified about a change in the student's services, supports, or monitoring as described in section 1(a)(1) of this chapter.

**Sec. 7.** Notwithstanding IC 20-30-5-17(b), before administering any social emotional, behavioral, mental, or physical health personal analysis or evaluation, questionnaire, screening, survey, or assessment to an unemancipated minor student enrolled in kindergarten through grade 12, the school corporation must provide the personal analysis or evaluation, questionnaire, screening, survey, or assessment to the parent of the student for inspection and obtain the written consent of the parent.

**Sec. 8.** A school corporation may not provide a student individualized behavioral instruction or intervention services for mental, social emotional, behavioral, or health issues identified or recommended through a personal analysis or evaluation, questionnaire, screening, survey, or assessment described in section 7 of this chapter unless the school corporation obtains written, informed consent from the student's parent or the student, if the student is an emancipated minor or an adult.

**Sec. 9. (a)** As used in this section, "multiple occupancy restroom or changing area" means a room or area in a school building that may be used by more than one (1) student at a time and in which



1 a student may be in various stages of undress in the presence of  
2 other individuals.

3 (b) A school corporation shall notify the parent of each student  
4 enrolled in a school maintained by the school corporation, or the  
5 student, if the student is an emancipated minor or an adult, if the  
6 school corporation permits a student of that school to use a  
7 multiple occupancy restroom or locker room that is designated for  
8 a sex that is not the student's biological sex.

9 Sec. 10. (a) Each school corporation shall establish and maintain  
10 a grievance procedure for the resolution of a complaint submitted  
11 by a parent of a student for a violation of this chapter.

12 (b) At a minimum, a grievance procedure under this section  
13 must provide that:

14 (1) a parent of a student may submit a complaint with the  
15 principal or principal's designee of the student's school; and

16 (2) not later than thirty (30) days after the date the principal  
17 or principal's designee receives the complaint, the principal or  
18 the principal's designee must issue a decision that either:

19 (A) resolves the complaint; or

20 (B) provides information explaining the reasons that the  
21 complaint has not been resolved.

22 Sec. 11. (a) If a parent of a student is not satisfied with the  
23 decision under section 10(b)(2) of this chapter, the parent may  
24 submit a request to the department, on a form prescribed by the  
25 department, to review the complaint and decision.

26 (b) The department shall review the request submitted under  
27 subsection (a) and issue a final order not later than thirty (30) days  
28 after the date that the department receives the request.

29 (c) A school corporation shall post on the school corporation's  
30 website the grievance procedure established by the school  
31 corporation under section 10(a) of this chapter.

32 Sec. 12. (a) Notwithstanding IC 34-13-3-3(a), if a:

33 (1) school corporation or third party vendor violates this  
34 chapter; or

35 (2) school corporation, third party vendor, or school  
36 corporation personnel violates any procedures adopted  
37 pursuant to this chapter;

38 a parent of a student may bring a civil action against the school  
39 corporation for the violation.

40 (b) The court may award to a parent who prevails in an action  
41 under subsection (a) any of the following:

42 (1) Injunctive relief.



1           **(2) The greater of:**

2               **(A) actual and consequential damages resulting from the**  
3               **violation; or**

4               **(B) liquidated damages of not more than one thousand**  
5               **dollars (\$1,000).**

6           **(3) Any other appropriate relief determined by the court.**

7           **(c) The court shall award to a parent who prevails in an action**  
8           **under subsection (a) costs and reasonable attorney's fees.**

9           **Sec. 13. Not later than May 30, 2024, and in accordance with the**  
10           **requirements of this chapter, the department shall adopt or**  
11           **update, as necessary and as approved by the state board, the**  
12           **following:**

13               **(1) School counseling frameworks and standards.**

14               **(2) Educator practices and professional conduct principles.**

15               **(3) Any other student services, personnel guidelines,**  
16               **standards, or frameworks.**

