



February 18, 2022

ENGROSSED HOUSE BILL No. 1041

DIGEST OF HB 1041 (Updated February 16, 2022 1:47 pm - DI 140)

Citations Affected: IC 20-26; IC 20-33; IC 34-30.

Synopsis: Participation in school sports. Requires, for purposes of interscholastic athletic events, school corporations, public schools, nonpublic schools, 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, and certain athletic associations to: (1) establish and maintain grievance procedures; or (2) maintain grievance or protest procedures established before July 1, 2022; 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, 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

(SENATE SPONSORS — DONATO, LEISING, SANDLIN, KRUSE)

January 4, 2022, read first time and referred to Committee on Education.
January 24, 2022, amended, reported — Do Pass.
January 26, 2022, read second time, amended, ordered engrossed.
January 27, 2022, engrossed. Read third time, passed. Yeas 66, nays 30.

SENATE ACTION

February 7, 2022, read first time and referred to Committee on Education and Career Development.
February 17, 2022, reported favorably — Do Pass.

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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.

ENGROSSED 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**

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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:

30 (1) establish and maintain a grievance procedure; or

31 (2) maintain a grievance or protest procedure that the school
 32 corporation, public school, nonpublic school, or association
 33 established before July 1, 2022;

34 for the resolution of a grievance submitted under this section.

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

37 (1) deprived of an athletic opportunity; or

38 (2) otherwise directly or indirectly injured;

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

41 (b) A school corporation, public school, nonpublic school, or
 42 association may not retaliate or otherwise take any adverse action



1 against a student for reporting a violation or bringing a civil action
2 for a violation of this chapter.

3 Sec. 7. The court may award to a student who prevails in an
4 action under section 6 of this chapter any of the following:

5 (1) Injunctive relief.

6 (2) The greater of:

7 (A) actual and consequential damages resulting from the
8 violation; or

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

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

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

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

15 (1) a civil;

16 (2) an administrative;

17 (3) a disciplinary; or

18 (4) a criminal;

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

20 SECTION 3. IC 34-30-2-86.8 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2022]: Sec. 86.8. IC 20-33-13-8 (Concerning
23 school corporations, public schools, nonpublic schools, and athletic
24 associations that comply with requirements regarding athletic
25 teams and sports).



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1041, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 17 through 42.

Delete page 4.

Page 5, delete lines 1 through 5.

Page 5, delete lines 12 through 17.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1041 as introduced.)

BEHNING

Committee Vote: yeas 8, nays 4.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1041 be amended to read as follows:

Page 2, delete lines 28 through 31, begin a new paragraph and insert:

"(b) Each school corporation, public school, nonpublic school, and association described in section 4 of this chapter shall:

(1) establish and maintain a grievance procedure; or

(2) maintain a grievance or protest procedure that the school corporation, public school, nonpublic school, or association established before July 1, 2022;

for the resolution of a grievance submitted under this section."

(Reference is to HB 1041 as printed January 24, 2022.)

DAVIS



COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred House Bill No. 1041, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1041 as reprinted January 27, 2022.)

RAATZ, Chairperson

Committee Vote: Yeas 8, Nays 3

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