

HOUSE BILL No. 1040

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-21-1-2; IC 20-19-5; IC 20-20-8-8; IC 20-22.5; IC 20-26-14-8; IC 20-28-5-7; IC 20-30; IC 20-31; IC 20-33-13; IC 20-34; IC 34-30-28-1.

Synopsis: Education matters. Defines "qualified school". Provides that a school corporation or qualified school is prohibited from subjecting any student to, or making available, disseminating, or providing to any student, any obscene matter or performance or certain matters or performances harmful to minors. Provides that each school corporation or qualified school shall provide for all students in grades 6 through 12 as part of required recitation concerning the system of government in Indiana and in the United States, instruction that socialism, Marxism, communism, totalitarianism, or similar political systems are incompatible with and in conflict with the principles of freedom upon which the United States was founded. Provides that a school corporation or qualified school may not provide instruction that socialism, Marxism, totalitarianism, or similar political systems are compatible with the principles of freedom upon which the United States was founded. Provides that a parent of a student or an emancipated student who attends a school corporation or qualified school may opt out of a face mask or face covering requirement. Requires the department of education (department) to develop a notice form that may be used by a parent or an emancipated student to indicate that the parent or emancipated student opts out of the face mask or face covering requirement. Provides that the governor, a state agency, a local health board or local health officer, or a school corporation or qualified school may not require a student of a school
(Continued next page)

Effective: Upon passage; January 1, 2021 (retroactive); July 1, 2022.

Prescott, Jeter, Davis, Morrison

January 4, 2022, read first time and referred to Committee on Education.



corporation or qualified school to quarantine against COVID-19 or other communicable disease if the student is asymptomatic. Provides that the governor, a state agency, a local health board or local health officer, or a school corporation or qualified school may not require, as a condition for employment, enrollment, attendance, or participation in a school corporation or qualified school or in a school extracurricular activity, a student to be immunized against COVID-19 or other communicable disease. Provides that, after December 31, 2020, the list of communicable diseases that require documentation of immunity for a student may be expanded or modified only by an act of the general assembly. Establishes certain consent requirements regarding students. Provides that, if the attorney general determines that a school corporation or qualified school: (1) discloses a student education record, or any information in a student education record; or (2) has a student who is less than 18 years of age and is not emancipated participate in any medical inspection, medical treatment, mental health assessment, mental health service, psychiatric or psychological examination or test, or psychiatric or psychological treatment without the informed written consent of the student's parent; the attorney general may assess a civil penalty against the school corporation, charter school, or laboratory school. Provides that the parent of a student or protected right petitioner may bring a civil action for certain violations. Defines "protected right violations". Defines "protected right petitioner". Establishes procedures for a protected right petitioner to file a complaint form alleging a protected right violation occurred within a school corporation or qualified school. Provides that a protected right petitioner may appeal a school corporation's or qualified school's findings to the department. Requires the department to appoint an administrative law judge to adjudicate appeals. Requires the department to issue a final order. Requires the attorney general or the attorney general's designee to review a school corporation's or qualified school's findings or the department's final order. Provides that the attorney general may assess civil penalties if the attorney general determines a protected right violation occurred. Provides that a school corporation or qualified school may not take retaliatory action against a protected right petitioner or an individual related to or associated with the protected right petitioner. Provides that, if a school corporation or qualified school uses a third party vendor in providing a personal analysis, evaluation, or survey that reveals or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the third party vendor and the school corporation or public school may not collect or maintain the responses to or results of the analysis, evaluation, or survey in a manner that would identify the responses or results of an individual student. Provides that the consent requirements for certain student personal analysis, evaluations, or surveys apply even if the analysis, evaluation, or survey is directly related to academic instruction. Requires, not later than June 30, 2022, and not later than June 30 each year thereafter, each qualified school to post on the qualified school's Internet web site, in a manner that is accessible by the public, certain information regarding learning materials and educational activities. Requires the department to develop and post on the department's Internet web site a model plan for presenting the learning material or educational activity information. Makes changes to information that must be included on a school corporation's annual performance report. Makes changes to information that must be included on a school's longitudinal dashboard. Reconciles versions of IC 10-21-1-2 that were enacted by the 2019 general assembly. Repeals provisions requiring the department to develop the children's social, emotional, and behavioral health plan. Makes conforming amendments.



Introduced

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1040

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 10-21-1-2, AS AMENDED BY P.L.197-2019,
2 SECTION 3, AND AS AMENDED BY P.L.50-2019, SECTION 2,
3 AND AS AMENDED BY P.L.153-2019, SECTION 1, AND AS
4 AMENDED BY P.L.272-2019, SECTION 3, IS CORRECTED AND
5 AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON
6 PASSAGE]: Sec. 2. (a) The Indiana secured school fund is established
7 to provide:
8 (1) matching grants to enable school corporations, ~~and~~ charter
9 schools, ~~and accredited nonpublic schools~~ to establish programs
10 under which a school corporation, ~~or~~ charter school, ~~or accredited~~
11 ~~nonpublic school~~ (or a coalition of schools) may:
12 (A) employ a school resource officer, ~~employ a law~~
13 ~~enforcement officer~~, or enter into a contract or a memorandum
14 of understanding with a:
15 (i) local law enforcement agency;



- 1 ~~(B)~~ (ii) private entity; or
 2 ~~(C)~~ (iii) nonprofit corporation;
 3 to employ a school resource officer *or a law enforcement*
 4 *officer*;
 5 ~~(2)~~ (B) conduct a threat assessment of the buildings within a
 6 school corporation or *the buildings that are operated by a*
 7 *charter school or accredited nonpublic school*; ~~or~~
 8 ~~(3)~~ (C) purchase equipment and technology to:
 9 ~~(A)~~ (i) restrict access to school property; or
 10 ~~(B)~~ (ii) expedite notification of first responders; or
 11 ~~(4)~~ (D) *implement a student and parent support services plan*
 12 *as described in section 4(a)(5) of this chapter; and*
 13 (2) *one (1) time grants to enable school corporations, charter*
 14 *schools, and accredited nonpublic schools with the sheriff for the*
 15 *county in which the school corporation, charter school, or*
 16 *accredited nonpublic school is located, to provide the initial set*
 17 *up costs for an active event warning system.*
 18 (b) *A school corporation or charter school may use money received*
 19 *under a matching grant for a purpose listed in subsection (a) to*
 20 *provide a response to a threat in a manner that the school corporation*
 21 *or charter school sees fit, including firearms training or other*
 22 *self-defense training.*
 23 ~~(b)~~ (c) The fund shall be administered by the department of
 24 homeland security.
 25 ~~(c)~~ (d) The fund consists of:
 26 (1) appropriations from the general assembly;
 27 (2) grants from the Indiana safe schools fund established by
 28 IC 5-2-10.1-2;
 29 **(3) civil penalties assessed by the attorney general under**
 30 **IC 20-22.5-4-4 or IC 20-33-13-10;**
 31 ~~(3)~~ (4) federal grants; and
 32 ~~(4)~~ (5) amounts deposited from any other public or private source.
 33 ~~(d)~~ (e) The expenses of administering the fund shall be paid from
 34 money in the fund.
 35 ~~(e)~~ (f) The treasurer of state shall invest the money in the fund not
 36 currently needed to meet the obligations of the fund in the same
 37 manner as other public money may be invested. Interest that accrues
 38 from these investments shall be deposited in the fund.
 39 ~~(f)~~ (g) Money in the fund at the end of a state fiscal year does not
 40 revert to the state general fund.
 41 SECTION 2. IC 20-19-5 IS REPEALED [EFFECTIVE JULY 1,
 42 2022]. (Children's Social, Emotional, and Behavioral Health Plan).



1 SECTION 3. IC 20-20-8-8, AS AMENDED BY P.L.215-2018(ss),
 2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 8. (a) The report must include the following
 4 information:

5 (1) Student enrollment.

6 (2) Graduation rate (as defined in IC 20-26-13-6) and the
 7 graduation rate excluding students that receive a graduation
 8 waiver under IC 20-32-4-4 or IC 20-32-4-4.1.

9 (3) Attendance rate.

10 (4) The following test scores, including the number and
 11 percentage of students meeting academic standards:

12 (A) All state standardized assessment scores.

13 (B) Scores for assessments under IC 20-32-5-21 (before its
 14 expiration on July 1, 2018), if appropriate.

15 (C) For a freeway school, scores on a locally adopted
 16 assessment program, if appropriate.

17 (5) Average class size.

18 (6) The school's performance category or designation of school
 19 improvement assigned under IC 20-31-8.

20 (7) The number and percentage of students in the following
 21 groups or programs:

22 (A) Alternative education, if offered.

23 (B) Career and technical education.

24 (C) Special education.

25 (D) High ability.

26 (E) Limited English language proficiency.

27 (F) Students receiving free or reduced price lunch under the
 28 national school lunch program.

29 (G) Students in foster care.

30 (8) Advanced placement, including the following:

31 (A) For advanced placement tests, the percentage of students:

32 (i) scoring three (3), four (4), and five (5); and

33 (ii) taking the test.

34 (B) For the Scholastic Aptitude Test:

35 (i) the average test scores for all students taking the test;

36 (ii) the average test scores for students completing the
 37 Indiana diploma with a Core 40 with academic honors
 38 designation program; and

39 (iii) the percentage of students taking the test.

40 (9) Course completion, including the number and percentage of
 41 students completing the following programs:

42 (A) Academic honors curriculum.



- 1 (B) Core 40 curriculum.
 2 (C) Career and technical programs.
 3 (10) The percentage of graduates considered college and career
 4 ready in a manner prescribed by the state board.
 5 (11) School safety, including:
 6 (A) the number of students receiving suspension or expulsion
 7 for the possession of alcohol, drugs, or weapons; and
 8 (B) the number of incidents reported under IC 20-33-9.
 9 (12) Financial information and various school cost factors
 10 required to be provided to the office of management and budget
 11 under IC 20-42.5-3-5.
 12 (13) The number and percentage of each of the following within
 13 the school corporation:
 14 (A) Teachers who are certificated employees (as defined in
 15 IC 20-29-2-4).
 16 (B) Teachers who teach the subject area for which the teacher
 17 is certified and holds a license.
 18 (C) Teachers with national board certification.
 19 (14) The percentage of grade 3 students reading at grade 3 level.
 20 (15) The number of students expelled, including the percentage
 21 of students expelled disaggregated by race, grade, gender, free or
 22 reduced price lunch status, eligibility for special education, and
 23 students in foster care.
 24 (16) Chronic absenteeism, which includes the number of students
 25 who have been absent from school for ten percent (10%) or more
 26 of a school year for any reason.
 27 (17) Habitual truancy, which includes the number of students who
 28 have been absent ten (10) days or more from school within a
 29 school year without being excused or without being absent under
 30 a parental request that has been filed with the school.
 31 (18) The number of students who have dropped out of school,
 32 including the:
 33 (A) reasons for dropping out; and
 34 (B) percentage of students who have dropped out,
 35 disaggregated by race, grade, gender, free or reduced price
 36 lunch status, eligibility for special education, and students in
 37 foster care.
 38 (19) The number of out of school suspensions assigned, including
 39 the percentage of students suspended disaggregated by race,
 40 grade, gender, free or reduced price lunch status, eligibility for
 41 special education, and students in foster care.
 42 (20) The number of in school suspensions assigned, including the



1 percentage of students suspended disaggregated by race, grade,
 2 gender, free or reduced price lunch status, eligibility for special
 3 education, and students in foster care.

4 (21) The number of student work permits revoked.

5 (22) The number of students receiving an international
 6 baccalaureate diploma.

7 **(23) The number of:**

8 **(A) complaints filed under IC 20-22.5-4-2;**

9 **(B) complaints included under clause (A) that were**
 10 **dismissed or not investigated;**

11 **(C) complaints included under clause (A) that were**
 12 **investigated in which no protected right violation (as**
 13 **defined in IC 20-22.5-2-6) occurred;**

14 **(D) complaints included under clause (A) that were**
 15 **investigated in which a protected right violation (as**
 16 **defined in IC 20-22.5-2-6) was found;**

17 **(E) disciplinary actions, other than termination, that**
 18 **resulted from findings described in clause (D);**

19 **(F) disciplinary actions resulting in the termination of a**
 20 **school employee, that resulted from findings described in**
 21 **clause (D); and**

22 **(G) school employees who resigned as a result of findings**
 23 **described in clause (D).**

24 (b) Section 3(a) of this chapter does not apply to the publication of
 25 information required under this subsection. This subsection applies to
 26 schools, including charter schools, located in a county having a
 27 consolidated city, including schools located in excluded cities (as
 28 defined in IC 36-3-1-7). A separate report including the information
 29 reported under subsection (a) must be:

30 (1) disaggregated by race, grade, gender, free or reduced price
 31 lunch status, eligibility for special education, and students in
 32 foster care; and

33 (2) made available on the Internet as provided in section 3(b) of
 34 this chapter.

35 SECTION 4. IC 20-22.5 IS ADDED TO THE INDIANA CODE AS
 36 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON
 37 PASSAGE]:

38 **ARTICLE 22.5. PROTECTIONS FOR STUDENTS, PARENTS,**
 39 **AND EDUCATORS**

40 **Chapter 1. Policy and Applicability**

41 **Sec. 1. This article applies to:**

42 **(1) a school corporation;**



- 1 (2) a charter school;
- 2 (3) the Indiana School for the Blind and Visually Impaired
- 3 established by IC 20-21-2-1;
- 4 (4) the Indiana School for the Deaf established by
- 5 IC 20-22-2-1; and
- 6 (5) a laboratory school established under IC 20-24.5-2.
- 7 Sec. 2. The provisions of this article are severable as provided
- 8 in IC 1-1-1-8(b).
- 9 Chapter 2. Definitions
- 10 Sec. 1. The definitions in this chapter apply throughout this
- 11 article.
- 12 Sec. 2. "Course" means any forum where instruction or
- 13 activities tied to the instruction are provided, including:
- 14 (1) courses;
- 15 (2) training;
- 16 (3) seminars;
- 17 (4) professional development;
- 18 (5) lectures;
- 19 (6) sessions;
- 20 (7) coaching;
- 21 (8) tutoring; or
- 22 (9) classes.
- 23 Sec. 3. "COVID-19" has the meaning set forth in IC 16-39-11-1.
- 24 Sec. 4. "Face mask or face covering" means a covering for the
- 25 nose and mouth that is worn to reduce the spread of an infectious
- 26 agent or other pathogen.
- 27 Sec. 5. "Protected right petitioner" means:
- 28 (1) a parent or an emancipated student;
- 29 (2) a school employee;
- 30 (3) a member of the governing body of the school corporation
- 31 (or the equivalent for a charter school) for which the member
- 32 intends to submit a complaint under IC 20-22.5-4-2;
- 33 (4) a member or employee of the state board;
- 34 (5) the state superintendent or an employee of the
- 35 department; or
- 36 (6) an individual who resides within the attendance area of a:
- 37 (A) school corporation where the individual intends to
- 38 submit a complaint form under IC 20-22.5-4-2; or
- 39 (B) school corporation for a particular school described in
- 40 section 7(2) through 7(5) of this chapter that is physically
- 41 located where the individual intends to submit a complaint
- 42 form under IC 20-22.5-4-2.



1 **Sec. 6. "Protected right violation" refers to a violation of any of**
 2 **the following:**

- 3 (1) IC 20-22.5-3.
 4 (2) IC 20-30-5-4(b).
 5 (3) IC 20-30-5-5.
 6 (4) IC 20-30-5-6.
 7 (5) IC 20-30-5-17.
 8 (6) IC 20-30-17.
 9 (7) IC 20-33-13.

10 **Sec. 7. "Qualified school" means the following:**

- 11 (1) A school maintained by a school corporation.
 12 (2) A charter school.
 13 (3) A laboratory school established under under IC 20-24.5-2.
 14 (4) The Indiana School for the Blind and Visually Impaired
 15 established by IC 20-21-2-1.
 16 (5) The Indiana School for the Deaf established by
 17 IC 20-22-2-1.

18 **Chapter 3. Prohibited Curriculum and Practices**

19 **Sec. 1. (a) It is hereby declared to be the policy of the state of**
 20 **Indiana to prohibit discrimination on the basis of race or sex in the**
 21 **form of bias, stereotyping, scapegoating, classification, or**
 22 **categorical assignment of traits, morals, values, or characteristics**
 23 **based solely on race or sex. School corporations and qualified**
 24 **schools are prohibited from engaging in race based or sex based**
 25 **discriminatory acts by using methods described in subsection (b),**
 26 **which result in treating individuals differently on the basis of race**
 27 **or sex or in the creation of a hostile environment.**

28 **(b) A school corporation or qualified school may not include or**
 29 **promote the following concepts as part of a course, or allow**
 30 **teachers or other employees of the school corporation or qualified**
 31 **school to use supplemental instructional materials that include or**
 32 **promote the following concepts:**

- 33 (1) One (1) race or sex is inherently superior to another race
 34 or sex.
 35 (2) An individual, by virtue of the individual's race or sex, is
 36 inherently privileged, racist, sexist, or oppressive, whether
 37 consciously or subconsciously.
 38 (3) An individual should be discriminated against or receive
 39 adverse treatment because of the individual's race or sex.
 40 (4) Members of one (1) race or sex cannot and should not
 41 attempt to treat others without respect to race or sex.
 42 (5) An individual's moral character is determined by the



- 1 individual's race or sex.
- 2 (6) An individual, by virtue of the individual's race or sex,
- 3 bears responsibility for actions committed in the past by other
- 4 members of the same race or sex.
- 5 (7) An individual should feel discomfort, guilt, or anguish or
- 6 another form of psychological distress solely because of the
- 7 individual's race or sex.
- 8 (8) Meritocracy or traits such as hard work ethic are racist or
- 9 sexist, or designed by a particular race or sex to oppress
- 10 members of another race or sex.
- 11 (9) Indiana or the United States was founded as a racist or
- 12 sexist state or nation and is fundamentally or irredeemably
- 13 racist or sexist.
- 14 (c) Notwithstanding subsection (b), this section does not prohibit
- 15 a school corporation or qualified school from including, as part of
- 16 a course, or from allowing teachers or other employees of the
- 17 school corporation or qualified school to use supplemental
- 18 instructional materials that provide the following:
- 19 (1) The history of an ethnic group.
- 20 (2) The impartial discussion of controversial aspects of
- 21 history.
- 22 (3) The impartial instruction on the historical oppression of a
- 23 particular group of people based on race, ethnicity, class,
- 24 nationality, religion, or geographic region.
- 25 (4) Historical documents relevant to topics described in
- 26 subdivisions (1) through (3).
- 27 (d) Nothing in this section may be construed to prohibit the
- 28 required collection or reporting of demographic data by a school
- 29 corporation or qualified school.
- 30 Sec. 2. A school corporation or qualified school is prohibited
- 31 from:
- 32 (1) violating IC 35-49-3-3 (dissemination of matter or
- 33 conducting performance harmful to minors); or
- 34 (2) subjecting any student to, making available, disseminating,
- 35 or providing any student:
- 36 (A) any obscene matter or performance as described in
- 37 IC 35-49-2-1;
- 38 (B) any matter or performance harmful to minors as
- 39 described in IC 35-49-2-2; or
- 40 (C) any matter that violates IC 35-42-4-4 (child
- 41 exploitation).
- 42 Sec. 3. A school corporation or qualified school may not include



1 or promote a concept as part of a course, or allow teachers or other
 2 employees of the school corporation or qualified school to promote
 3 a concept that contradicts IC 20-30-5-4(b).

4 **Sec. 4. (a) Notwithstanding any other law, in the event:**

5 **(1) that:**

6 **(A) the governor;**

7 **(B) a state agency; or**

8 **(C) a local health board or local health officer;**

9 issues an enforcement action, order, or mandate under
 10 IC 16-20-1-21 or as part of a declared disaster emergency
 11 under IC 10-14-3-12; or

12 **(2) a school corporation or qualified school issues an order or**
 13 **mandate;**

14 related to the COVID-19 pandemic or other communicable disease
 15 that requires a student or school employee of a school corporation
 16 or qualified school to wear a face mask or face covering on school
 17 premises or while using school transportation, a parent of a student
 18 or an emancipated student or a school employee may opt out of the
 19 requirement by providing a notice to the school corporation or
 20 qualified school on a form developed by the department under
 21 subsection (b).

22 **(b) The department shall develop a notice form, in a manner**
 23 **prescribed by the department, to be used by a parent of a student**
 24 **or an emancipated student described in subsection (a) who wishes**
 25 **to opt out of a face mask or face covering requirement. The**
 26 **department shall maintain a copy of the notice form on the**
 27 **department's Internet web site. Each school corporation and**
 28 **qualified school shall maintain a link to the notice form on the**
 29 **school corporation's or qualified school's Internet web site.**

30 **Sec. 5. The governor or a:**

31 **(1) state agency;**

32 **(2) local health board or local health officer; or**

33 **(3) school corporation or qualified school;**

34 may not require, as a condition for employment, enrollment,
 35 attendance, or participation in a school corporation or qualified
 36 school or school extracurricular activity, a student or a school
 37 employee to be immunized against COVID-19 or other
 38 communicable disease unless authorized by the general assembly
 39 under IC 20-34-4-2(c).

40 **Sec. 6. The governor or a:**

41 **(1) state agency;**

42 **(2) local health board or local health officer; or**



1 **(3) school corporation or public school;**
2 **may not require a student of a school corporation or qualified**
3 **school to quarantine against COVID-19 or other communicable**
4 **disease if the student is asymptomatic.**

5 **Sec. 7. A school corporation or qualified school may not do the**
6 **following:**

7 **(1) Provide, contract to provide, offer, or sponsor any course**
8 **that includes, incorporates, or is based on practices prohibited**
9 **under this chapter.**

10 **(2) Use money, property, assets, or resources for a purpose**
11 **that includes, incorporates, or is based on practices prohibited**
12 **under this chapter.**

13 **(3) Adopt programs or use curricular material, instructional**
14 **material, curriculum, classroom assignments, orientation,**
15 **interventions, or counseling that include, incorporate, or are**
16 **based on practices prohibited under this chapter.**

17 **(4) Execute a contract or agreement with an internal or**
18 **external entity or person to provide services, training,**
19 **professional development, or any other assistance that**
20 **includes or incorporates practices prohibited under this**
21 **chapter.**

22 **(5) Receive or apply to receive money that requires, as a**
23 **condition of receipt of the money, the adoption of a course,**
24 **policy, curriculum, or any other instructional material that**
25 **includes, incorporates, or is based on practices prohibited**
26 **under this chapter.**

27 **(6) Adopting diversity, equity, or inclusion plans or training**
28 **for students or school employees that includes, incorporates,**
29 **or is based on practices prohibited under this chapter. A**
30 **diversity officer at a school corporation, qualified school, or**
31 **educational program is prohibited from providing any service**
32 **or performing any duty that includes, incorporates, or is**
33 **based on practices prohibited under this chapter.**

34 **(7) Adopting policies, including grading or admissions**
35 **policies, or providing any other benefit or service that applies**
36 **to students or school employees differently on the basis of race**
37 **or sex. This includes segregated classes, programs, training**
38 **sessions, extracurricular activities, or affinity groups.**

39 **Sec. 8. Neither the state board nor the department may do the**
40 **following:**

41 **(1) Establish or mandate any state standard or adopt any rule**
42 **under IC 4-22-2 that includes, incorporates, or is based on**



- 1 practices prohibited under this chapter.
- 2 (2) Provide:
- 3 (A) resources;
- 4 (B) instructional support; or
- 5 (C) courses;
- 6 that include, incorporate, or are based on practices prohibited
- 7 under this chapter. This prohibition includes executing
- 8 contracts or agreements with an external entity or individual
- 9 to provide services, courses, or any other assistance that
- 10 includes, incorporates, or is based on practices prohibited
- 11 under this chapter.
- 12 (3) Receive or apply to receive money that requires, as a
- 13 condition of receipt of the money, the adoption of programs,
- 14 policies, curriculum, or any other learning material that
- 15 includes, incorporates, or is based on practices prohibited
- 16 under this chapter.

17 Chapter 4. Compliance

18 Sec. 1. (a) The department shall develop a complaint form, in a
19 manner prescribed by the department, to be used by a protected
20 right petitioner to file a complaint with a school corporation or
21 qualified school in the manner described in section 2 of this chapter
22 alleging a protected right violation. The complaint form must
23 contain the following information:

- 24 (1) The date of the complaint.
- 25 (2) The date or dates that the alleged protected right violation
- 26 occurred.
- 27 (3) A detailed description of the alleged protected right
- 28 violation.
- 29 (4) Information necessary to enable the school corporation or
- 30 qualified school to investigate the alleged protected right
- 31 violation.
- 32 (5) The option for the protected right petitioner to provide the
- 33 identification of witnesses the school corporation or qualified
- 34 school may interview, if applicable.

35 (b) The department shall maintain a copy of the complaint form
36 on the department's Internet web site. In addition, each school
37 corporation and qualified school must maintain a link to the
38 complaint form on the school corporation's or qualified school's
39 Internet web site.

40 Sec. 2. (a) A protected right petitioner may file a complaint form
41 developed by the department under section 1 of this chapter with
42 a school corporation or qualified school alleging a violation of this



1 article. The school corporation or qualified school shall investigate
2 each complaint form to determine whether a violation occurred.

3 (b) Each school corporation shall designate at least one (1)
4 employee to respond to complaints under this chapter. Every
5 qualified school other than a qualified school that is part of a
6 school corporation shall designate at least one (1) employee to
7 review complaints under this chapter submitted to the particular
8 qualified school. Each school corporation or qualified school shall
9 include contact information including the:

- 10 (1) name;
11 (2) address;
12 (3) telephone number; and
13 (4) electronic mail address;

14 for the designated individual on the school corporation's or
15 qualified school's Internet web site.

16 (c) Upon receipt of a complaint form, the school corporation or
17 qualified school shall acknowledge receipt of the complaint form
18 not later than three (3) business days of receipt of the complaint
19 form. The school corporation or qualified school shall investigate
20 the complaint within ten (10) business days of receipt of the
21 complaint form and make findings that shall be sent by mail to the
22 protected right petitioner. If the school corporation or qualified
23 school finds:

- 24 (1) that a protected right violation occurred, the findings must
25 include a description of how the school corporation or
26 qualified school will remedy the protected right violation; or
27 (2) that a protected right violation did not occur, the findings
28 must include an explanation of the school corporation's or
29 qualified school's findings.

30 The school corporation or qualified school shall provide the
31 protected right petitioner notice of the protected right petitioner's
32 right to appeal and the deadline to appeal the findings under
33 section 3 of this chapter with a copy of the findings mailed to the
34 protected right petitioner under this subsection.

35 (d) Nothing in this section may be construed to require a school
36 corporation or qualified school to disclose personal identifiable
37 information of a student.

38 (e) The school corporation or qualified school shall send a copy
39 of the findings made under subsection (c) to the attorney general
40 for review under section 4 of this chapter if the protected right
41 petitioner does not appeal the findings under section 3 of this
42 chapter. The school corporation or qualified school shall submit a



1 copy of the school corporation's or qualified school's finding to the
 2 attorney general not later than five (5) business days after the date
 3 required for an appeal to be considered timely under section 3 of
 4 this chapter.

5 **Sec. 3. (a)** A protected right petitioner may appeal a school
 6 corporation's or qualified school's findings made under section 2
 7 of this chapter if the protected right petitioner believes that the
 8 school corporation or qualified school has incorrectly refused to
 9 investigate a complaint form or the protected right petitioner has
 10 evidence that a school corporation or qualified school has reached
 11 an incorrect determination under section 2 of this chapter. The
 12 appeal must be submitted to the department by the protected right
 13 petitioner not later than thirty (30) days after the date of the school
 14 corporation's or qualified school's findings and notice of the
 15 protected right petitioner's right to appeal were mailed to the
 16 protected right petitioner under section 2 of this chapter. The
 17 appeal must be submitted to the department on a form prescribed
 18 by the department. The form shall be available on the
 19 department's Internet web site and the school corporation or
 20 qualified school must maintain a link to the form on the school
 21 corporation's or qualified school's Internet web site.

22 (b) The department shall send notice to the school corporation
 23 or qualified school of an appeal submitted under this section not
 24 later than three (3) business days of receipt after the appeal.

25 (c) The department shall appoint an administrative law judge
 26 and conduct adjudicative proceedings under this section in
 27 accordance with IC 4-21.5-3. An administrative law judge shall
 28 issue a final order in accordance to IC 4-21.5-3-27.

29 (d) If an administrative law judge determines that the school
 30 corporation or qualified school committed a protected right
 31 violation, the final order may do any of the following:

32 (1) Require the school corporation or qualified school to
 33 remedy the protected right violation.

34 (2) Withhold state tuition support under IC 20-43 for the
 35 school corporation or qualified school until the protected
 36 right violation is remedied in accordance with the final order.

37 (3) Recommend that the state board revoke the school
 38 corporation's or qualified school's performance based
 39 accreditation under IC 20-31-4.1.

40 (4) Suspend or revoke a license under IC 20-28-5-7.

41 (5) Include a recommendation for the attorney general to
 42 access a civil penalty in accordance with section 4 of this



- 1 chapter.
- 2 A school corporation or qualified school shall comply with a final
- 3 order issued by the department.
- 4 (e) The department shall submit a copy of the department's final
- 5 order to the attorney general not later than five (5) business days
- 6 after the date the final order is issued.
- 7 Sec. 4. (a) Upon receipt of either:
- 8 (1) the findings submitted by a school corporation or qualified
- 9 school under section 2 of this chapter; or
- 10 (2) a final order submitted by the department under section
- 11 3 of this chapter;
- 12 the attorney general or the attorney general's designee shall review
- 13 the findings of the school corporation, qualified school, or
- 14 department. The attorney general may request additional
- 15 information from the school corporation, qualified school, or
- 16 department necessary to review the findings or final order.
- 17 (b) If, after conducting the review described in subsection (a),
- 18 the attorney general determines that a protected right violation
- 19 occurred, the attorney general may assess a civil penalty against
- 20 the school corporation or qualified school in an amount determined
- 21 under subsection (c). A civil penalty assessed under this subsection
- 22 must be deposited in the Indiana secured school fund established
- 23 by IC 10-21-1-2.
- 24 (c) The amount of a civil penalty under subsection (b) is as
- 25 follows:
- 26 (1) For a first violation, at least one thousand dollars (\$1,000)
- 27 but less than five thousand dollars (\$5,000) for each student
- 28 who is the subject of a violation under this section.
- 29 (2) For a second violation, at least five thousand dollars
- 30 (\$5,000) but less than ten thousand dollars (\$10,000) for each
- 31 student who is the subject of a violation under this section.
- 32 (3) For any violation after a second violation, at least ten
- 33 thousand dollars (\$10,000) for each student who is the subject
- 34 of a violation under this section.
- 35 Sec. 5. (a) A protected right petitioner may bring a civil action
- 36 against a school corporation or qualified school if the protected
- 37 right petitioner is the subject of a protected right violation by the
- 38 school corporation or qualified school.
- 39 (b) A court may award the following to a protected right
- 40 petitioner who prevails in a civil action under this section:
- 41 (1) Court costs and reasonable attorney's fees.
- 42 (2) The greater of:



1 (A) actual damages resulting from the violation; or
 2 (B) liquidated damages in an amount of five thousand
 3 dollars (\$5,000).
 4 **Sec. 6. (a) A school corporation or qualified school may not take**
 5 **any retaliatory action against any protected right petitioner, or any**
 6 **other person related to or associated with the protected right**
 7 **petitioner, who exercises any right under this article.**
 8 **(b) A school corporation or qualified school may not take any**
 9 **retaliatory action against any protected right petitioner, or any**
 10 **other person related to or associated with the protected right**
 11 **petitioner, who files a complaint under this chapter.**
 12 **(c) A court may award the following to an individual who**
 13 **prevails in a civil action under this section:**
 14 (1) Court costs and reasonable attorney's fees.
 15 (2) The greater of:
 16 (A) actual damages resulting from the violation; or
 17 (B) liquidated damages in an amount of five thousand
 18 dollars (\$5,000).
 19 **Chapter 5. Rulemaking**
 20 **Sec. 1. The state board may adopt rules under IC 4-22-2 to**
 21 **implement this article.**
 22 SECTION 5. IC 20-26-14-8, AS AMENDED BY P.L.142-2020,
 23 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 UPON PASSAGE]: Sec. 8. (a) The department shall notify the
 25 association of any license revocation or suspension involving a licensed
 26 teacher (as defined in IC 20-18-2-22) under IC 20-28-5-8 who:
 27 (1) has:
 28 (A) been convicted of an offense described in IC 20-28-5-8(c);
 29 or
 30 (B) committed misconduct described in ~~IC 20-28-5-7(1)~~
 31 **IC 20-28-5-7(a)(1)** or ~~IC 20-28-5-7(2)~~; **IC 20-28-5-7(a)(2)**;
 32 and
 33 (2) is also a coach accredited by the association.
 34 (b) A school corporation, charter high school, or nonpublic high
 35 school with at least one (1) employee must report to the association, in
 36 a manner prescribed by the association, when a nonteaching or
 37 volunteer coach accredited by the association has been convicted of an
 38 offense described in IC 20-28-5-8(c).
 39 (c) The association shall develop a rule, as soon as practicable, to
 40 suspend or revoke the coaching accreditation of a teacher who has been
 41 reported to the association under subsection (a) for committing
 42 misconduct described in ~~IC 20-28-5-7(1)~~ **IC 20-28-5-7(a)(1)** or



1 ~~IC 20-28-5-7(2)~~; **IC 20-28-5-7(a)(2)**.

2 (d) The association shall revoke the accreditation of any coach who
3 has been convicted of an offense described in IC 20-28-5-8. The
4 association may, after holding a hearing on the matter, reinstate the
5 accreditation of an individual whose accreditation has been revoked by
6 the association if the individual's conviction has been reversed,
7 vacated, or set aside on appeal.

8 (e) Nothing in this section shall be construed to prohibit the
9 association from revoking a coaching accreditation or otherwise
10 imposing any other form of discipline for misconduct not described in
11 ~~IC 20-28-5-7(1)~~, **IC 20-28-5-7(a)(1)**, ~~IC 20-28-5-7(2)~~,
12 **IC 20-28-5-7(a)(2)**, or IC 20-28-5-8.

13 (f) The:

- 14 (1) association or its employees;
15 (2) department or its employees; or
16 (3) school corporation, charter high school, or nonpublic high
17 school with at least one (1) employee or its employees;

18 are immune from civil liability for any act done or omitted under this
19 section or section 9 of this chapter unless the action constitutes gross
20 negligence or willful or wanton misconduct.

21 SECTION 6. IC 20-28-5-7, AS AMENDED BY P.L.43-2021,
22 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 7. (a) On the written recommendation of the
24 secretary of education, the department may suspend or revoke a license
25 for:

- 26 (1) immorality;
27 (2) misconduct in office;
28 (3) incompetency; or
29 (4) willful neglect of duty.

30 For each suspension or revocation, the department shall comply with
31 IC 4-21.5-3.

32 **(b) A teacher, principal, or superintendent who:**

- 33 **(1) willfully;**
34 **(2) knowingly; and**
35 **(3) without probable cause;**

36 **makes a false claim in a complaint under IC 20-22.5-4 is considered**
37 **to have committed misconduct in office under subsection (a).**

38 **(c) The department shall revoke the license of a teacher,**
39 **principal, or superintendent who is found to have:**

- 40 **(1) willfully; and**
41 **(2) knowingly;**

42 **committed a protected right violation (as defined in IC 20-22.5-2-6)**



1 **under IC 20-22.5-4-2, IC 20-22.5-4-3, or IC 20-22.5-4-4.**

2 SECTION 7. IC 20-30-1-1, AS AMENDED BY P.L.92-2020,
3 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 1. **Except as otherwise provided in**
5 **IC 20-30-5-17(c)**, this article applies only to the following:

- 6 (1) Public schools.
7 (2) State accredited nonpublic schools.

8 SECTION 8. IC 20-30-5-4, AS AMENDED BY P.L.43-2021,
9 SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2022]: Sec. 4. (a) Each public school and nonpublic school
11 shall provide within the two (2) weeks preceding a general election for
12 all students in grades 6 through 12 five (5) full recitation periods of
13 class discussion concerning:

- 14 (1) the system of government in Indiana and in the United States;
15 (2) methods of voting;
16 (3) party structures;
17 (4) election laws; and
18 (5) the responsibilities of citizen participation in government and
19 in elections.

20 **(b) This subsection applies to a school corporation, qualified**
21 **school, or educational program described in IC 20-22.5-1-1. During**
22 **the discussion described in subsection (a), students must receive**
23 **instruction that socialism, Marxism, communism, totalitarianism,**
24 **or similar political systems are incompatible with and in conflict**
25 **with the principles of freedom upon which the United States was**
26 **founded. In addition, students must be instructed that if any of**
27 **these political systems were to replace the current form of**
28 **government, the government of the United States would be**
29 **overthrown and existing freedoms under the Constitution of the**
30 **United States would no longer exist. As such, socialism, Marxism,**
31 **communism, totalitarianism, or similar political systems are**
32 **detrimental to the people of the United States.**

33 ~~(b)~~ (c) Except as provided in IC 20-32-4-13, a student may not
34 receive an Indiana diploma unless the student has completed a two (2)
35 semester course in American history.

36 ~~(c)~~ (d) If a public school superintendent violates this section, the
37 secretary of education shall receive and record reports of the violations.
38 The general assembly may examine these reports.

39 SECTION 9. IC 20-30-5-17, AS AMENDED BY P.L.154-2018,
40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 17. (a) **In addition to the requirements of**
42 **IC 20-30-17**, each school corporation or qualified school (as defined



1 **in IC 20-22.5-2-7)** shall make available for inspection by the parent of
 2 a student any instructional materials, including teachers' manuals,
 3 curricular materials, films or other video materials, tapes, and other
 4 materials, used in connection with:

5 (1) a personal analysis, an evaluation, or a survey described in
 6 subsection (b); or

7 (2) instruction on human sexuality.

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

12 (1) political affiliations;

13 (2) religious beliefs or practices;

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

16 (4) sexual behavior or attitudes;

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

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

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

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

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

31 (c) ~~Before a school may provide a student with instruction on human~~
 32 ~~sexuality, the school must provide the parent of the student or the~~
 33 ~~student, if the student is an adult or an emancipated minor, with a~~
 34 ~~written request for consent of instruction. A consent form provided to~~
 35 ~~a parent of a student or a student under this subsection must accurately~~
 36 ~~summarize the contents and nature of the instruction on human~~
 37 ~~sexuality that will be provided to the student and indicate that a parent~~
 38 ~~of a student or an adult or emancipated minor student has the right to~~
 39 ~~review and inspect all materials related to the instruction on human~~
 40 ~~sexuality. The written consent form may be sent in an electronic~~
 41 ~~format. The parent of the student or the student, if the student is an~~
 42 ~~adult or an emancipated minor, may return the consent form indicating~~



1 that the parent of the student or the adult or emancipated student:

2 (1) consents to the instruction; or

3 (2) declines instruction.

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

8 (d) If the parent of the student or the student, if the student is an
9 adult or an emancipated minor; does not respond to the written request
10 provided by the school under subsection (c) within twenty-one (21)
11 calendar days after receiving the request under subsection (c); the
12 school shall provide the parent of the student; or the student; if the
13 student is an adult or an emancipated minor; a written notice requesting
14 that the parent of the student; or the student; if the student is an adult
15 or an emancipated minor; indicate; in a manner prescribed by the
16 school; whether the parent of the student or the adult or emancipated
17 student:

18 (1) consents to the instruction; or

19 (2) declines instruction.

20 A notice provided to a parent of a student or a student under this
21 subsection must accurately summarize the contents and nature of the
22 instruction on human sexuality that will be provided to the student and
23 indicate that a parent of a student or an adult or emancipated minor
24 student has the right to review and inspect all materials related to the
25 instruction on human sexuality. The notice may be sent in an electronic
26 format. If the school does not receive a response within ten (10) days
27 after the notice; the student will receive the instruction on human
28 sexuality unless the parent or the adult or emancipated student
29 subsequently opts out of the instruction for the student.

30 (c) If a school corporation or qualified school (as defined in
31 IC 20-22.5-2-7) uses a third party vendor in providing a personal
32 analysis, evaluation, or survey that reveals or attempts to affect a
33 student's attitudes, habits, traits, opinions, beliefs, or feelings, the
34 third party vendor and the school corporation or qualified school
35 (as defined in IC 20-22.5-2-7) may not collect or maintain the
36 responses to or results of the analysis, evaluation, or survey in a
37 manner that would identify the responses or results of an
38 individual student.

39 (d) A qualified school (as defined in IC 20-22.5-2-7) shall obtain
40 prior informed written consent from the parent of a student who
41 is less than eighteen (18) years of age and is not emancipated or an
42 emancipated student before the student may participate in any



1 **instruction on human sexuality, including:**

- 2 (1) **abortion;**
 3 (2) **birth control or contraceptives;**
 4 (3) **sexual activity;**
 5 (4) **sexual orientation;**
 6 (5) **transgenderism; and**
 7 (6) **gender identity;**

8 **that is conducted in connection with the school corporation, the**
 9 **qualified school (as defined in IC 20-22.5-2-7), a contractor of the**
 10 **school corporation or qualified school (as defined in**
 11 **IC 20-22.5-2-7), or any individual, agency, or entity to which the**
 12 **student is referred, or that is made available to the student, by the**
 13 **school corporation or qualified school (as defined in**
 14 **IC 20-22.5-2-7).**

15 (e) **Before obtaining the prior informed written consent of a**
 16 **parent or emancipated student as described in subsection (d), a**
 17 **school corporation or qualified school (as defined in**
 18 **IC 20-22.5-2-7) shall provide the parent or emancipated student**
 19 **with informed written notice which shall accurately describe in**
 20 **detail the contents and nature of the instruction on human**
 21 **sexuality, including:**

- 22 (1) **the purpose of the instruction on human sexuality;**
 23 (2) **the provider or contractor providing the instruction on**
 24 **human sexuality; and**
 25 (3) **the date and time when the instruction on human sexuality**
 26 **will take place.**

27 **The notice must include a copy of all written materials the student**
 28 **will be provided pertaining to the instruction on human sexuality.**

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

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

32 (h) **A qualified school (as defined in IC 20-22.5-2-7) that violates**
 33 **this section is subject to IC 20-22.5-4.**

34 SECTION 10. IC 20-30-17 IS ADDED TO THE INDIANA CODE
 35 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 36 UPON PASSAGE]:

37 **Chapter 17. Learning Material and Educational Activity**
 38 **Transparency**

39 **Sec. 1. (a) As used in this chapter, "educational activity" means**
 40 **a presentation, assembly, lecture, or any other educational activity**
 41 **or event that is:**

- 42 (1) **organized or facilitated by a school corporation or**



- 1 qualified school or an employee of the school corporation or
2 qualified school; and
3 (2) conducted during instructional time (as defined in
4 IC 20-30-2-1).
- 5 (b) The term does not include a student presentation.
- 6 Sec. 2. As used in this chapter, "educational activity presenter
7 information" means the following:
8 (1) The name of a presenter of an educational activity.
9 (2) The name of the organization, if applicable, that the
10 presenter of the educational activity represents.
- 11 Sec. 3. (a) As used in this chapter, "learning material" means
12 any material used for student instruction by a school corporation
13 or qualified school, including the following:
14 (1) Textbooks and other printed materials.
15 (2) Audiovisual materials.
16 (3) Materials in electronic or digital formats, including
17 materials accessible through the Internet.
18 (4) All materials to be presented or provided to students in
19 connection with an educational activity.
- 20 (b) The term includes a lesson plan, a syllabus, and any
21 materials that contain curriculum content.
- 22 (c) The term does not include an academic test, quiz, or scoring
23 keys.
- 24 Sec. 4. As used in this chapter, "qualified school" has the
25 meaning set forth in IC 20-22.5-2-7.
- 26 Sec. 5. (a) This section applies to a learning material or
27 educational activity to which any of the following apply:
28 (1) The learning material or educational activity is or is
29 intended to be assigned, distributed, or otherwise presented
30 to:
31 (A) a student in a course or class for which the student
32 receives credit;
33 (B) a student if use of the learning material or
34 participation in the educational activity is required by the
35 school corporation or qualified school; or
36 (C) a student and at least a majority of students in a grade
37 level are expected to use the learning material or
38 participate in the educational activity.
39 (2) The learning material is or is intended to be included in a
40 defined list of learning materials from which the students are
41 required to select one (1) or more of the learning materials.
42 (3) The learning material or educational activity is created by:



- 1 (A) the department;
- 2 (B) the governing body of a school corporation or qualified
- 3 school; or
- 4 (C) an employee of a school corporation or qualified
- 5 school.
- 6 (b) Not later than June 30, 2022, and not later than June 30 each
- 7 year thereafter, each qualified school shall post on the qualified
- 8 school's Internet web site, in a manner accessible by the public, the
- 9 following:
- 10 (1) Information concerning any learning material or
- 11 educational activity that is or is intended to be used for
- 12 student instruction by the qualified school in the immediately
- 13 following school year, organized by grade level, teacher, and
- 14 subject area. The information posted under this subdivision
- 15 must include the following:
- 16 (A) The title and author, organization, or Internet web site
- 17 associated with each learning material and educational
- 18 activity.
- 19 (B) The full text or a copy of the learning material or
- 20 educational activity. A qualified school is not required to
- 21 include the full text or copy of learning material or an
- 22 educational activity under this clause if the qualified school
- 23 provides a link to an Internet web site that contains the full
- 24 text or a copy of the learning material or educational
- 25 activity.
- 26 (2) Any procedures or policies in effect for the documentation,
- 27 review, or approval of learning materials or educational
- 28 activities used for student instruction.
- 29 (c) Each qualified school shall:
- 30 (1) update the information described in subsection (b) at least
- 31 one (1) time each semester; and
- 32 (2) post a notice on the qualified school's Internet web site
- 33 that the information has been updated and the date on which
- 34 the information was updated.
- 35 (d) This section may not be construed to require a qualified
- 36 school to post learning material or information concerning an
- 37 educational activity in a manner that would constitute an
- 38 infringement of copyright under the federal Copyright Act (17
- 39 U.S.C. 101 et seq.).
- 40 (e) The department shall:
- 41 (1) develop a model plan for presenting the information
- 42 described in this section on a qualified school's Internet web



1 site; and

2 (2) post the model on the department's Internet web site.

3 Sec. 6. (a) Upon request of a parent of a student enrolled in a
4 school corporation or qualified school, the school corporation or
5 qualified school shall make available, in the manner prescribed in
6 subsection (b), for inspection to the parent of the student:

7 (1) learning material for the particular student; and

8 (2) educational activity presenter information for educational
9 activity presenters currently scheduled for an educational
10 activity or who conducted an educational activity within
11 twelve (12) months preceding the date of the request
12 submitted under this subsection at the particular school that
13 the student currently attends.

14 (b) A school corporation or qualified school shall make the
15 information described in subsection (a) available for inspection at
16 the particular school that the student attends during normal school
17 office hours in a manner prescribed by the school corporation or
18 qualified school within five (5) business days of receipt of the
19 request. In addition, the school corporation or qualified school may
20 make the information available to a parent:

21 (1) by posting the learning material or educational activity
22 presenter information on the school corporation's or qualified
23 school's Internet web site;

24 (2) by providing the information to the parent of the student
25 by electronic mail; or

26 (3) by delivering, through regular mail or hand delivery,
27 photocopies of the learning material or educational activity
28 presenter information. A school corporation or qualified
29 school may charge a fee under this subdivision in accordance
30 with IC 5-14-3-8.

31 Sec. 7. Every teacher who teaches a class at a school corporation
32 or qualified school shall provide a student's parent or an
33 emancipated student a syllabus for the particular class the teacher
34 teaches within five (5) school days of the date that students start
35 the school year.

36 Sec. 8. Within forty-five (45) days from the later of:

37 (1) the first student school day of the school corporation or
38 qualified school; or

39 (2) the date a student enrolls in a school corporation or
40 qualified school;

41 the school corporation or qualified school shall notify, in a manner
42 prescribed by the school corporation or qualified school, the



1 student's parent that learning materials and educational activity
 2 presenter information are available for inspection by the parent in
 3 the manner prescribed in section 6 of this chapter. The notification
 4 must include a copy of this chapter.

5 **Sec. 9. The state board may adopt rules under IC 4-22-2 to**
 6 **implement this chapter.**

7 SECTION 11. IC 20-31-4.1-8.5 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. The state board may**
 10 **revoke the performance based accreditation of a school**
 11 **corporation or qualified school (as defined in IC 20-22.5-2-7) after**
 12 **consideration of a final order issued by the department under**
 13 **IC 20-22.5-4-3.**

14 SECTION 12. IC 20-31-8-5.5, AS ADDED BY P.L.211-2021,
 15 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 5.5. (a) Not later than July 1, 2024, the state
 17 board shall do the following:

18 (1) Establish a compilation of longitudinal data indicating school
 19 performance success in various selected and enumerated program
 20 areas.

21 (2) Present the data described in subdivision (1) for each school
 22 in a manner that:

23 (A) can be conveniently and easily accessed from a single web
 24 page on the state board's Internet web site; and

25 (B) is commonly known as an Internet dashboard.

26 (b) The dashboard must include the following:

27 (1) Indicators of student performance in elementary school,
 28 including schools for grades 6 through 8, and high school.

29 (2) The school's graduation rate, as applicable.

30 (3) The percentage of high school graduates who earned college
 31 credit before graduating, as applicable.

32 (4) The pass rate of the statewide assessment program tests (as
 33 defined in IC 20-32-2-2.3), as applicable.

34 (5) The growth data of the statewide assessment program tests (as
 35 defined in IC 20-32-2-2.3), as applicable.

36 (6) The attendance rate.

37 (7) State, national, and international comparisons for the
 38 indicators, if applicable.

39 **(8) Information described in IC 20-20-8-8(a)(23) which shall**
 40 **be updated at least every thirty (30) days.**

41 (c) The dashboard may include any other data indicating school
 42 performance success that the state board determines is relevant.



1 (d) Each school shall post on a web page maintained on the school's
 2 Internet web site the exact same data and in a similar format as the data
 3 presented for the school on the state board's Internet web site.
 4 However, the school may include custom indicators on the web page
 5 described in this subsection.

6 SECTION 13. IC 20-33-13 IS ADDED TO THE INDIANA CODE
 7 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]:

9 **Chapter 13. Protection of Students and Privacy Rights of**
 10 **Students and Families**

11 **Sec. 1. (a) Except as provided in subsection (b), as used in this**
 12 **chapter, "medical inspection" means a medical inspection**
 13 **conducted under IC 20-34-3-4.**

14 **(b) The term does not include:**

- 15 **(1) a medical inspection of the student under IC 20-34-3-4 that**
 16 **is conducted in response to an emergency situation in which**
 17 **time is of the essence and the student's parent is promptly**
 18 **notified of the situation;**
- 19 **(2) an inspection conducted by a school nurse or other school**
 20 **employee under IC 20-34-3-9;**
- 21 **(3) sickle cell anemia testing conducted under IC 20-34-3-10;**
- 22 **(4) lead poisoning testing conducted under IC 20-34-3-11;**
- 23 **(5) annual vision testing conducted under IC 20-34-3-12; or**
- 24 **(6) audiometer testing conducted under IC 20-34-3-14.**

25 **Sec. 2. As used in this chapter, "medical treatment" means any**
 26 **medical assessment, medical treatment, medical service, or medical**
 27 **referral, including:**

28 **(1) any counseling of a student about:**

29 **(A) abortion; or**

30 **(B) gender transitioning issues, including:**

31 **(i) pronoun selection;**

32 **(ii) hormone blockers; or**

33 **(iii) gender reassignment surgery; or**

34 **(2) referrals of a student to an individual, facility, or**
 35 **organization that:**

36 **(A) supports or counsels in favor of or performs abortions;**

37 **(B) supports or counsels in favor of attempted gender**
 38 **transitioning from one (1) sex to another sex including the**
 39 **use of hormone blockers or gender reassignment surgery;**

40 **or**

41 **(C) provides hormone blockers or gender reassignment**
 42 **surgery.**



1 **Sec. 3. As used in this chapter, "mental health assessment"**
 2 **means providing the following in a written, digital, or electronic**
 3 **format:**

- 4 (1) **A behavioral evaluation or survey.**
 5 (2) **A personality examination or analysis.**
 6 (3) **A mental health screening or survey.**
 7 (4) **Any assessment regarding interest inventories that would**
 8 **collect or elicit information about attitudes, habits, traits,**
 9 **opinions, beliefs, feelings, or dispositions, including:**
 10 (A) **multitiered systems of support;**
 11 (B) **positive behavior intervention and supports;**
 12 (C) **response to intervention; and**
 13 (D) **universal design for learning designed to affect**
 14 **behavioral, emotional, or attitudinal characteristics of an**
 15 **individual or group.**
 16 (5) **A social emotional screening, survey, assessment, or**
 17 **evaluation.**
 18 (6) **A social emotional wellness screening, survey, assessment,**
 19 **or evaluation.**

20 **Sec. 4. As used in this chapter, "mental health service" means**
 21 **any social, emotional, or behavioral interventions, including:**

- 22 (1) **multitiered systems of support;**
 23 (2) **positive behavior interventions and support;**
 24 (3) **response to intervention; or**
 25 (4) **universal design for learning designed to affect behavioral,**
 26 **emotional, or attitudinal characteristics of an individual or**
 27 **group;**

28 **that are provided to a student at any time including as a result of**
 29 **a mental health assessment of the student.**

30 **Sec. 5. As used in this chapter, "qualified school" has the**
 31 **meaning set forth in IC 20-22.5-2-7.**

32 **Sec. 6. As used in this chapter, "psychiatric or psychological**
 33 **examination or test" means a method of obtaining information,**
 34 **including a group activity, that is:**

- 35 (1) **provided to a student at any time including an examination**
 36 **or test provided as a result of a mental health assessment of**
 37 **the student; and**
 38 (2) **designed to elicit information about attitudes, habits,**
 39 **traits, opinions, beliefs, feelings, or dispositions.**

40 **Sec. 7. As used in this chapter, "psychiatric or psychological**
 41 **treatment" means an activity involving the planned, systematic use**
 42 **of methods or techniques that are:**



1 (1) provided to a student at any time including as a result of
2 a mental health assessment of the student; and

3 (2) designed to affect behavioral, emotional, or attitudinal
4 characteristics of an individual or group.

5 **Sec. 8. As used in this chapter, "student education record"**
6 **means a record maintained by a school corporation or qualified**
7 **school in a digital, paper, or other format that contains**
8 **information directly related to a student that includes, but is not**
9 **limited to:**

10 (1) personally identifiable information;

11 (2) medical or mental health information regarding the
12 student;

13 (3) academic information;

14 (4) career profile information;

15 (5) personality information;

16 (6) any disciplinary action information; and

17 (7) any other information gathered on the student.

18 **Sec. 9. (a) A school corporation or qualified school shall obtain**
19 **prior informed written consent from the parent of a student who**
20 **is less than eighteen (18) years of age and is not emancipated**
21 **before:**

22 (1) the school corporation or qualified school may share a
23 student's education record with a third party;

24 (2) the school corporation or qualified school provides access
25 to a student by a third party; or

26 (3) a student may participate in any medical inspection,
27 medical treatment, mental health assessment, mental health
28 services, psychiatric or psychological examination or test, or
29 psychiatric or psychological treatment that is conducted in
30 connection with the school corporation, the qualified school,
31 a contractor of the school corporation or qualified school, or
32 any individual, agency, or entity that the student is referred
33 to or made available by the school corporation or qualified
34 school.

35 (b) Before obtaining the prior informed written consent from a
36 parent as described in subsection (a), a school corporation or
37 qualified school shall provide the parent informed written notice
38 describing in detail the medical inspection, medical treatment,
39 mental health assessment, mental health services, psychiatric or
40 psychological examination or test, or psychiatric or psychological
41 treatment, including:

42 (1) the purpose for the assessment, examination, test,



1 treatment, or services;

2 (2) the provider or contractor providing the assessment,
3 examination, test, treatment, or services; and

4 (3) the date and time at which the assessment, examination,
5 test, treatment, or services will take place.

6 **Sec. 10. (a) For purposes of this section, a student is considered**
7 **a student subject to a violation of this section if:**

8 (1) a school corporation or qualified school:

9 (A) discloses a student education record or any
10 information in a student education record, including
11 providing access to a student's education record to a third
12 party;

13 (B) provided access to a student by a third party without
14 the informed written consent of the student's parent in
15 violation of this chapter; or

16 (C) has the student participate in any medical inspection,
17 medical treatment, mental health assessment, mental
18 health services, psychiatric or psychological examination
19 or test, or psychiatric or psychological treatment that is
20 conducted in connection with the school corporation, the
21 qualified school, a contractor of a school corporation or
22 qualified school, or any individual, agency, or entity that
23 the student is referred to or made available to the student
24 by a school corporation or qualified school without the
25 informed written consent of the student's parent in
26 violation of this chapter;

27 (2) a school corporation or qualified school violates
28 IC 20-30-5-17 regarding the student; or

29 (3) a school corporation or qualified school violates
30 IC 20-34-3-21 regarding the student.

31 (b) This subsection applies to a school corporation or a qualified
32 school. A protected right petitioner (as defined in IC 20-22.5-2-5)
33 may submit a complaint form in accordance with IC 20-22.5-4 with
34 the school corporation or qualified school.

35 (c) Upon receipt of findings by a school corporation or qualified
36 school under IC 20-22.5-4-3 or the department's final order under
37 IC 20-22.5-4, the attorney general shall review the findings or final
38 order in accordance with IC 20-22.5-4-4. If the attorney general
39 determines that:

40 (1) a school corporation or qualified school:

41 (A) has disclosed a student education record or any
42 information in a student education record, including



- 1 providing access to a student's education record to a third
 2 party;
 3 **(B) provided access to a student by a third party without**
 4 **the informed written consent of the student's parent in**
 5 **violation of this chapter; or**
 6 **(C) had a student participate in any medical inspection,**
 7 **medical treatment, mental health assessment, mental**
 8 **health services, psychiatric or psychological examination**
 9 **or test, or psychiatric or psychological treatment that is**
 10 **conducted in connection with the school corporation, the**
 11 **qualified school, a contractor of a school corporation or**
 12 **qualified school, or any individual, agency, or entity that**
 13 **the student is referred to by the school corporation or**
 14 **qualified school without the informed written consent of**
 15 **the student's parent or emancipated student in violation of**
 16 **this chapter;**
 17 **(2) a school corporation, or qualified school violates**
 18 **IC 20-30-5-17; or**
 19 **(3) a school corporation or qualified school violates**
 20 **IC 20-34-3-21;**

21 the attorney general may assess a civil penalty against the school
 22 corporation, charter school, or laboratory school established under
 23 IC 20-24.5-2 in an amount determined under IC 20-22.5-4-4(c).

24 **Sec. 11. (a) A parent of a student or emancipated student may**
 25 **bring a civil action against a school corporation or qualified school**
 26 **if the student is the subject of a protected right violation (as**
 27 **defined by IC 20-22.5-2-6) by the school corporation or qualified**
 28 **school as described in section 9(a) of this chapter.**

29 **(b) A court may award the following to an individual who**
 30 **prevails under subsection (a):**

- 31 **(1) Court costs and reasonable attorney's fees.**
 32 **(2) The greater of:**
 33 **(A) actual damages resulting from the violation; or**
 34 **(B) liquidated damages in an amount of five thousand**
 35 **dollars (\$5,000).**

36 SECTION 14. IC 20-34-3-4, AS ADDED BY P.L.1-2005,
 37 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 4. **Subject to IC 20-33-13**, the governing
 39 body of a school corporation may provide for the inspection of students
 40 by a school physician to determine whether any child suffers from
 41 disease, disability, decayed teeth, or other defects that may reduce the
 42 student's efficiency or prevent the student from receiving the full



- 1 benefit of the student's school work.
- 2 SECTION 15. IC 20-34-3-21, AS AMENDED BY P.L.69-2020,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 21. (a) Each school corporation and charter
5 school shall enter into a memorandum of understanding with a
6 community mental health center established under IC 12-29-2 or a
7 provider certified or licensed by the state to provide appropriate and
8 necessary mental or behavioral health services to students. The division
9 of mental health and addiction shall develop a memorandum of
10 understanding for referral and assist school corporations and charter
11 schools in obtaining a memorandum of understanding with a
12 community mental health center or an appropriate provider.
- 13 (b) A school corporation and a charter school may not refer a
14 student to a mental health care provider or a community mental health
15 center for services unless the school corporation or charter school has
16 received the written consent of the student's parent or guardian.
- 17 (c) If a school corporation or charter school refers a student to a
18 mental health care provider, the school corporation or charter school
19 may note the referral in the student's cumulative record but may not
20 include any possible diagnosis or information concerning the student's
21 mental health other than any medication that the student takes for the
22 student's mental health. A student record that contains medical
23 information must be kept confidential.
- 24 (d) A school counselor or other employee of a school corporation or
25 a charter school may not diagnose a student as having a mental health
26 condition unless the individual's scope of practice includes diagnosing
27 a mental health condition.
- 28 (e) Before providing a referral under a memorandum of
29 understanding, each school corporation and charter school shall comply
30 with the following requirements:
- 31 (1) Develop a process for a teacher or school employee to notify
32 a school official to contact a student's parent if the student
33 demonstrates a repeated pattern of aberrant or abnormal behavior.
34 The parental notification process described in this subdivision
35 must also include that the school will hold a conference with the
36 student and the student's parent.
- 37 (2) Require that the conference described in subdivision (1) must
38 address the student's potential need for and benefit from:
- 39 (A) mental or behavioral health services; or
40 (B) mental or behavioral health services provided by the
41 community mental health center or appropriate provider that
42 is contracted and paid for by the school corporation or charter



- 1 school.
- 2 (3) Establish a procedure for a parent who chooses to seek
- 3 services for the student to follow that includes granting written
- 4 parental consent for the student to receive mental or behavioral
- 5 health services by a community mental health center or
- 6 appropriate provider described under subdivision (2).
- 7 (4) Ensure that a school maintains the confidentiality of any
- 8 medical records that result from a student's participation in any
- 9 treatment described in subdivision (2). The school must adopt a
- 10 policy that prohibits the school from:
- 11 (A) sharing any reports or notes resulting from the provision
- 12 of mental or behavioral health services described in
- 13 subdivision (2)(A) with other school officials; and
- 14 (B) maintaining any reports, notes, diagnosis, or appointments
- 15 that result from a student's participation in any treatment
- 16 described in subdivision (2)(A) through (2)(B) in the student's
- 17 permanent educational file.

18 **(f) A school corporation or charter school that violates this**
 19 **section is subject to IC 20-22.5-4.**

20 SECTION 16. IC 20-34-4-2, AS AMENDED BY P.L.208-2015,
 21 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JANUARY 1, 2021 (RETROACTIVE)]: Sec. 2. (a) Every child
 23 residing in Indiana who is enrolled in an accredited elementary school
 24 or high school shall be immunized as determined by the state
 25 department of health against:

- 26 (1) diphtheria;
- 27 (2) pertussis (whooping cough);
- 28 (3) tetanus;
- 29 (4) measles;
- 30 (5) rubella;
- 31 (6) poliomyelitis;
- 32 (7) mumps;
- 33 (8) varicella;
- 34 (9) hepatitis A;
- 35 (10) hepatitis B; and
- 36 (11) meningitis.

37 (b) **Before January 1, 2021**, the state department of health may
 38 expand or otherwise modify the list of communicable diseases that
 39 require documentation of immunity as medical information becomes
 40 available that would warrant the expansion or modification in the
 41 interest of public health.

42 (c) **After December 31, 2020, the list of communicable diseases**



1 **that require documentation of immunity may be expanded or**
 2 **modified only by an act of the general assembly.**

3 ~~(c)~~ **(d)** Before November 30 of each year, the state department of
 4 health shall publish a two (2) year calendar of immunization
 5 requirements and recommendations. The calendar must include:

6 (1) the immunization requirements for the following school year;
 7 and

8 (2) recommendations for immunization requirements for the year
 9 subsequent to the following school year.

10 ~~(d)~~ **(e)** The publishing time frame for the calendar described in
 11 subsection ~~(c)~~ **(d)** does not apply in the event of an emergency as
 12 determined by the state health commissioner.

13 ~~(e)~~ **(f)** The state department of health shall adopt rules under
 14 IC 4-22-2 specifying the:

- 15 (1) required immunizations;
 16 (2) child's age for administering each vaccine;
 17 (3) adequately immunizing doses; and
 18 (4) method of documentation of proof of immunity.

19 SECTION 17. IC 34-30-28-1, AS ADDED BY P.L.41-2014,
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 1. A school, school employee, or school board
 22 is not liable for civil damages as a result of:

- 23 (1) an injury to a child or family members of the child if the injury
 24 is a result of a student's mental health issue that has not been
 25 disclosed to the school by the parents or guardian; or
 26 (2) any referrals the school made or services the school offered
 27 concerning evaluations or treatment of the student's health,
 28 including mental health.

29 **However, a school, school employee, or school board is not immune**
 30 **from civil liability under this section if the school, school employee,**
 31 **or school board committed a violation described in IC 20-30-5-17,**
 32 **IC 20-33-13, or IC 20-34-3-21 in making a medical inspection,**
 33 **medical treatment, mental health assessment, mental health**
 34 **services, psychiatric or psychological examination or test, or**
 35 **psychiatric or psychological treatment.**

36 SECTION 18. An emergency is declared for this act.

