

MEMORANDUM

To: School Superintendents and Principals

From: Robin LeClaire, Director
Office of School Improvement

Date: May 18, 2018

Re: Senate Enrolled Act 65 – Instruction on Human Sexuality (IC 20-30-5-17)

Background:

The Indiana General Assembly recently passed legislation, effective July 1, 2018, that requires each school corporation to make available for inspection to a parent all of the instructional material used in connection with instruction on human sexuality. Prior to a school providing instruction on human sexuality, the school must provide a written request for consent of instruction from an emancipated student or a student's parent(s). This allows the parent or emancipated student to opt out of the instruction.

Guidance:

The school corporation shall make available for inspection by the parent of a student any instructional materials used in connection with instruction on human sexuality.

Instructional materials may include, but are not limited to, teachers' manuals, curricular materials, films or other video materials, tapes, and other materials used for instruction.

Instruction takes place when students participate under the direction of a teacher in:

- an approved course;
- a curriculum; or
- an educationally related activity;

This law does not apply to private one-on-one conversations that come up between a student and Student Services Personnel (as defined by 511 IAC 4-1.5-1: school psychologist, school counselor, social worker, and school nurse).

Prior to a school providing a student with instruction on human sexuality, the school must provide the parent of the student or if the student is emancipated or an adult, with a written request for consent of instruction. The written consent form may be sent in an electronic format. A sample consent form that schools may use is included in a separate document. Additionally, we suggest that schools provide this form during winter course scheduling or during summer registration for elementary schools.

A consent form must accurately:

1. Summarize the contents and nature of the instruction on human sexuality that will be provided; and
2. Indicate that a parent, or an adult or emancipated minor student, has the right to review and inspect all materials related to the instruction on human sexuality.

The parent of the student or the student, if the student is an adult or an emancipated minor, may return the consent form indicating:

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.

If there is no response from the first written consent form within twenty-one calendar days, the school shall provide a second written notice, encompassing the same information as the first notice, requesting an indication of:

1. Consents to the instruction; or
2. Declines instruction.

This second written notice may also be sent in an electronic format.

If the school does not receive a response within ten days after the second 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.

If you have any questions, please contact Nick Flowers at (317) 232-6619 or email nflowers@doe.in.gov.