

HOUSE BILL No. 1041

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-14-10; IC 20-33-13; IC 21-18-13.5; IC 34-30-2.

Synopsis: Participation in school sports. Requires, for purposes of interscholastic athletic events, school corporations, public schools, nonpublic schools, state educational institutions, private postsecondary educational institutions, and certain athletic associations to expressly designate an athletic team or sport as one of the following: (1) A male, men's, or boys' team or sport. (2) A female, women's, or girls' team or sport. (3) A coeducational or mixed team or sport. Prohibits a male, based on the student's biological sex at birth in accordance with the student's genetics and reproductive biology, from participating on an athletic team or sport designated as being a female, women's, or girls' athletic team or sport. Requires school corporations, public schools, certain nonpublic schools, state educational institutions, certain private postsecondary educational institutions, and certain athletic associations to establish grievance procedures for a violation of these provisions. Establishes a civil action for a violation of these provisions. Provides that school corporations, public schools, certain nonpublic schools, state educational institutions, certain private postsecondary educational institutions, and certain athletic associations are not subject to liability in a civil, administrative, disciplinary, or criminal action for acting in compliance with these provisions.

Effective: July 1, 2022.

Davis, Jeter, King, Heaton

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



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. 1041

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 20-26-14-10 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2022]: **Sec. 10. An association is subject to**
4 **IC 20-33-13.**

5 SECTION 2. IC 20-33-13 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2022]:

8 **Chapter 13. Athletic Teams and Sports**

9 **Sec. 1. This chapter applies to the following:**

10 (1) **An athletic team or sport that is organized, sanctioned, or**
11 **sponsored by a school corporation or public school in which**
12 **the students participating on the athletic team or in the sport**
13 **compete against students participating on an athletic team or**
14 **in a sport that is organized, sanctioned, or sponsored by**
15 **another school corporation, public school, or nonpublic**
16 **school.**

17 (2) **An athletic team or sport that is organized, sanctioned, or**



1 sponsored by a nonpublic school that voluntarily competes
 2 against an athletic team or sport that is organized, sanctioned,
 3 or sponsored by a school corporation or public school.

4 (3) An athletic team or sport approved or sanctioned by an
 5 association for purposes of participation in a high school
 6 interscholastic athletic event.

7 Sec. 2. As used in this chapter, "association" has the meaning set
 8 forth in IC 20-26-14-1.

9 Sec. 3. As used in this chapter, "public school" means the
 10 following:

11 (1) A school maintained by a school corporation.

12 (2) A charter school.

13 Sec. 4. (a) A school corporation, public school, nonpublic school,
 14 or association that organizes, sanctions, or sponsors an athletic
 15 team or sport described in section 1 of this chapter shall expressly
 16 designate the athletic team or sport as one (1) of the following:

17 (1) A male, men's, or boys' team or sport.

18 (2) A female, women's, or girls' team or sport.

19 (3) A coeducational or mixed team or sport.

20 (b) A male, based on a student's biological sex at birth in
 21 accordance with the student's genetics and reproductive biology,
 22 may not participate on an athletic team or sport designated under
 23 this section as being a female, women's, or girls' athletic team or
 24 sport.

25 Sec. 5. (a) A student or parent of a student may submit a
 26 grievance to a school corporation, public school, nonpublic school,
 27 or association for a violation of section 4 of this chapter.

28 (b) Each school corporation, public school, nonpublic school,
 29 and association described in section 4 of this chapter shall establish
 30 and maintain a grievance procedure for the resolution of a
 31 grievance submitted under this section.

32 Sec. 6. (a) If a school corporation, public school, nonpublic
 33 school, or association violates this chapter, a student who is:

34 (1) deprived of an athletic opportunity; or

35 (2) otherwise directly or indirectly injured;

36 as a result of the violation may bring a civil action against the
 37 school corporation, public school, nonpublic school, or association.

38 (b) A school corporation, public school, nonpublic school, or
 39 association may not retaliate or otherwise take any adverse action
 40 against a student for reporting a violation or bringing a civil action
 41 for a violation of this chapter.

42 Sec. 7. The court may award to a student who prevails in an



1 action under section 6 of this chapter any of the following:

2 (1) Injunctive relief.

3 (2) The greater of:

4 (A) actual and consequential damages resulting from the
5 violation; or

6 (B) liquidated damages of not more than one thousand
7 dollars (\$1,000).

8 (3) Costs and reasonable attorney's fees.

9 (4) Any other appropriate relief determined by the court.

10 Sec. 8. A school corporation, a public school, a nonpublic school,
11 and an association are not subject to liability in:

12 (1) a civil;

13 (2) an administrative;

14 (3) a disciplinary; or

15 (4) a criminal;

16 action for acting in good faith in compliance with this chapter.

17 SECTION 3. IC 21-18-13.5 IS ADDED TO THE INDIANA CODE
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2022]:

20 **Chapter 13.5. Athletic Teams and Sports**

21 **Sec. 1. This chapter applies to the following:**

22 (1) An athletic team or sport that is organized, sanctioned, or
23 sponsored by a state educational institution in which the
24 students participating on the athletic team or in the sport
25 compete against students participating on an athletic team or
26 in a sport that is organized, sanctioned, or sponsored by
27 another state educational institution or a private
28 postsecondary educational institution.

29 (2) An athletic team or sport that is organized, sanctioned, or
30 sponsored by a private postsecondary educational institution
31 that voluntarily competes against an athletic team or sport
32 that is organized, sanctioned, or sponsored by a state
33 educational institution.

34 (3) An athletic team or sport approved or sanctioned by an
35 association for purposes of participation in a postsecondary
36 educational institution interscholastic athletic event.

37 **Sec. 2. As used in this chapter, "association" has the meaning set
38 forth in IC 21-18-13-2.**

39 **Sec. 3. (a) A state educational institution, private postsecondary
40 educational institution, or association that organizes, sanctions, or
41 sponsors an athletic team or sport described in section 1 of this
42 chapter shall expressly designate the athletic team or sport as one**



1 (1) of the following:

- 2 (1) A male, men's, or boys' team or sport.
 3 (2) A female, women's, or girls' team or sport.
 4 (3) A coeducational or mixed team or sport.

5 (b) A male, based on a student's biological sex at birth in
 6 accordance with the student's genetics and reproductive biology,
 7 may not participate on an athletic team or sport designated under
 8 this section as being a female, women's, or girls' athletic team or
 9 sport.

10 Sec. 4. (a) A student or parent of a student may submit a
 11 grievance to a state educational institution, private postsecondary
 12 educational institution, or association for a violation of section 3 of
 13 this chapter.

14 (b) Each state educational institution, private postsecondary
 15 educational institution, and association described in section 3 of
 16 this chapter shall establish and maintain a grievance procedure for
 17 the resolution of a grievance submitted under this section.

18 Sec. 5. (a) If a state educational institution, private
 19 postsecondary educational institution, or association violates this
 20 chapter, a student who is:

- 21 (1) deprived of an athletic opportunity; or
 22 (2) otherwise directly or indirectly injured;

23 as a result of the violation may bring a civil action against the state
 24 educational institution, private postsecondary educational
 25 institution, or association.

26 (b) A state educational institution, private postsecondary
 27 educational institution, or association may not retaliate or
 28 otherwise take any adverse action against a student for reporting
 29 a violation or bringing a civil action for a violation of this chapter.

30 Sec. 6. The court may award to a student who prevails in an
 31 action under section 5 of this chapter any of the following:

- 32 (1) Injunctive relief.
 33 (2) The greater of:
 34 (A) actual and consequential damages resulting from the
 35 violation; or
 36 (B) liquidated damages of not more than one thousand
 37 dollars (\$1,000).
 38 (3) Costs and reasonable attorney's fees.
 39 (4) Any other appropriate relief determined by the court.

40 Sec. 7. A state educational institution, a private postsecondary
 41 educational institution, and an association are not subject to
 42 liability in:



- 1 (1) a civil;
- 2 (2) an administrative;
- 3 (3) a disciplinary; or
- 4 (4) a criminal;
- 5 **action for acting in good faith in compliance with this chapter.**
- 6 SECTION 4. IC 34-30-2-86.8 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2022]: **Sec. 86.8. IC 20-33-13-8 (Concerning**
- 9 **school corporations, public schools, nonpublic schools, and athletic**
- 10 **associations that comply with requirements regarding athletic**
- 11 **teams and sports).**
- 12 SECTION 5. IC 34-30-2-86.9 IS ADDED TO THE INDIANA
- 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 14 [EFFECTIVE JULY 1, 2022]: **Sec. 86.9. IC 21-18-13.5-7 (Concerning**
- 15 **state educational institutions, private postsecondary educational**
- 16 **institutions, and athletic associations that comply with**
- 17 **requirements regarding athletic teams and sports).**

