First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 442

AN ACT to amend the Indiana Code concerning education.

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

SECTION 1. IC 20-26-21-4, AS ADDED BY P.L.234-2023, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) This section does not apply to a personal analysis, evaluation, or survey for which consent is required under ~~IC 20-30-5-17(b).~~ **IC 20-30-5-17(c).**

(b) Before a school corporation or qualified school may administer a personal analysis, evaluation, or survey described in section 3 of this chapter, the school corporation or qualified school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent for administration. A consent form provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the personal analysis, evaluation, or survey that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the personal analysis, evaluation, or survey. The written consent form may be sent in an electronic format. The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student:

(1) consents to the personal analysis, evaluation, or survey; or

(2) declines the personal analysis, evaluation, or survey.

If a student does not participate in the personal analysis, evaluation, or survey, the school corporation or qualified school shall provide the student with alternative academic instruction during the same time frame that the personal analysis, evaluation, or survey is administered.

(c) If the parent of the student or the student, if the student is an adult or an emancipated minor, does not respond to the written request provided by the school corporation or qualified school under subsection (b) within twenty-one (21) calendar days after receiving the request under subsection (b), the school corporation or qualified school shall provide the parent of the student or the student, if the student is an adult or an emancipated minor, a written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the school corporation or qualified school, whether the parent of the student or the adult or emancipated student:

(1) consents to the personal analysis, evaluation, or survey; or

(2) declines the personal analysis, evaluation, or survey.

A notice provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the personal analysis, evaluation, or survey that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the personal analysis, evaluation, or survey. The notice may be sent in an electronic format. If the school corporation or qualified school does not receive a response within ten (10) days after the notice, the student will receive the personal analysis, evaluation, or survey unless the parent or the adult or emancipated student subsequently opts out of the personal analysis, evaluation, or survey for the student.

(d) Each school corporation or qualified school shall:

(1) post a copy of a personal analysis, evaluation, or survey described in subsection (b) on the school corporation's or qualified school's website; and

(2) send with each notice an explanation of the reasons that the school corporation or qualified school is administering the personal analysis, evaluation, or survey.

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

SECTION 2. IC 20-30-5-13, AS AMENDED BY P.L.92-2020, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 13. **(a)** Throughout instruction on human sexuality or sexually transmitted ~~diseases,~~ **infections,** a state accredited school

shall:

(1) require a teacher to teach abstinence from sexual activity outside of marriage as the expected standard for all school age children;

(2) include in the instruction that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted ~~diseases,~~ **infections,** and other associated health problems; ~~and~~

(3) include in the instruction that the best way to avoid sexually transmitted ~~diseases~~ **infections** and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage;

(4) include age appropriate instruction concerning the importance of consent to sexual activity between two (2) individuals; and

(5) except as provided in subsection (b), provide an in-person presentation on human growth and development during pregnancy that is medically accurate and age appropriate and includes the following:

(A) A high definition ultrasound video, at least three (3) minutes in duration, showing the development of the brain, heart, sex organs, and other vital organs in early fetal development.

(B) A high quality computer generated rendering or animation showing the process of fertilization and each stage of fetal development inside the uterus, noting significant markers in cell growth and organ development for every week of pregnancy from fertilization to birth.

(b) A state accredited school that provides the instruction described in subsection (a) in a course in which one hundred percent (100%) of the course is virtual shall provide a virtual presentation on human growth and development during pregnancy that meets the requirements in subsection (a)(5).

(c) A school maintained by a school corporation may not use curricular materials to provide instruction on human sexuality that have not been approved by the governing body of a school corporation under IC 20-26-12-24.

SECTION 3. IC 20-30-5-17, AS AMENDED BY P.L.154-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 17. (a) Each school corporation shall make available for inspection by the parent of a student any instructional materials, including teachers' manuals, curricular materials, films or

other video materials, tapes, and other materials, used in connection with:

(1) a personal analysis, an evaluation, or a survey described in subsection ~~(b);~~ **(c);** or

(2) instruction on human sexuality.

(b) The governing body of a school corporation shall publish a list of any instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials, used in connection with instruction on human sexuality on the school's website.

~~(b)~~ **(c)** A student shall not be required to participate in a personal analysis, an evaluation, or a survey that is not directly related to academic instruction and that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning:

(1) political affiliations;

(2) religious beliefs or practices;

(3) mental or psychological conditions that may embarrass the student or the student's family;

(4) sexual behavior or attitudes;

(5) illegal, antisocial, self-incriminating, or demeaning behavior;

(6) critical appraisals of other individuals with whom the student has a close family relationship;

(7) legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or

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

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

~~(c)~~ **(d)** Before a school may provide a student with instruction on human sexuality, the school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent of instruction. A consent form provided to a parent of a student or a student under this subsection must ~~accurately summarize~~ **include the following information:**

(1) An accurate summary of the contents and nature of the instruction on human sexuality that will be provided to the student. ~~and indicate~~

(2) Whether the instruction on human sexuality will be taught to male and female students in a unified setting or to male and female students in separate settings.

(3) Whether the instruction on human sexuality will be provided by a female or male instructor.

(4) A statement that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality.

The written consent form may be sent in an electronic format. **If the written consent form is sent in an electronic format, the form must include a link to the list of materials published under subsection (b).** The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating that the parent of the student or the adult or emancipated student

~~(1)~~ consents to the instruction or

~~(2)~~ declines instruction.

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

~~(d)~~ **(e)** If the parent of the student or the student, if the student is an adult or an emancipated minor, does not respond to the written request provided by the school under subsection ~~(c)~~ **(d)** within twenty-one (21) calendar days after receiving the request under subsection ~~(c),~~ **(d),** the school shall provide the parent of the student, or the student, if the student is an adult or an emancipated minor, a written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the school, whether the parent of the student or the adult or emancipated student

~~(1)~~ consents to the instruction or

~~(2)~~ declines instruction.

A notice provided to a parent of a student or a student under this subsection must ~~accurately summarize~~ **include the following information:**

(1) An accurate summary of the contents and nature of the instruction on human sexuality that will be provided to the student. ~~and indicate~~

(2) Whether the instruction on human sexuality will be taught to male and female students in a unified setting or to male and female students in separate settings.

(3) Whether the instruction on human sexuality will be

provided by a female or male instructor.

(4) A statement that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality.

The notice may be sent in an electronic format. **If the written consent form is sent in an electronic format, the form must include a link to the list of materials published under subsection (b).** If the school does not receive a response within ten (10) days after the notice, the student will receive the instruction on human sexuality unless the parent or the adult or emancipated student subsequently opts out of the instruction for the student.

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

~~(f)~~ **(g)** The governing body shall enforce this section.

President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____