

HOUSE BILL No. 1362

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26; IC 20-28; IC 20-30; IC 20-31; IC 20-33-1.5; IC 21-41-13.

Synopsis: Education matters. Provides that a school corporation or charter school may not do the following: (1) Make available to a student who is enrolled in kindergarten through grade 5 any inappropriate sexual material. (2) Make available to a student who is enrolled in kindergarten through grade 12 any sexually explicit material. Provides that, if a school corporation or public 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 public school to post on the public 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. Requires the governing body of a school corporation to: (1) create a learning materials advisory committee (committee) comprised of parents, teachers, administrators, and community members; and (2) establish and implement educational activities and curricular materials review, discussion, and recommendation procedures for the committee.
(Continued next page)

Effective: Upon passage.

Goodrich, Behning, Prescott

January 11, 2022, read first time and referred to Committee on Education.



Digest Continued

Requires the department to post on the department's Internet web site certain materials that assist staff in developing cultural competency for use in providing professional development programs. Provides that: (1) a state agency, a school corporation, or a qualified school or an employee of the state agency, school corporation, or qualified school shall not direct or otherwise compel a school employee to personally affirm, adopt, or adhere to; (2) a state agency, school corporation, or qualified school shall not include or promote concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees to use supplemental instruction materials that include or promote; or (3) teacher preparation programs shall not include or promote as part of a course of instruction or in a curriculum or instruction program, or allow faculty or other employees to use supplemental instructional materials that include or promote; certain tenets or concepts regarding sex, race, ethnicity, religion, color, national origin, or political affiliation or any anti-American ideologies. Prohibits requiring an employee of a school corporation or qualified school to engage in training that presents certain stereotyping or blame. Provides a duty to ensure that students are free to express their own beliefs and viewpoints if engaged in certain activities. Establishes a complaint process and allows for certain civil actions for violations.



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. 1362

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 20-26-5-42 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 42. (a) This section does not apply to**
4 **materials used in a classroom for academic instruction on human**
5 **sexuality.**
6 **(b) As used in this section, "inappropriate sexual material"**
7 **means a book, magazine, video or audio recording, or any other**
8 **written, video, audio, or pictorial material that describes, in any**
9 **form, nudity (as defined IC 35-49-1-5), sexual conduct, sexual**
10 **excitement, or sado-masochistic abuse.**
11 **(c) As used in this section, "sexually explicit material" means a**
12 **book, magazine, video or audio recording, or any other written,**
13 **video, audio, or pictorial material that:**
14 **(1) is harmful to minors (as described in IC 35-49-2-2); or**
15 **(2) was created with the intent to arouse or satisfy the sexual**



1 desires of any person.

2 (d) A school corporation or charter school may not do the
3 following:

4 (1) Make available to a student who is enrolled in
5 kindergarten through grade 5 any inappropriate sexual
6 material.

7 (2) Make available to a student who is enrolled in
8 kindergarten through grade 12 any sexually explicit material.

9 SECTION 2. IC 20-26-12-2, AS AMENDED BY P.L.233-2015,
10 SECTION 151, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A governing body may
12 purchase from a publisher any curricular material selected by the
13 proper local officials. The governing body may rent the curricular
14 materials to students enrolled in any public or nonpublic school that is:

15 (1) in compliance with the minimum certification standards of the
16 state board; and

17 (2) located within the attendance unit served by the governing
18 body.

19 The annual rental rate may not exceed twenty-five percent (25%) of the
20 retail price of the curricular materials.

21 (b) Notwithstanding subsection (a), the governing body may not
22 assess a rental fee of more than twenty-five percent (25%) of the retail
23 price of curricular materials that have been:

24 (1) extended for usage by students under section ~~24(e)~~ **24(d)** of
25 this chapter; and

26 (2) paid for through rental fees previously collected.

27 (c) This section does not limit other laws.

28 SECTION 3. IC 20-26-12-24, AS AMENDED BY P.L.216-2021,
29 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 UPON PASSAGE]: Sec. 24. (a) The ~~superintendent~~, ~~after approval~~
31 ~~from the~~ governing body shall establish procedures for adoption of
32 curricular materials.

33 (b) The governing body, after reviewing any recommendations from
34 the superintendent **and the learning materials advisory committee**
35 **established under IC 20-30-18**, shall adopt curricular materials for
36 use in teaching each subject in the school corporation.

37 (c) ~~A special committee of teachers and parents may also be~~
38 ~~appointed to review books, magazines, and audiovisual material used~~
39 ~~or proposed for use in the classroom to supplement state adopted~~
40 ~~curricular materials and may make recommendations to the~~
41 ~~superintendent and the governing body concerning the use of these~~
42 ~~materials:~~



1 ~~(c)~~ (c) The governing body may, if the governing body considers it
 2 appropriate, retain curricular materials adopted under this section and
 3 authorize the purchase of supplemental materials to ensure continued
 4 alignment with academic standards adopted by the state board.

5 ~~(d)~~ (d) The superintendent, advisory committee, and governing body
 6 may consider using the list of curricular materials provided by the
 7 department under IC 20-20-5.5.

8 ~~(e)~~ (e) A governing body may not purchase curricular materials from
 9 a publisher unless the publisher agrees, in accordance with Sections
 10 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities
 11 Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide
 12 or grant a license to the school corporation to allow for the
 13 reproduction of adopted curricular materials in:

- 14 (1) large type;
- 15 (2) Braille; and
- 16 (3) audio format.

17 SECTION 4. IC 20-26-21 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]:

20 **Chapter 21. Personal Analysis, Evaluations, or Surveys by**
 21 **Third Party Vendors**

22 **Sec. 1. As used in this chapter, "public school" means the**
 23 **following:**

- 24 **(1) A school maintained by a school corporation.**
- 25 **(2) A charter school.**

26 **Sec. 2. (a) This section does not apply to an academic test or**
 27 **assessment.**

28 **(b) If a school corporation or public school uses a third party**
 29 **vendor in providing a personal analysis, evaluation, or survey that**
 30 **reveals or attempts to affect a student's attitudes, habits, traits,**
 31 **opinions, beliefs, or feelings, the third party vendor and the school**
 32 **corporation or public school may not collect or maintain the**
 33 **responses to or results of the analysis, evaluation, or survey in a**
 34 **manner that would identify the responses or results of an**
 35 **individual student.**

36 SECTION 5. IC 20-28-3-3, AS AMENDED BY P.L.220-2015,
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 3. (a) The department shall develop
 39 guidelines for use by accredited teacher education institutions and
 40 departments in preparing individuals to:

- 41 (1) teach in various environments; and
- 42 (2) successfully apply positive classroom behavioral management



1 strategies and research based alternatives to exclusionary
2 discipline in a manner that serves the diverse learning needs of all
3 students.

4 (b) The guidelines developed under subsection (a) must include
5 courses and methods that assist individuals in developing cultural
6 competency (as defined in IC 20-31-2-5).

7 **(c) The guidelines prescribed in subsection (a) shall not violate**
8 **IC 20-28-10-20 or IC 20-33-1.5.**

9 SECTION 6. IC 20-28-3-3.5, AS AMENDED BY P.L.92-2020,
10 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 UPON PASSAGE]: Sec. 3.5. **(a)** The guidelines developed under
12 section 3 of this chapter must incorporate methods that assist
13 individuals in developing competency in employing approaches to
14 create positive classroom and school climates that are culturally
15 responsive, including:

- 16 (1) classroom management strategies;
- 17 (2) restorative justice;
- 18 (3) positive behavioral interventions and supports;
- 19 (4) social and emotional training as described in IC 12-21-5-2,
20 IC 20-19-3-12, and IC 20-26-5-34.2; and
- 21 (5) conflict resolution.

22 **(b) The methods prescribed under this section shall not violate**
23 **IC 20-28-10-20 or IC 20-33-1.5.**

24 SECTION 7. IC 20-28-10-20 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE UPON PASSAGE]: **Sec. 20. (a) As used in this section,**
27 **"qualified school" means the following:**

- 28 (1) A school maintained by a school corporation.
- 29 (2) A charter school.
- 30 (3) A laboratory school established under IC 20-24.5-2.
- 31 (4) The Indiana School for the Blind and Visually Impaired
32 established by IC 20-21-2-1.
- 33 (5) The Indiana School for the Deaf established by
34 IC 20-22-2-1.

35 **(b) As used in this section, "state agency" has the meaning set**
36 **forth in IC 4-13-1.4-2.**

37 **(c) In accordance with IC 20-33-1-6, a state agency, a school**
38 **corporation, or a qualified school, or an employee of the state**
39 **agency, school corporation, or qualified school acting in an official**
40 **capacity shall not direct or otherwise compel a school employee to**
41 **personally affirm, adopt, or adhere to any of the following:**

- 42 (1) Any of the following tenets:



- 1 (A) That any sex, race, ethnicity, religion, color, national
 2 origin, or political affiliation is inherently superior or
 3 inferior to another sex, race, ethnicity, religion, color,
 4 national origin, or political affiliation.
- 5 (B) That an individual, by virtue of their sex, race,
 6 ethnicity, religion, color, national origin, or political
 7 affiliation is inherently racist, sexist, or oppressive,
 8 whether consciously or unconsciously.
- 9 (C) That an individual should be discriminated against or
 10 receive adverse treatment solely or partly because of the
 11 individual's sex, race, ethnicity, religion, color, national
 12 origin, or political affiliation.
- 13 (D) That members of any sex, race, ethnicity, religion,
 14 color, national origin, or political affiliation should not
 15 attempt to treat others without respect due to sex, race,
 16 ethnicity, religion, color, national origin, or political
 17 affiliation.
- 18 (E) That an individual's moral character is necessarily
 19 determined by the individual's sex, race, ethnicity, religion,
 20 color, national origin, or political affiliation.
- 21 (F) That an individual, by virtue of the individual's sex,
 22 race, ethnicity, religion, color, national origin, or political
 23 affiliation, bears responsibility for actions committed in
 24 the past by other members of the same sex, race, ethnicity,
 25 religion, color, national origin, or political affiliation.
- 26 (G) That any individual should feel discomfort, guilt,
 27 anguish, or any other form of psychological distress on
 28 account of the individual's sex, race, ethnicity, religion,
 29 color, national origin, or political affiliation.
- 30 (H) That meritocracy or traits such as hard work ethic are
 31 racist or sexist, or were created by members of a
 32 particular sex, race, ethnicity, religion, color, national
 33 origin, or political affiliation to oppress members of
 34 another sex, race, ethnicity, religion, color, national origin,
 35 or political affiliation.
- 36 (2) Any anti-American ideologies.
- 37 (d) A teacher, an administrator, a governing body, or any other
 38 employee of any state agency, school corporation, or qualified
 39 school may not require an employee of a school corporation or
 40 qualified school to engage in training, orientation, or therapy that
 41 presents any form of racial or sex stereotyping or blame on the
 42 basis of sex, race, ethnicity, religion, color, national origin, or



1 **political affiliation.**

2 **(e) A school employee may file a complaint using the complaint**
 3 **process described in IC 20-33-1.5-4 and IC 20-33-1.5-5.**

4 **(f) The provisions of this section are severable as provided in**
 5 **IC 1-1-1-8(b).**

6 SECTION 8. IC 20-30-5-7.3, AS ADDED BY P.L.39-2021,
 7 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 UPON PASSAGE]: Sec. 7.3. **(a)** Beginning with students entering
 9 grade 6 in the 2023-2024 school year, each school corporation, charter
 10 school, and state accredited nonpublic school shall require each student
 11 of the school corporation, charter school, or state accredited nonpublic
 12 school to successfully complete in grade 6, 7, or 8 one (1) semester of
 13 a civics education course.

14 **(b) All civics education courses must comply with the**
 15 **requirements described in IC 20-33-1.5.**

16 SECTION 9. IC 20-30-5-14, AS AMENDED BY P.L.76-2020,
 17 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 14. (a) As used in this section, "Indiana career
 19 explorer program and standards" refers to the:

- 20 (1) software or Internet based system approved by the department
 21 of workforce development; and
 22 (2) standards established by the department of workforce
 23 development that are aligned to interdisciplinary employability
 24 skills standards prescribed in subsection (c);

25 that provides students with career and college planning resources.

26 (b) To:

- 27 (1) educate students on the importance of their future career
 28 choices;
 29 (2) prepare students for the realities inherent in the work
 30 environment; and
 31 (3) instill in students work values that will enable them to succeed
 32 in their respective careers;

33 each school within a school corporation shall include in the school's
 34 curriculum for all students in grades 1 through 12 instruction
 35 concerning employment matters and work values described in
 36 subsection (c).

37 (c) Each school within a school corporation shall include
 38 interdisciplinary employability skills standards established by the
 39 department, in conjunction with the department of workforce
 40 development, and approved by the state board in the school's
 41 curriculum.

42 (d) Each school shall:



- 1 (1) integrate within the curriculum instruction that is; or
 2 (2) conduct activities or special events periodically that are;
 3 designed to foster overall career awareness and career development as
 4 described in subsection (b).
- 5 (e) The department shall develop career awareness and career
 6 development models as described in subsection (f) to assist schools in
 7 complying with this section.
- 8 (f) The models described in this subsection must be developed in
 9 accordance with the following:
- 10 (1) For grades 1 through 5, career awareness models to introduce
 11 students to work values and basic employment concepts.
 12 (2) For grades 6 through 8, initial career information models that
 13 focus on career choices as they relate to student interest and skills.
 14 (3) For grades 9 through 12, career exploration models that offer
 15 students insight into future employment options and career
 16 preparation models that provide job or further education
 17 counseling, including the following:
- 18 (A) Initial job counseling, including the use of job service
 19 officers to provide school based assessment, information, and
 20 guidance on employment options and the rights of students as
 21 employees.
 22 (B) Workplace orientation visits.
 23 (C) On-the-job experience exercises.
- 24 (g) The department, with assistance from the department of labor
 25 and the department of workforce development, shall:
- 26 (1) develop and make available teacher guides; and
 27 (2) conduct seminars or other teacher education activities;
 28 to assist teachers in providing the instruction described in this section.
- 29 (h) The department shall, with assistance from the department of
 30 workforce development, design and implement innovative career
 31 preparation demonstration projects for students in at least grade 9.
- 32 (i) Each school in a school corporation and each charter school:
 33 (1) shall include in the school's curriculum state developed career
 34 standards for all students in grade 8 that include instruction in and
 35 use of either:
- 36 (A) the Indiana career explorer program and standards; or
 37 (B) an alternative Internet based system and standards that
 38 provide students with career and college planning resources
 39 that have been approved by the state board under subsection
 40 (j); and
 41 (2) except as provided in subdivision (1), may include in the
 42 school's curriculum state developed career standards for all



1 students in any grade level that include instruction in and use of
 2 the program and standards or system and standards described in
 3 subdivision (1)(A) or (1)(B).

4 (j) A school corporation or charter school may submit a request to
 5 the state board to approve an alternative Internet based system and
 6 standards that provide students with career and college planning
 7 resources. The state board, in consultation with the department and the
 8 department of workforce development, may approve an alternative
 9 system and standards if the state board determines that the alternative
 10 system:

- 11 (1) has an aptitude assessment tool;
- 12 (2) contains educational course track information;
- 13 (3) has a tool for the preparation and development of the
- 14 graduation plan prescribed in IC 20-30-4, including a parent sign
- 15 in component;
- 16 (4) allows access to education and career demand information
- 17 using data prepared by the department of workforce development;
- 18 and
- 19 (5) is aligned to interdisciplinary employability skills standards
- 20 prescribed in subsection (c).

21 (k) Beginning July 1, 2021, the department of workforce
 22 development shall implement an Indiana career explorer program that
 23 includes software or an Internet based system that does the following:

- 24 (1) Provides access to education and career demand information
- 25 using data prepared by the department of workforce development.
- 26 (2) Provides educational and career assessments or tools that:
- 27 (A) must include an aptitude and career assessment;
- 28 (B) are aligned to interdisciplinary employability skills
- 29 standards prescribed in subsection (c); and
- 30 (C) may include:
- 31 (i) educational course track information; and
- 32 (ii) a tool for the preparation and development of the
- 33 graduation plan prescribed in IC 20-30-4, including a parent
- 34 sign in component.

35 **(l) Any standards, curriculum, models, activities, guides,**
 36 **projects, programs, or events developed or administered under this**
 37 **section shall not violate IC 20-33-1.5.**

38 SECTION 10. IC 20-30-5-17, AS AMENDED BY P.L.154-2018,
 39 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 17. (a) **In addition to the requirements of**
 41 **IC 20-30-17**, each school corporation shall make available for
 42 inspection by the parent of a student any instructional materials,



1 including teachers' manuals, curricular materials, films or other video
2 materials, tapes, and other materials, used in connection with:

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

5 (2) instruction on human sexuality.

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

10 (1) political affiliations;

11 (2) religious beliefs or practices;

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

14 (4) sexual behavior or attitudes;

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

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

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

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

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

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

42 (1) consents to the instruction; or



1 (2) declines instruction.

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

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

16 (1) consents to the instruction; or

17 (2) declines instruction.

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

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

30 (f) The governing body shall enforce this section.

31 SECTION 11. IC 20-30-17 IS ADDED TO THE INDIANA CODE
32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
33 UPON PASSAGE]:

34 **Chapter 17. Learning Material and Educational Activity**
35 **Transparency**

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

39 (1) **organized or facilitated by a school corporation or public**
40 **school; and**

41 (2) **conducted during instructional time (as defined in**
42 **IC 20-30-2-1).**



- 1 **(b) The term does not include a student presentation.**
 2 **Sec. 2. (a) As used in this chapter, "learning material" means**
 3 **any material used for student instruction by a school corporation**
 4 **or public school, including the following:**
 5 **(1) Textbooks and other printed materials.**
 6 **(2) Audiovisual materials.**
 7 **(3) Materials in electronic or digital formats, including**
 8 **materials accessible through the Internet.**
 9 **(4) Student surveys.**
 10 **(b) The term includes a lesson plan, a syllabus, and any**
 11 **materials that contain curriculum content.**
 12 **(c) The term does not include an academic test or assessment,**
 13 **scoring keys, or other test or assessment data used in administering**
 14 **an academic test or assessment.**
 15 **Sec. 3. As used in this chapter, "public school" means the**
 16 **following:**
 17 **(1) A school maintained by a school corporation.**
 18 **(2) A charter school.**
 19 **Sec. 4. (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 public 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 **(C) an employee of a school corporation or public school.**
 39 **(b) Not later than June 30, 2022, and not later than June 30 each**
 40 **year thereafter, each public school shall post on the public school's**
 41 **Internet web site, in a manner accessible by the public, the**
 42 **following:**



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

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

10 **(B) The full text or a copy of the learning material or**
 11 **educational activity. A public school is not required to**
 12 **include the full text or copy of learning material or an**
 13 **educational activity under this clause if the public school**
 14 **provides a link to an Internet web site that contains the full**
 15 **text or a copy of the learning material or educational**
 16 **activity.**

17 **(2) 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) If information described in subsection (b) is not posted by the**
 21 **date established in subsection (b), each public school shall post the**
 22 **information as far in advance of the use or presentation of the**
 23 **learning material or educational activity as is practicable.**
 24 **Information concerning learning material or an educational**
 25 **activity that is not posted on the public school's Internet web site**
 26 **in advance of the use or presentation of the learning material or**
 27 **educational activity in the classroom must be posted on the public**
 28 **school's Internet web site not later than five (5) days after the date**
 29 **that the learning material or educational activity was used or**
 30 **presented in the classroom.**

31 **(d) This section may not be construed to require a public school**
 32 **to post learning material or information concerning an educational**
 33 **activity in a manner that would constitute an infringement of**
 34 **copyright under the federal Copyright Act (17 U.S.C. 101 et seq.).**

35 **Sec. 5. A public school shall include on the public school's**
 36 **Internet web site described in section 4 of this chapter a**
 37 **functionality that allows a parent of a student to opt out of or opt**
 38 **in to learning material or an educational activity to which one (1)**
 39 **or both of the following apply:**

40 **(1) State law provides that a parent may opt out of or opt in**
 41 **to the learning material or educational activity.**

42 **(2) The governing body of the school corporation approved**



1 allowing a parent to opt out of the learning material or
2 educational activity under IC 20-30-18-7.

3 **Sec. 6. If a parent opts a student out of learning material or an**
4 **educational activity as described in section 5 of this chapter, the**
5 **public school shall:**

6 (1) provide the student other instruction during the time
7 period that the learning material or educational activity is
8 used or presented; and

9 (2) ensure that the public school complies with the
10 instructional time requirements in IC 20-30-2-2 regarding the
11 student.

12 **Sec. 7. An individual may request an advisory opinion from the**
13 **public access counselor under IC 5-14-4-10 as to whether a school**
14 **corporation or public school is in compliance with the**
15 **requirements under this chapter.**

16 **Sec. 8. The department shall:**

17 (1) develop a model plan for presenting the information
18 described in section 4(b) of this chapter on a public school's
19 Internet web site; and

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

21 **Sec. 9. The department may develop or procure and make**
22 **available to public schools a system that meets the requirements**
23 **described in section 4 of this chapter.**

24 **Sec. 10. The state board may adopt rules under IC 4-22-2 to**
25 **implement this chapter.**

26 SECTION 12. IC 20-30-18 IS ADDED TO THE INDIANA CODE
27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
28 UPON PASSAGE]:

29 **Chapter 18. Learning Materials Advisory Committee**

30 **Sec. 1. As used in this chapter, "educational activity" has the**
31 **meaning set forth in IC 20-30-17-1.**

32 **Sec. 2. As used in this chapter, "learning material" has the**
33 **meaning set forth in IC 20-30-17-2. However, the term includes**
34 **library materials.**

35 **Sec. 3. (a) A governing body of a school corporation shall:**

36 (1) establish procedures for the creation, selection, and
37 appointment of a learning materials advisory committee; and

38 (2) create a learning materials advisory committee in
39 accordance with the procedures.

40 (b) The procedures must provide for the appointment of the
41 following to the learning materials advisory committee in
42 accordance with section 5 of this chapter:



- 1 (1) Teachers, administrators, and representatives of the
- 2 community.
- 3 (2) Parents of students who attend a school of the school
- 4 corporation.
- 5 (c) A governing body of a school corporation shall establish and
- 6 implement procedures for a learning materials advisory committee
- 7 to:
- 8 (1) have access to all information concerning learning
- 9 materials and educational activities;
- 10 (2) review learning materials and educational activities;
- 11 (3) make recommendations regarding learning materials and
- 12 educational activities to the governing body; and
- 13 (4) present recommendations regarding learning materials
- 14 and educational activities at a public hearing of the governing
- 15 body.
- 16 Sec. 4. (a) A governing body of a school corporation shall post
- 17 on the school corporation's Internet web site proposed procedures
- 18 established in accordance with section 3 of this chapter.
- 19 (b) At least thirty (30) days after the date the governing body of
- 20 the school corporation posts the proposed procedures under
- 21 subsection (a), the governing body shall:
- 22 (1) hold a public meeting to explain the proposed procedures;
- 23 and
- 24 (2) provide an opportunity at the meeting for public comment
- 25 on the proposed procedures.
- 26 The governing body may then approve, disapprove, or amend the
- 27 proposed procedures.
- 28 Sec. 5. (a) The learning materials advisory committee must be
- 29 comprised according to the following parameters:
- 30 (1) At least forty percent (40%) of the members of the
- 31 committee must be parents of students who attend a school of
- 32 the school corporation.
- 33 (2) At least forty percent (40%) of the members of the
- 34 committee must be teachers and administrators of the school
- 35 corporation.
- 36 (3) The remaining member appointment to the committee
- 37 must be comprised of interested community members who are
- 38 not employed by the school corporation.
- 39 (b) Only candidates approved by a majority of members of the
- 40 governing body of the school corporation may serve on the school
- 41 corporation's learning materials advisory committee.
- 42 (c) In recommending and considering candidates, the governing



1 body of a school corporation shall attempt to ensure that the
2 learning materials advisory committee is representative of a broad
3 range of community interests, as determined by the governing
4 body.

5 (d) The learning materials advisory committee shall elect a
6 chairperson from the members of the committee. The chairperson
7 must be a member of the committee who is a parent of a student
8 attending a school of the school corporation.

9 (e) The learning materials advisory committee chairperson may
10 create subcommittees to review learning material and educational
11 activity subject matters. Subcommittees may recommend learning
12 materials and educational activities to the committee for
13 consideration. A subcommittee must be comprised of members
14 according to the parameters set forth in subsection (a).

15 Sec. 6. (a) The learning materials advisory committee shall
16 review and evaluate the school corporation's learning materials
17 and educational activities to ensure that the materials and activities
18 are representative of the community's interests and aligned with
19 Indiana academic standards.

20 (b) Except as otherwise provided by law, the learning materials
21 committee may recommend to the governing body of the school
22 corporation that parents of students enrolled in the school
23 corporation should be allowed to opt out of or opt in to learning
24 materials and educational activities identified by the committee.

25 Sec. 7. The governing body of a school corporation may approve
26 or disapprove the opting in or out of any learning material or
27 educational activity recommended by the learning materials
28 advisory committee under section 6 of this chapter.

29 Sec. 8. A learning materials advisory committee shall:

- 30 (1) meet at least two (2) times annually on dates and times
31 established by the chairperson of the committee; and
32 (2) hold at least two (2) public meetings annually to discuss
33 the committee's review process and findings with the public;
34 and
35 (3) provide an opportunity at the meetings described in
36 subdivision (2) for public comment.

37 SECTION 13. IC 20-31-3-1, AS AMENDED BY P.L.242-2017,
38 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 UPON PASSAGE]: Sec. 1. (a) The state board shall adopt clear,
40 concise, and jargon free state academic standards that are comparable
41 to national and international academic standards and the college and
42 career readiness educational standards adopted under IC 20-19-2-14.5.



1 These academic standards must be adopted for each grade level from
2 kindergarten through grade 12 for the following subjects:

- 3 (1) English/language arts.
- 4 (2) Mathematics.
- 5 (3) Social studies.
- 6 (4) Science.

7 (b) For grade levels tested under the statewide assessment program,
8 the academic standards must be based in part on the results of the
9 statewide assessment program.

10 **(c) Academic standards adopted under this chapter shall not**
11 **violate IC 20-33-1.5.**

12 SECTION 14. IC 20-31-6-1, AS ADDED BY P.L.246-2005,
13 SECTION 175, IS AMENDED TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The department shall
15 develop and make available to school corporations and nonpublic
16 schools materials that assist teachers, administrators, and staff in a
17 school in developing cultural competency for use in providing
18 professional and staff development programs.

19 **(b) The materials developed under subsection (a) shall not**
20 **violate IC 20-28-10-20 or IC 20-33-1.5.**

21 **(c) The department shall post all materials developed under**
22 **subsection (a) on the department's Internet web site.**

23 SECTION 15. IC 20-31-6-2, AS ADDED BY P.L.1-2005,
24 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 UPON PASSAGE]: Sec. 2. (a) In developing a school's plan, the
26 committee shall consider methods to improve the cultural competency
27 of the school's teachers, administrators, staff, parents, and students.

28 (b) The committee shall:

- 29 (1) identify the racial, ethnic, language-minority, cultural,
30 exceptional learning, and socioeconomic groups that are included
31 in the school's student population;
- 32 (2) incorporate culturally appropriate strategies for increasing
33 educational opportunities and educational performance for each
34 group in the school's plan; and
- 35 (3) recommend areas in which additional professional
36 development is necessary to increase cultural competency in the
37 school's educational environment.

38 (c) The committee shall update annually the information identified
39 under subsection (b)(1).

40 **(d) The plan or methods developed under this section shall not**
41 **violate IC 20-28-10-20 or IC 20-33-1.5.**

42 SECTION 16. IC 20-33-1.5 IS ADDED TO THE INDIANA CODE



1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]:

3 **Chapter 1.5. Dignity and Nondiscrimination in Education**

4 **Sec. 1. As used in this chapter, "qualified school" has the**
5 **meaning set forth in IC 20-28-10-20(a).**

6 **Sec. 2. As used in this chapter, "state agency" has the meaning**
7 **set forth in IC 4-13-1.4-2.**

8 **Sec. 3. (a) In accordance with IC 20-33-1-1, a state agency,**
9 **school corporation, or qualified school shall not include or promote**
10 **as part of a course of instruction or in a curriculum or**
11 **instructional program, or allow teachers or other employees of the**
12 **school corporation or qualified school, acting in their official**
13 **capacity, to use supplemental instructional materials that include**
14 **or promote the following:**

15 **(1) Any of the following concepts:**

16 **(A) That any sex, race, ethnicity, religion, color, national**
17 **origin, or political affiliation is inherently superior or**
18 **inferior to another sex, race, ethnicity, religion, color,**
19 **national origin, or political affiliation.**

20 **(B) That an individual, by virtue of their sex, race,**
21 **ethnicity, religion, color, national origin, or political**
22 **affiliation is inherently racist, sexist, or oppressive,**
23 **whether consciously or unconsciously.**

24 **(C) That an individual should be discriminated against or**
25 **receive adverse treatment solely or partly because of the**
26 **individual's sex, race, ethnicity, religion, color, national**
27 **origin, or political affiliation.**

28 **(D) That members of any sex, race, ethnicity, religion,**
29 **color, national origin, or political affiliation should not**
30 **attempt to treat others without respect due to sex, race,**
31 **ethnicity, religion, color, national origin, or political**
32 **affiliation.**

33 **(E) That an individual's moral character is necessarily**
34 **determined by the individual's sex, race, ethnicity, religion,**
35 **color, national origin, or political affiliation.**

36 **(F) That an individual, by virtue of the individual's sex,**
37 **race, ethnicity, religion, color, national origin, or political**
38 **affiliation, bears responsibility for actions committed in**
39 **the past by other members of the same sex, race, ethnicity,**
40 **religion, color, national origin, or political affiliation.**

41 **(G) That any individual should feel discomfort, guilt,**
42 **anguish, or any other form of psychological distress on**



1 account of the individual's sex, race, ethnicity, religion,
2 color, national origin, or political affiliation.

3 (H) That meritocracy or traits such as hard work ethic are
4 racist or sexist, or were created by members of a
5 particular sex, race, ethnicity, religion, color, national
6 origin, or political affiliation to oppress members of
7 another sex, race, ethnicity, religion, color, national origin,
8 or political affiliation.

9 (2) Any anti-American ideologies.

10 (b) If a state agency, school corporation, or qualified school or
11 an employee of a state agency, school corporation, or qualified
12 school, require, make part of a course, award a grade or course
13 credit, including extra credit, or otherwise incentivize a student to
14 engage in either:

15 (1) political activism, lobbying, or efforts to persuade
16 members of the legislative or executive branch at the federal,
17 state, or local level; or

18 (2) participation in any internship, practicum, or similar
19 activity involving social or public policy advocacy;

20 the state agency, school corporation, or qualified school or the
21 employee of the state agency, school corporation, or qualified
22 school, shall not require the student to adopt, affirm, affiliate, or
23 take any action that would result in favoring any particular
24 position on the issue or issues involved.

25 (c) It is the duty of the state agency, school corporation, or
26 qualified school, or the employee of the state agency, school
27 corporation, or qualified school to remain impartial in activities
28 described in subsection (b)(1) and (b)(2), and to ensure that
29 students are free to express their own beliefs and viewpoints
30 concerning activities described in subsection (b)(1) and (b)(2)
31 without discrimination.

32 (d) A school corporation or qualified school may not do the
33 following:

34 (1) Provide, contract to provide, offer, or sponsor any course
35 that includes, incorporates, or is based on practices prohibited
36 under this chapter or IC 20-28-10-20.

37 (2) Use money, property, assets, or resources for a purpose
38 that includes, incorporates, or is based on practices prohibited
39 under this chapter or IC 20-28-10-20.

40 (3) Adopt programs or use curricular material, instructional
41 material, curriculum, classroom assignments, orientation,
42 interventions, or counseling that include, incorporate, or are



1 based on practices prohibited under this chapter or
2 IC 20-28-10-20.

3 (4) Execute a contract or agreement with an internal or
4 external entity or person to provide services, training,
5 professional development, or any other assistance that
6 includes or incorporates practices prohibited under this
7 chapter or IC 20-28-10-20.

8 (5) Receive or apply to receive money that requires, as a
9 condition of receipt of the money, the adoption of a course,
10 policy, curriculum, or any other instructional material that
11 includes, incorporates, or is based on practices prohibited
12 under this chapter or IC 20-28-10-20.

13 Sec. 4. (a) The department shall develop a complaint form to be
14 used by a school employee, parent, or emancipated or adult student
15 to file a complaint with the principal of a qualified school for a
16 violation of IC 20-28-10-20 or section 3 of this chapter. The
17 department shall maintain a copy of the complaint form on the
18 department's Internet web site. In addition, each school
19 corporation and qualified school must maintain, and conspicuously
20 display, a link to the complaint form on the school corporation's
21 and qualified school's Internet web site.

22 (b) A school employee, parent, or emancipated or adult student
23 may file a complaint with a principal of a qualified school alleging
24 a violation of IC 20-28-10-20 or section 3 of this chapter. The
25 principal shall:

26 (1) investigate the complaint; and

27 (2) respond to the complaint by:

28 (A) acknowledging a violation of IC 20-28-10-20 or section
29 3 of this chapter;

30 (B) denying a violation of IC 20-28-10-20 or section 3 of
31 this chapter; or

32 (C) determining that the evidence obtained during the
33 investigation of the complaint was inconclusive;

34 within five (5) days of receiving the complaint. If the principal
35 acknowledges a violation of IC 20-28-10-20 or section 3 of this
36 chapter, the principal shall include a description of how the
37 qualified school will remedy the violation.

38 (c) If a school employee, parent, or emancipated or adult
39 student is not satisfied with the principal's response under
40 subsection (b), the school employee, parent, or emancipated or
41 adult student may submit an appeal of the principal's response to
42 the superintendent of the school corporation, or the equivalent for



1 a qualified school, within ten (10) business days from the date of
 2 the principal's initial response. The superintendent, or the
 3 equivalent for a qualified school, shall respond to the appeal by:

- 4 (1) acknowledging a violation of IC 20-28-10-20 or section 3
 5 of this chapter;
 6 (2) denying a violation of IC 20-28-10-20 or section 3 of this
 7 chapter; or
 8 (3) determining that the evidence of a violation is
 9 inconclusive;

10 within ten (10) business days of the receipt of the appeal.

11 (d) A school employee, parent, or emancipated or adult student
 12 may submit a request to review the decision of the superintendent,
 13 or the equivalent for a qualified school, under subsection (c) to the
 14 governing body of the school corporation or the equivalent for a
 15 qualified school. The request to review a decision under subsection
 16 (c) must be submitted to the governing body, or the equivalent of
 17 a qualified school, in a manner prescribed by the department. The
 18 governing body shall review the request and issue a final order
 19 within thirty (30) days of receipt of the request which shall be
 20 included on the school corporation's and qualified school's Internet
 21 web site. If the governing body, or the equivalent for a qualified
 22 school, determines that a violation of IC 20-28-10-20 or section 3
 23 of this chapter occurred, the governing body shall provide a
 24 description of the remedy for the violation.

25 Sec. 5. (a) After receiving the governing body's final order
 26 under section (4)(d) of this chapter, an individual may bring a civil
 27 action against a state agency, school corporation, or qualified
 28 school pertaining to the alleged violation addressed in the final
 29 order.

30 (b) A court may award the following to an individual who
 31 prevails under this section:

- 32 (1) Court costs and reasonable attorney's fees.
 33 (2) Actual damages resulting from the violation.
 34 (3) Declaratory or injunctive relief.

35 Sec. 6. The provisions of this chapter are severable as provided
 36 in IC 1-1-1-8(b).

37 SECTION 17. IC 21-41-13 IS ADDED TO THE INDIANA CODE
 38 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]:

40 **Chapter 13. Dignity and Nondiscrimination in Postsecondary**
 41 **Education**

42 Sec. 1. As used in this chapter, "state agency" has the meaning



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set forth in IC 4-13-1.4-2.

Sec. 2. As used in this chapter, "teacher preparation program" has the meaning set forth in IC 20-28-3-1.

Sec. 3. (a) A teacher preparation program shall not include or promote as part of a course of instruction or in a curriculum or instructional program, or allow faculty or other employees of the teacher preparation program, acting in their official capacity, to use supplemental instructional materials that include or promote the following:

(1) Any of the following concepts:

(A) Any sex, race, ethnicity, religion, color, national origin, or political affiliation is inherently superior or inferior to another sex, race, ethnicity, religion, color, national origin, or political affiliation.

(B) That an individual, by virtue of their sex, race, ethnicity, religion, color, national origin, or political affiliation is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

(C) That an individual should be discriminated against or receive adverse treatment solely or partly because of the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation.

(D) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should not attempt to treat others without respect due to sex, race, ethnicity, religion, color, national origin, or political affiliation.

(E) That an individual's moral character is necessarily determined by the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation.

(F) That an individual, by virtue of the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation, bears responsibility for actions committed in the past by other members of the same sex, race, ethnicity, religion, color, national origin, or political affiliation.

(G) That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation.

(H) That meritocracy or traits such as hard work ethic are racist or sexist, or were created by members of a particular sex, race, ethnicity, religion, color, national



1 origin, or political affiliation to oppress members of
 2 another sex, race, ethnicity, religion, color, national origin,
 3 or political affiliation.
 4 (2) Any anti-American ideologies.
 5 (b) An administrator or any other employee of a state agency or
 6 teacher preparation program may not require an employee of the
 7 teacher preparation program to engage in training, orientation, or
 8 therapy that presents any form of racial or sex stereotyping or
 9 blame on the basis of sex, race, ethnicity, religion, color, national
 10 origin, or political affiliation.
 11 Sec. 4. (a) In addition to any relief sought through the Office for
 12 Civil Rights at the United States Department of Education, an
 13 individual may, in the alternative, bring a civil action against a
 14 state educational institution that violates this chapter.
 15 (b) A court may award the following to an individual who
 16 prevails against a state educational institution under this section:
 17 (1) Court costs and reasonable attorney's fees.
 18 (2) Actual damages resulting from the violation.
 19 (3) Declaratory or injunctive relief.
 20 Sec. 5. The provisions of this chapter are severable as provided
 21 in IC 1-1-1-8(b).
 22 SECTION 18. An emergency is declared for this act.

