

# HOUSE BILL No. 1231

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-19-5; IC 20-22.5; IC 20-26-14-8; IC 20-28-5-7; IC 20-31-4.1-8.5.

**Synopsis:** Education matters. Defines "applicable school". Provides that a state agency, school corporation, or applicable school, or an employee of the state agency, school corporation, or applicable school acting in an official capacity, may not direct or otherwise compel students or a school employee to personally affirm, adopt, or adhere to certain tenets relating to the individual's sex or race. Provides that a state agency, school corporation, or applicable school, or an employee of the state agency, school corporation, or applicable school acting in an official capacity, may not require an employee of the state agency, school corporation, or applicable school to engage in training, orientation, or therapy that presents any form of racial or sex stereotyping or blame on the basis of sex or race. Requires each school corporation or applicable school to adopt a policy to allow a taxpayer to observe classroom instruction at any time requested by the taxpayer. Requires, not later than July 30, 2022, and not later than June 30 each year thereafter, each applicable school to post on the applicable 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 of education (department) to develop and post on the department's Internet web site a model plan for presenting the learning material or educational activity information. Establishes procedures for a petitioner to file a complaint form alleging certain violations occurred within a school corporation or applicable school. Provides that a petitioner may appeal a school corporation's or applicable school's findings to the department. Requires the department to appoint an administrative law judge to adjudicate appeals. Requires  
(Continued next page)

**Effective:** July 1, 2022.

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## Jacob, Nisly, Borders

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January 6, 2022, read first time and referred to Committee on Education.

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Digest Continued

the department to issue a final order. Requires the attorney general or the attorney general's designee to review a school corporation's or applicable school's findings or the department's final order. Provides that the attorney general may assess civil penalties if the attorney general determines a violation occurred. Provides that a school corporation or applicable school may not take retaliatory action against a petitioner or an individual related to or associated with the petitioner. 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. 1231

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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 20-19-5 IS REPEALED [EFFECTIVE JULY 1,  
2 2022]. (Children's Social, Emotional, and Behavioral Health Plan).  
3 SECTION 2. IC 20-22.5 IS ADDED TO THE INDIANA CODE AS  
4 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
5 2022]:  
6 **ARTICLE 22.5. PROTECTIONS FOR STUDENTS, PARENTS,**  
7 **AND EDUCATORS**  
8 **Chapter 1. Policy and Applicability**  
9 **Sec. 1. This article applies to:**  
10 **(1) a school corporation;**  
11 **(2) a charter school;**  
12 **(3) the Indiana School for the Blind and Visually Impaired**  
13 **established by IC 20-21-2-1;**  
14 **(4) the Indiana School for the Deaf established by**  
15 **IC 20-22-2-1;**

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- 1           (5) a laboratory school established under IC 20-24.5-2; and  
 2           (6) a state accredited nonpublic school.
- 3 **Chapter 2. Definitions**
- 4 **Sec. 1. The following definitions apply throughout this article:**
- 5           (1) "Applicable school" refers to the following:
- 6               (A) A school maintained by a school corporation.  
 7               (B) A charter school.  
 8               (C) A laboratory school established under IC 20-24.5-2.  
 9               (D) The Indiana School for the Blind and Visually  
 10              Impaired established by IC 20-21-2-1.  
 11              (E) The Indiana School for the Deaf established by  
 12              IC 20-22-2-1.  
 13              (F) A state accredited nonpublic school.
- 14           (2) "Course" means any forum where instruction or activities  
 15           tied to the instruction are provided, including:
- 16               (A) courses;  
 17               (B) training;  
 18               (C) seminars;  
 19               (D) professional development;  
 20               (E) lectures;  
 21               (F) sessions;  
 22               (G) coaching;  
 23               (H) tutoring; and  
 24               (I) classes.
- 25           (3) "Educational activity" means a presentation, assembly,  
 26           lecture, or any other educational activity or event that is:
- 27               (A) organized or facilitated by a school corporation or  
 28               applicable school or an employee of the school corporation  
 29               or applicable school; and  
 30               (B) conducted during instructional time (as defined in  
 31               IC 20-30-2-1).
- 32           The term does not include a student presentation.
- 33           (4) "Educational activity presenter information" means the  
 34           following:
- 35               (A) The name of a presenter of an educational activity.  
 36               (B) The name of the organization, if applicable, that the  
 37               presenter of the educational activity represents.
- 38           (5) "Learning material" means any material used for student  
 39           instruction by a school corporation or school, including the  
 40           following:
- 41               (A) Textbooks and other printed materials.  
 42               (B) Audiovisual materials.



1 (C) Materials in electronic or digital formats, including  
2 materials accessible through the Internet.

3 (D) All materials to be presented or provided to students in  
4 connection with an educational activity.

5 The term includes a lesson plan, a syllabus, and any materials  
6 that contain curriculum content. The term does not include an  
7 academic test, quiz, or scoring keys.

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

9 **Sec. 1. (a)** A school corporation or applicable school, or a school  
10 employee acting in the employee's official capacity, may not  
11 include or promote the following concepts as part of a course or  
12 educational activity, or allow teachers or other employees of the  
13 school corporation or applicable school to use supplemental  
14 instructional materials that include or promote the following  
15 concepts as part of any student instruction or school employee  
16 training or other employment requirements:

17 (1) One (1) race or sex is inherently superior to another race  
18 or sex.

19 (2) An individual, by virtue of the individual's race or sex, is  
20 inherently privileged, racist, sexist, or oppressive, whether  
21 consciously or subconsciously.

22 (3) An individual should be discriminated against or receive  
23 adverse treatment because of the individual's race or sex.

24 (4) Members of one (1) race or sex cannot and should not  
25 attempt to treat others without respect to race or sex.

26 (5) An individual's moral character is determined by the  
27 individual's race or sex.

28 (6) An individual, by virtue of the individual's race or sex,  
29 bears responsibility for actions committed in the past by other  
30 members of the same race or sex.

31 (7) An individual should feel discomfort, guilt, or anguish or  
32 another form of psychological distress solely because of the  
33 individual's race or sex.

34 (8) Meritocracy or traits such as hard work ethic are racist or  
35 sexist, or designed by a particular race or sex to oppress  
36 members of another race or sex.

37 (9) Indiana or the United States was founded as a racist or  
38 sexist state or nation and is fundamentally or irredeemably  
39 racist or sexist.

40 (b) A school corporation or applicable school is prohibited from  
41 discriminating on the basis of race or sex in the form of bias,  
42 stereotyping, scapegoating, classification, or categorical assignment



1 of traits, morals, values, or characteristics based solely on race or  
2 sex. School corporations and applicable schools are prohibited  
3 from engaging in race based or sex based discriminatory acts by  
4 using methods described in subsection (a), which result in treating  
5 individuals differently on the basis of race or sex or in the creation  
6 of a hostile environment.

7 (c) A school corporation or applicable school, or a school  
8 employee acting in the employee's official capacity, may not  
9 require a school employee or student to affirm a belief in a concept  
10 described in subsection (a) or the multiplicity or fluidity of gender  
11 identities, or similar concepts, that are against the school  
12 employee's or student's religious or philosophical convictions.

13 (d) A school corporation or applicable school may not do the  
14 following:

15 (1) Provide, contract to provide, offer, or sponsor any course  
16 that includes, incorporates, or is based on practices prohibited  
17 under this section.

18 (2) Use money, property, assets, or resources for a purpose  
19 that includes, incorporates, or is based on practices prohibited  
20 under this section.

21 (3) Adopt programs or use curricular material, instructional  
22 material, curriculum, classroom assignments, orientation,  
23 interventions, or counseling that include, incorporate, or are  
24 based on practices prohibited under this section.

25 (4) Execute a contract or agreement with an internal or  
26 external entity or person to provide services, training,  
27 professional development, or any other assistance that  
28 includes or incorporates practices prohibited under this  
29 chapter.

30 (5) Receive or apply to receive money that requires, as a  
31 condition of receipt of the money, the adoption of a course,  
32 policy, curriculum, or any other instructional material that  
33 includes, incorporates, or is based on practices prohibited  
34 under this section.

35 (6) Adopt diversity, equity, or inclusion plans or training for  
36 students or school employees that includes, incorporates, or  
37 is based on practices prohibited under this chapter. A  
38 diversity officer at a school corporation, applicable school, or  
39 educational program is prohibited from providing any service  
40 or performing any duty that includes, incorporates, or is  
41 based on practices prohibited under this section.

42 (7) Adopt policies, including grading or admissions policies, or



1 providing any other benefit or service that applies to students  
 2 or school employees differently on the basis of race or sex.  
 3 This includes segregated classes, programs, training sessions,  
 4 extracurricular activities, or affinity groups.

5 (e) Notwithstanding subsection (a), this section does not prohibit  
 6 a school corporation or applicable school from including, as part  
 7 of a course, or from allowing teachers or other employees of the  
 8 school corporation or applicable school to use supplemental  
 9 instructional materials that provide the following:

10 (1) The history of an ethnic group.

11 (2) The impartial discussion of controversial aspects of  
 12 history.

13 (3) The impartial instruction on the historical oppression of a  
 14 particular group of people based on race, ethnicity, class,  
 15 nationality, religion, or geographic region.

16 (4) Historical documents relevant to topics described in  
 17 subdivisions (1) through (3).

18 (f) Nothing in this section may be construed to prohibit the  
 19 required collection or reporting of demographic data by a school  
 20 corporation or applicable school.

21 Sec. 2. (a) This section does not apply to an academic test or  
 22 assessment.

23 (b) A third party vendor who has a contract with a school  
 24 corporation or applicable school is prohibited from providing  
 25 instruction, conducting surveys, or providing services to any  
 26 student or employee of the school corporation or applicable school  
 27 that conflicts with section 1 of this chapter.

28 Sec. 3. The state board, in consultation with the department,  
 29 shall adopt rules under IC 4-22-2 to prohibit applicable schools  
 30 from doing the following:

31 (1) Promoting or advocating for student participation in a  
 32 particular political affiliation, ideology, sectarian, or religion.

33 (2) Providing or making part of any course or educational  
 34 activity subject matter that includes instruction or evaluation  
 35 of a student's social, emotional, and behavioral health.

36 (3) Making part of a course, or awarding a grade or course  
 37 credit for, including extra credit, a student's:

38 (A) political activism, lobbying, or efforts to persuade  
 39 members of the legislative or executive branch at the  
 40 federal, state, or local level to take specific actions by  
 41 direct communication; or

42 (B) participation in any internship, practicum, or similar



1 activity involving social or public policy advocacy.

2 (4) Introducing any controversial subject matter or current  
3 event germane to the subject matter being taught.

4 (5) Endorsing, supporting, or engaging in any activity that  
5 impedes the lawful access to an applicable school by a military  
6 recruiter or local, state, or federal law enforcement officer.

7 **Chapter 4. School Transparency**

8 **Sec. 1. (a)** Subject to subsection (b), each school corporation and  
9 applicable school shall adopt a policy to allow any taxpayer to  
10 observe classroom instruction at any time requested by the  
11 taxpayer.

12 (b) The policy described in subsection (a) may establish  
13 procedures to:

14 (1) minimize classroom disruptions;

15 (2) ensure classroom safety; and

16 (3) limit the number of taxpayers who may observe a  
17 particular class at any particular time if the number of  
18 taxpayers present to observe the class exceeds five (5).

19 **Sec. 2. (a)** This section applies to a learning material or  
20 educational activity to which any of the following apply:

21 (1) The learning material or educational activity is or is  
22 intended to be assigned, distributed, or otherwise presented  
23 to:

24 (A) a student in a course or class for which the student  
25 receives credit;

26 (B) a student if use of the learning material or  
27 participation in the educational activity is required by the  
28 school corporation or applicable school; or

29 (C) a student and at least a majority of students in a grade  
30 level are expected to use the learning material or  
31 participate in the educational activity.

32 (2) The learning material is or is intended to be included in a  
33 defined list of learning materials from which the students are  
34 required to select one (1) or more of the learning materials.

35 (3) The learning material or educational activity is created by:

36 (A) the department;

37 (B) the governing body of a school corporation or  
38 applicable school; or

39 (C) an employee of a school corporation or applicable  
40 school.

41 (b) Not later than July 30, 2022, and not later than June 30 each  
42 year thereafter, each applicable school shall post on the applicable





1 school's Internet web site, in a manner accessible by the public, the  
2 following:

3 (1) Information concerning any learning material or  
4 educational activity that is or is intended to be used for  
5 student instruction by the applicable school in the  
6 immediately following school year, organized by grade level,  
7 teacher, and subject area. The information posted under this  
8 subdivision must include the following:

9 (A) The title and author, organization, or Internet web site  
10 associated with each learning material and educational  
11 activity.

12 (B) The full text or a copy of the learning material or  
13 educational activity.

14 (2) The title, author, and publisher of each book, periodical,  
15 treatise, article, recording, software, or paper available in the  
16 school's library.

17 (3) Any procedures or policies in effect for the documentation,  
18 review, or approval of learning materials or educational  
19 activities used for student instruction.

20 (c) Each applicable school shall:

21 (1) update the information described in subsection (b) at least  
22 one (1) time each semester; and

23 (2) post a notice on the applicable school's Internet web site  
24 that the information has been updated and the date on which  
25 the information was updated.

26 (d) This section may not be construed to require an applicable  
27 school to post learning material or information concerning an  
28 educational activity in a manner that would constitute an  
29 infringement of copyright under the federal Copyright Act (17  
30 U.S.C. 101 et seq.).

31 (e) The department shall:

32 (1) develop a model plan for presenting the information  
33 described in this section on an applicable school's Internet  
34 web site; and

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

36 Sec. 3. (a) Upon request of a parent of a student enrolled in a  
37 school corporation or applicable school, the school corporation or  
38 applicable school shall make available, in the manner prescribed  
39 in subsection (b), for inspection to the parent of the student:

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

41 (2) educational activity presenter information for educational  
42 activity presenters currently scheduled for an educational



1 activity or who conducted an educational activity within  
 2 twelve (12) months preceding the date of the request  
 3 submitted under this subsection at the particular school that  
 4 the student currently attends.

5 (b) A school corporation or applicable school shall make the  
 6 information described in subsection (a) available for inspection at  
 7 the particular school that the student attends during normal school  
 8 office hours in a manner prescribed by the school corporation or  
 9 applicable school within five (5) business days of receipt of the  
 10 request. In addition, the school corporation or applicable school  
 11 may make the information available to a parent:

12 (1) by posting the learning material or educational activity  
 13 presenter information on the school corporation's or  
 14 applicable school's Internet web site;

15 (2) by providing the information to the parent of the student  
 16 by electronic mail; or

17 (3) by delivering, through regular mail or hand delivery,  
 18 photocopies of the learning material or educational activity  
 19 presenter information. A school corporation or applicable  
 20 school may charge a fee under this subdivision in accordance  
 21 with IC 5-14-3-8.

22 Sec. 4. (a) On or before August 1, 2023, and each August 1  
 23 thereafter, each school corporation or applicable school shall  
 24 report to the department in a manner prescribed by the  
 25 department:

26 (1) the number of complaints received pertaining to learning  
 27 materials or educational activities for the previous school  
 28 year; and

29 (2) procedures used by the school corporation or applicable  
 30 school to protect disclosure of a student's personal identifiable  
 31 information from disclosure by the school corporation or  
 32 applicable school or a third party vendor who contracts with  
 33 the school corporation or applicable school.

34 (b) On or before September 1, 2023, and each September 1,  
 35 thereafter, the department shall include the information provided  
 36 by each school corporation and applicable school on the  
 37 department's Internet web site.

38 Sec. 5. The state board may adopt rules under IC 4-22-2 to  
 39 implement this chapter.

40 Chapter 5. Compliance

41 Sec. 1. (a) The department shall develop a complaint form to be  
 42 used by an individual to file a complaint with a school corporation



1 or applicable school in the manner described in section 2 of this  
 2 chapter alleging a violation under this article. The complaint form  
 3 must contain the following information:

- 4 (1) The date of the complaint.  
 5 (2) The date or dates that the alleged violation occurred.  
 6 (3) A detailed description of the alleged violation.  
 7 (4) Information necessary to enable the school corporation or  
 8 applicable school to investigate the violation.  
 9 (5) The option for the petitioner to provide the identification  
 10 of witnesses the school corporation or applicable school may  
 11 interview, if applicable.

12 (b) The department shall maintain a copy of the complaint form  
 13 on the department's Internet web site. In addition, each school  
 14 corporation and applicable school must maintain a link to the  
 15 complaint form on the school corporation's or applicable school's  
 16 Internet web site.

17 **Sec. 2. (a)** A petitioner may file a complaint form developed by  
 18 the department under section 1 of this chapter with a school  
 19 corporation or applicable school alleging a violation of this article.  
 20 The school corporation or applicable school, governing body, and  
 21 the attorney general's office shall investigate each complaint to  
 22 determine whether a violation occurred.

23 (b) Each school corporation shall designate at least one (1)  
 24 employee to respond to complaints under this chapter. Every  
 25 applicable school other than an applicable school that is part of a  
 26 school corporation shall designate at least one (1) employee to  
 27 review complaints under this chapter submitted to the particular  
 28 applicable school. Each school corporation or applicable school  
 29 shall include contact information including the:

- 30 (1) name;  
 31 (2) address;  
 32 (3) telephone number; and  
 33 (4) electronic mail address;

34 for the designated individual on the school corporation's or  
 35 applicable school's Internet web site.

36 (c) Upon receipt of a complaint form, the school corporation or  
 37 applicable school shall acknowledge receipt of the complaint form  
 38 not later than three (3) business days after receipt of the complaint  
 39 form. The school corporation or applicable school shall investigate  
 40 the complaint within ten (10) business days after receipt of the  
 41 complaint form and make findings that shall be sent by mail to the  
 42 petitioner. If the school corporation or applicable school finds:



1 (1) that a violation occurred, the findings must include a  
 2 description of how the school corporation or applicable school  
 3 will remedy the violation; or

4 (2) that a violation did not occur, the findings must include an  
 5 explanation of the school corporation's or applicable school's  
 6 findings.

7 The school corporation or applicable school shall provide the  
 8 petitioner notice of the petitioner's right to appeal and the deadline  
 9 to appeal the findings under section 3 of this chapter with a copy  
 10 of the findings mailed to the petitioner under this subsection.

11 (d) Nothing in this section may be construed to require a school  
 12 corporation or applicable school to disclose personal identifiable  
 13 information of a student.

14 (e) The school corporation or applicable school shall send a copy  
 15 of the findings made under subsection (c) to the attorney general  
 16 for review under section 4 of this chapter if the petitioner does not  
 17 appeal the findings under section 3 of this chapter. The school  
 18 corporation or applicable school shall submit a copy of the school  
 19 corporation's or applicable school's finding to the attorney general  
 20 not later than five (5) business days after the date required for an  
 21 appeal to be considered timely under section 3 of this chapter.

22 Sec. 3. (a) A petitioner may appeal a school corporation's or  
 23 applicable school's findings made under section 2 of this chapter if  
 24 the petitioner believes that the school corporation or applicable  
 25 school has incorrectly refused to investigate a complaint form or  
 26 the petitioner has evidence that a school corporation or applicable  
 27 school has reached an incorrect determination under section 2 of  
 28 this chapter. The appeal must be submitted to the department by  
 29 the petitioner not later than thirty (30) days after the date of the  
 30 school corporation's or applicable school's findings and notice of  
 31 the petitioner's right to appeal were mailed to the petitioner under  
 32 section 2 of this chapter. The appeal must be submitted to the  
 33 department on a form prescribed by the department. The form  
 34 shall be available on the department's Internet web site, and the  
 35 school corporation or applicable school must maintain a link to the  
 36 form on the school corporation's or applicable school's Internet  
 37 web site.

38 (b) The department shall send notice to the school corporation  
 39 or applicable school of an appeal submitted under this section not  
 40 later than three (3) business days after receipt after the appeal.

41 (c) The department, using an administrative law judge  
 42 appointed by the attorney general's office, shall conduct



1 adjudicative proceedings under this section in accordance with  
2 IC 4-21.5-3. The administrative law judge who shall issue a final  
3 order in accordance to IC 4-21.5-3-27.

4 (d) If an administrative law judge determines that the school  
5 corporation or applicable school committed a protected right  
6 violation under this article, the final order may do any of the  
7 following:

- 8 (1) Require the school corporation or applicable school to
- 9 remedy the protected right violation.
- 10 (2) Withhold state tuition support under IC 20-43 for the
- 11 school corporation or applicable school until the protected
- 12 right violation is remedied in accordance with the final order.
- 13 (3) Recommend that the state board revoke the school
- 14 corporation's or applicable school's performance based
- 15 accreditation under IC 20-31-4.1.
- 16 (4) Suspend or revoke a license under IC 20-28-5-7.
- 17 (5) Include a recommendation for the attorney general to
- 18 assess a civil penalty in accordance with section 4 of this
- 19 chapter.

20 A school corporation or applicable school shall comply with a final  
21 order issued by the department.

22 (e) The department shall submit a copy of the department's final  
23 order to the attorney general not later than five (5) business days  
24 after the date the final order is issued.

25 Sec. 4. (a) Upon receipt of either:

- 26 (1) the findings submitted by a school corporation or
- 27 applicable school under section 2 of this chapter; or
- 28 (2) a final order submitted by the department under section
- 29 3 of this chapter;

30 the attorney general or the attorney general's designee shall review  
31 the findings of the school corporation, applicable school, or  
32 department. The attorney general may request additional  
33 information from the school corporation, applicable school, or  
34 department necessary to review the findings or final order.

35 (b) If, after conducting the review described in subsection (a),  
36 the attorney general determines that a violation occurred, the  
37 attorney general may assess a civil penalty against the school  
38 corporation or applicable school in an amount determined under  
39 subsection (c). A civil penalty assessed under this subsection must  
40 be deposited in the state general fund.

41 (c) The amount of a civil penalty under subsection (b) is as  
42 follows:



1 (1) For a first violation, at least one thousand dollars (\$1,000)  
 2 but less than five thousand dollars (\$5,000) for each student  
 3 or employee who is the subject of a violation under this  
 4 section.

5 (2) For a second violation, at least five thousand dollars  
 6 (\$5,000) but less than ten thousand dollars (\$10,000) for each  
 7 student or employee who is the subject of a violation under  
 8 this section.

9 (3) For any violation after a second violation, at least ten  
 10 thousand dollars (\$10,000) for each student or employee who  
 11 is the subject of a violation under this section.

12 **Sec. 5. (a)** A petitioner may bring a civil action against a school  
 13 corporation or applicable school if the petitioner is the subject of  
 14 a violation under this article by the school corporation or  
 15 applicable school.

16 (b) A court may award the following to a petitioner who prevails  
 17 in a civil action under this section:

18 (1) Court costs and reasonable attorney's fees.

19 (2) The greater of:

20 (A) actual damages resulting from the violation; or

21 (B) liquidated damages in an amount of five thousand  
 22 dollars (\$5,000).

23 **Sec. 6. (a)** A school corporation or applicable school may not  
 24 take any retaliatory action against any petitioner, or any other  
 25 person related to or associated with the petitioner, who exercises  
 26 any right under this article.

27 (b) A school corporation or applicable school may not take any  
 28 retaliatory action against any petitioner, or any other person  
 29 related to or associated with the petitioner, who files a complaint  
 30 under this chapter.

31 (c) A court may award the following to an individual who  
 32 prevails in a civil action under this section:

33 (1) Court costs and reasonable attorney's fees.

34 (2) The greater of:

35 (A) actual damages resulting from the violation; or

36 (B) liquidated damages in an amount of five thousand  
 37 dollars (\$5,000).

38 **Chapter 6. Rulemaking**

39 **Sec. 1.** The state board may adopt rules under IC 4-22-2 to  
 40 implement this article.

41 SECTION 3. IC 20-26-14-8, AS AMENDED BY P.L.142-2020,  
 42 SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 8. (a) The department shall notify the association  
 2 of any license revocation or suspension involving a licensed teacher (as  
 3 defined in IC 20-18-2-22) under IC 20-28-5-8 who:

4 (1) has:

5 (A) been convicted of an offense described in IC 20-28-5-8(c);

6 or

7 (B) committed misconduct described in ~~IC 20-28-5-7(1)~~

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

9 and

10 (2) is also a coach accredited by the association.

11 (b) A school corporation, charter high school, or nonpublic high  
 12 school with at least one (1) employee must report to the association, in  
 13 a manner prescribed by the association, when a nonteaching or  
 14 volunteer coach accredited by the association has been convicted of an  
 15 offense described in IC 20-28-5-8(c).

16 (c) The association shall develop a rule, as soon as practicable, to  
 17 suspend or revoke the coaching accreditation of a teacher who has been  
 18 reported to the association under subsection (a) for committing  
 19 misconduct described in ~~IC 20-28-5-7(1)~~ **IC 20-28-5-7(a)(1)** or  
 20 ~~IC 20-28-5-7(2)~~. **IC 20-28-5-7(a)(2)**.

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

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

32 (f) The:

33 (1) association or its employees;

34 (2) department or its employees; or

35 (3) school corporation, charter high school, or nonpublic high  
 36 school with at least one (1) employee or its employees;

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

40 SECTION 4. IC 20-28-5-7, AS AMENDED BY P.L.43-2021,  
 41 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2022]: Sec. 7. (a) On the written recommendation of the



1 secretary of education, the department may suspend or revoke a license  
 2 for:  
 3 (1) immorality;  
 4 (2) misconduct in office;  
 5 (3) incompetency; or  
 6 (4) willful neglect of duty.  
 7 For each suspension or revocation, the department shall comply with  
 8 IC 4-21.5-3.  
 9 **(b) A teacher, principal, or superintendent who:**  
 10 **(1) willfully;**  
 11 **(2) knowingly; and**  
 12 **(3) without probable cause;**  
 13 **makes a false claim in a complaint under IC 20-22.5-5 is considered**  
 14 **to have committed misconduct in office under subsection (a).**  
 15 **(c) The department shall revoke the license of a teacher,**  
 16 **principal, or superintendent who is found to have:**  
 17 **(1) willfully; and**  
 18 **(2) knowingly;**  
 19 **committed a violation under IC 20-22.5.**  
 20 SECTION 5. IC 20-31-4.1-8.5 IS ADDED TO THE INDIANA  
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2022]: **Sec. 8.5. The state board may revoke**  
 23 **the performance based accreditation of a school corporation or**  
 24 **applicable school (as defined in IC 20-22.5-2-1) after consideration**  
 25 **of a final order issued by the department under IC 20-22.5-5-3.**

