

SENATE BILL No. 354

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-19; IC 20-28; IC 20-31-4.1-2.5; IC 20-33-7.5.

Synopsis: Education matters. Provides that a: (1) school that seeks state accreditation; and (2) national or regional accreditation agency that seeks to be recognized by the state board of education (state board); must complete and submit the applicable application form established by the state board. Requires the state board to do the following: (1) Not later than six months after the date a completed application is submitted, approve or deny the accreditation or recognition. (2) If the state board denies an accreditation or recognition, send notice to the school or national or regional accreditation agency stating the reasons for the denial. Requires the department of education to post a copy of the application forms on the department's website. Requires a public school, including a charter school, to notify the parent of an unemancipated minor, if the student: (1) makes a certain disclosure concerning the student's gender identity or gender expression to an employee or staff member of the school; or (2) changes, expresses a desire to change, or makes a request to change the student's name, attire, or pronoun, title, or word to identify the student in a manner that is inconsistent with the student's biological sex at birth. Requires an employee or staff member of a school to report to the school a disclosure or information described in these provisions to the school.

Effective: July 1, 2023.

Raatz

January 12, 2023, read first time and referred to Committee on Education and Career Development.



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. 354

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 20-19-2-10.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: **Sec. 10.5. (a) A national or regional**
4 **accreditation agency that seeks to be recognized by the state board**
5 **for purposes of awarding accreditation to nonpublic schools in**
6 **Indiana shall submit to the state board a completed application for**
7 **recognition form established by the state board.**

8 (b) The state board shall, not later than six (6) months after the
9 date a national or regional accreditation agency submits a
10 completed application for recognition form under this section,
11 approve or deny recognition of the national or regional
12 accreditation agency.

13 (c) If the state board denies recognition of the national or
14 regional accreditation agency, the state board shall send a notice
15 to the national or regional accreditation agency stating the reasons
16 for denying recognition.

17 (d) The department shall post a copy of the application for



1 **recognition form as required under IC 20-19-3-21.**

2 SECTION 2. IC 20-19-3-21 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2023]: **Sec. 21. The department shall post a copy of the following**
5 **on the department's website:**

6 **(1) The application for recognition form established by the**
7 **state board under IC 20-19-2-10.5.**

8 **(2) The application for state accreditation form established by**
9 **the state board under IC 20-31-4.1-2.5.**

10 SECTION 3. IC 20-28-10-17, AS ADDED BY P.L.1-2005,
11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2023]: Sec. 17. (a) Except as provided in **IC 20-33-7.5 and**
13 **IC 31-32-11-1**, a school counselor is immune from disclosing
14 privileged or confidential communication made to the counselor as a
15 counselor by a student.

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

18 SECTION 4. IC 20-28-12-5, AS ADDED BY P.L.1-2005,
19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2023]: Sec. 5. A school psychologist who is endorsed under
21 this chapter may not disclose any information acquired from persons
22 with whom the school psychologist has dealt in a professional capacity,
23 except under the following circumstances:

24 (1) Trials for homicide when the disclosure relates directly to the
25 fact or immediate circumstances of the homicide.

26 (2) Proceedings:

27 (A) to determine mental competency; or

28 (B) in which a defense of mental incompetency is raised.

29 (3) Civil or criminal actions against a school psychologist for
30 malpractice.

31 (4) Upon an issue as to the validity of a document.

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

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

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

38 SECTION 5. IC 20-31-4.1-2.5 IS ADDED TO THE INDIANA
39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2023]: **Sec. 2.5. (a) A school that seeks**
41 **accreditation under this chapter shall submit to the state board a**
42 **completed application for accreditation form established by the**



- 1 state board.
- 2 (b) The state board shall, not later than six (6) months after the
- 3 date a school submits a completed application for accreditation
- 4 form under this section, approve or deny accreditation to the
- 5 school.
- 6 (c) If the state board denies a school accreditation under this
- 7 section, the state board shall send a notice to the school stating the
- 8 reasons for denying accreditation of the school.
- 9 (d) The department shall post a copy of the application for
- 10 accreditation form as required under IC 20-19-3-21.
- 11 SECTION 6. 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**
- 15 **Sec. 1. As used in this chapter, "school" means a public school,**
- 16 **including a charter school.**
- 17 **Sec. 2. (a) A school shall notify the parent of a student, if the**
- 18 **student is an unemancipated minor, of any of the following:**
- 19 (1) The student discloses to an employee or staff member of
- 20 the school that the student:
- 21 (A) has conflicted feelings about; or
- 22 (B) is having difficulty handling or coping with;
- 23 the student's gender identity or gender expression.
- 24 (2) The student changes, expresses or indicates a desire to
- 25 change, or makes a request to change the student's:
- 26 (A) name;
- 27 (B) attire; or
- 28 (C) pronoun, title, or word to identify the student;
- 29 in a manner that is inconsistent with the student's biological
- 30 sex at birth.
- 31 (b) Not later than five (5) business days after the date on which
- 32 an employee or staff member receives a disclosure or information
- 33 described in subsection (a), the employee or staff member shall
- 34 report the disclosure or information to the school in a manner
- 35 prescribed by the school.
- 36 (c) Not later than five (5) business days after the date on which
- 37 a school receives a report described in subsection (b), the school
- 38 shall provide notification to a parent as required by subsection (a).
- 39 **Sec. 3. Nothing in this chapter may be construed to require a**
- 40 **school psychologist, a school nurse, a school social worker, or a**
- 41 **school counselor to violate a federal law or regulation.**

