



January 13, 2022

HOUSE BILL No. 1134

DIGEST OF HB 1134 (Updated January 12, 2022 11:07 am - DI 116)

Citations Affected: IC 5-14; IC 20-23; IC 20-26; IC 20-28; IC 20-30; IC 20-31; IC 20-33; IC 20-34; IC 21-41; IC 24-4; IC 35-49.

Synopsis: Education matters. Defines a “qualified school”. Requires each qualified school to post certain educational activities and curricular materials on the school’s Internet web site. Provides that public records that are available on a qualified school’s Internet web site shall be excepted from public record requests for individuals that have access to the school’s Internet web site at the discretion of the qualified school. Requires the school corporation or qualified school to add functionality that allows parents of students in the school corporation to opt in to or opt out of certain educational activities and curricular materials under certain conditions. Provides that the governing body of a school corporation shall create a curricular materials advisory committee (committee) comprised of parents, teachers, administrators, and community members. Requires the committee to submit recommendations regarding curricular materials and educational activities to the governing body of a school corporation. Provides parameters for the composition of the committee, the appointment of committee members, and the appointment of a committee chairperson. Provides that the committee shall meet a certain number of times annually. Provides that a state agency, state educational institution, school corporation, or qualified school or an employee of the state agency, state educational institution, school corporation, or qualified school acting in an official capacity may not promote certain concepts as part of a course of instruction or in a curriculum or direct or otherwise compel a school employee or student to adhere to certain tenets relating to the individual’s sex, race,
(Continued next page)

Effective: July 1, 2022.

Cook, Prescott, Goodrich

January 4, 2022, read first time and referred to Committee on Education.
January 13, 2022, amended, reported — Do Pass.

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Digest Continued

ethnicity, religion, color, national origin, or political affiliation. Provides that a state agency, school corporation, qualified school, or state educational institution or an employee of the state agency, school corporation, qualified school, or state educational institution acting in an official capacity may not require an employee of the school corporation, qualified school, or state educational institution to engage in training, orientation, or therapy that presents any form of racial or sex stereotyping or blame on the basis of sex, race, ethnicity, religion, color, national origin, or political affiliation. Provides that a student shall not be required to participate in a personal analysis, an evaluation, or a survey that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings without parental consent. Provides that, if a school corporation or qualified school uses a third party vendor in providing a personal analysis, evaluation, or survey that reveals, identifies, collects, maintains or attempts to affect a student's attitudes, habits, traits, opinions, beliefs, or feelings, the third party vendor and the school corporation or qualified 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, with certain exceptions, that before a school corporation or qualified school may provide or administer certain mental, social-emotional, or psychological services to a student, the school must provide the parent of the student or the student, if the student is an adult or an emancipated minor, with a written request for consent to provide or administer certain mental, social-emotional, or psychological services. Makes changes to the definition of "sexually explicit" for the purpose of trade regulation. Removes schools and certain public libraries from the list of entities eligible for a specified defense to criminal prosecutions alleging: (1) the dissemination of material harmful to minors; or (2) a performance harmful to minors. Adds colleges and universities to the entities eligible for a specified defense to criminal prosecutions alleging: (1) the dissemination of material harmful to minors; or (2) a performance harmful to minors.

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January 13, 2022

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. 1134

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 5-14-3-4, AS AMENDED BY P.L.197-2021,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 4. (a) The following public records are excepted
4 from section 3 of this chapter and may not be disclosed by a public
5 agency, unless access to the records is specifically required by a state
6 or federal statute or is ordered by a court under the rules of discovery:
7 (1) Those declared confidential by state statute.
8 (2) Those declared confidential by rule adopted by a public
9 agency under specific authority to classify public records as
10 confidential granted to the public agency by statute.
11 (3) Those required to be kept confidential by federal law.
12 (4) Records containing trade secrets.
13 (5) Confidential financial information obtained, upon request,
14 from a person. However, this does not include information that is
15 filed with or received by a public agency pursuant to state statute.

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- 1 (6) Information concerning research, including actual research
 2 documents, conducted under the auspices of a state educational
 3 institution, including information:
 4 (A) concerning any negotiations made with respect to the
 5 research; and
 6 (B) received from another party involved in the research.
 7 (7) Grade transcripts and license examination scores obtained as
 8 part of a licensure process.
 9 (8) Those declared confidential by or under rules adopted by the
 10 supreme court of Indiana.
 11 (9) Patient medical records and charts created by a provider,
 12 unless the patient gives written consent under IC 16-39 or as
 13 provided under IC 16-41-8.
 14 (10) Application information declared confidential by the Indiana
 15 economic development corporation under IC 5-28.
 16 (11) A photograph, a video recording, or an audio recording of an
 17 autopsy, except as provided in IC 36-2-14-10.
 18 (12) A Social Security number contained in the records of a
 19 public agency.
 20 (13) The following information that is part of a foreclosure action
 21 subject to IC 32-30-10.5:
 22 (A) Contact information for a debtor, as described in
 23 IC 32-30-10.5-8(d)(1)(B).
 24 (B) Any document submitted to the court as part of the debtor's
 25 loss mitigation package under IC 32-30-10.5-10(a)(3).
 26 (14) The following information obtained from a call made to a
 27 fraud hotline established under IC 36-1-8-8.5:
 28 (A) The identity of any individual who makes a call to the
 29 fraud hotline.
 30 (B) A report, transcript, audio recording, or other information
 31 concerning a call to the fraud hotline.
 32 However, records described in this subdivision may be disclosed
 33 to a law enforcement agency, a private university police
 34 department, the attorney general, the inspector general, the state
 35 examiner, or a prosecuting attorney.
 36 (b) Except as otherwise provided by subsection (a), the following
 37 public records shall be excepted from section 3 of this chapter at the
 38 discretion of a public agency:
 39 (1) Investigatory records of law enforcement agencies or private
 40 university police departments. For purposes of this chapter, a law
 41 enforcement recording is not an investigatory record. Law
 42 enforcement agencies or private university police departments



- 1 may share investigatory records with a:
- 2 (A) person who advocates on behalf of a crime victim,
3 including a victim advocate (as defined in IC 35-37-6-3.5) or
4 a victim service provider (as defined in IC 35-37-6-5), for the
5 purposes of providing services to a victim or describing
6 services that may be available to a victim; and
- 7 (B) school corporation (as defined by IC 20-18-2-16(a)),
8 charter school (as defined by IC 20-24-1-4), or nonpublic
9 school (as defined by IC 20-18-2-12) for the purpose of
10 enhancing the safety or security of a student or a school
11 facility;
- 12 without the law enforcement agency or private university police
13 department losing its discretion to keep those records confidential
14 from other records requesters. However, certain law enforcement
15 records must be made available for inspection and copying as
16 provided in section 5 of this chapter.
- 17 (2) The work product of an attorney representing, pursuant to
18 state employment or an appointment by a public agency:
- 19 (A) a public agency;
20 (B) the state; or
21 (C) an individual.
- 22 (3) Test questions, scoring keys, and other examination data used
23 in administering a licensing examination, examination for
24 employment, or academic examination before the examination is
25 given or if it is to be given again.
- 26 (4) Scores of tests if the person is identified by name and has not
27 consented to the release of the person's scores.
- 28 (5) The following:
- 29 (A) Records relating to negotiations between:
- 30 (i) the Indiana economic development corporation;
31 (ii) the ports of Indiana;
32 (iii) the Indiana state department of agriculture;
33 (iv) the Indiana finance authority;
34 (v) an economic development commission;
35 (vi) the Indiana White River state park development
36 commission;
37 (vii) a local economic development organization that is a
38 nonprofit corporation established under state law whose
39 primary purpose is the promotion of industrial or business
40 development in Indiana, the retention or expansion of
41 Indiana businesses, or the development of entrepreneurial
42 activities in Indiana; or



- 1 (viii) a governing body of a political subdivision;
 2 with industrial, research, or commercial prospects, if the
 3 records are created while negotiations are in progress.
 4 However, this clause does not apply to records regarding
 5 research that is prohibited under IC 16-34.5-1-2 or any other
 6 law.
- 7 (B) Notwithstanding clause (A), the terms of the final offer of
 8 public financial resources communicated by the Indiana
 9 economic development corporation, the ports of Indiana, the
 10 Indiana finance authority, an economic development
 11 commission, the Indiana White River state park development
 12 commission, or a governing body of a political subdivision to
 13 an industrial, a research, or a commercial prospect shall be
 14 available for inspection and copying under section 3 of this
 15 chapter after negotiations with that prospect have terminated.
- 16 (C) When disclosing a final offer under clause (B), the Indiana
 17 economic development corporation shall certify that the
 18 information being disclosed accurately and completely
 19 represents the terms of the final offer.
- 20 (D) Notwithstanding clause (A), an incentive agreement with
 21 an incentive recipient shall be available for inspection and
 22 copying under section 3 of this chapter after the date the
 23 incentive recipient and the Indiana economic development
 24 corporation execute the incentive agreement regardless of
 25 whether negotiations are in progress with the recipient after
 26 that date regarding a modification or extension of the incentive
 27 agreement.
- 28 (6) Records that are intra-agency or interagency advisory or
 29 deliberative material, including material developed by a private
 30 contractor under a contract with a public agency, that are
 31 expressions of opinion or are of a speculative nature, and that are
 32 communicated for the purpose of decision making.
- 33 (7) Diaries, journals, or other personal notes serving as the
 34 functional equivalent of a diary or journal.
- 35 (8) Personnel files of public employees and files of applicants for
 36 public employment, except for:
- 37 (A) the name, compensation, job title, business address,
 38 business telephone number, job description, education and
 39 training background, previous work experience, or dates of
 40 first and last employment of present or former officers or
 41 employees of the agency;
- 42 (B) information relating to the status of any formal charges



- 1 against the employee; and
- 2 (C) the factual basis for a disciplinary action in which final
- 3 action has been taken and that resulted in the employee being
- 4 suspended, demoted, or discharged.
- 5 However, all personnel file information shall be made available
- 6 to the affected employee or the employee's representative. This
- 7 subdivision does not apply to disclosure of personnel information
- 8 generally on all employees or for groups of employees without the
- 9 request being particularized by employee name.
- 10 (9) Minutes or records of hospital medical staff meetings.
- 11 (10) Administrative or technical information that would
- 12 jeopardize a record keeping system, voting system, voter
- 13 registration system, or security system.
- 14 (11) Computer programs, computer codes, computer filing
- 15 systems, and other software that are owned by the public agency
- 16 or entrusted to it and portions of electronic maps entrusted to a
- 17 public agency by a utility.
- 18 (12) Records specifically prepared for discussion or developed
- 19 during discussion in an executive session under IC 5-14-1.5-6.1.
- 20 However, this subdivision does not apply to that information
- 21 required to be available for inspection and copying under
- 22 subdivision (8).
- 23 (13) The work product of the legislative services agency under
- 24 personnel rules approved by the legislative council.
- 25 (14) The work product of individual members and the partisan
- 26 staffs of the general assembly.
- 27 (15) The identity of a donor of a gift made to a public agency if:
- 28 (A) the donor requires nondisclosure of the donor's identity as
- 29 a condition of making the gift; or
- 30 (B) after the gift is made, the donor or a member of the donor's
- 31 family requests nondisclosure.
- 32 (16) Library or archival records:
- 33 (A) which can be used to identify any library patron; or
- 34 (B) deposited with or acquired by a library upon a condition
- 35 that the records be disclosed only:
- 36 (i) to qualified researchers;
- 37 (ii) after the passing of a period of years that is specified in
- 38 the documents under which the deposit or acquisition is
- 39 made; or
- 40 (iii) after the death of persons specified at the time of the
- 41 acquisition or deposit.
- 42 However, nothing in this subdivision shall limit or affect contracts



1 entered into by the Indiana state library pursuant to IC 4-1-6-8.

2 (17) The identity of any person who contacts the bureau of motor
3 vehicles concerning the ability of a driver to operate a motor
4 vehicle safely and the medical records and evaluations made by
5 the bureau of motor vehicles staff or members of the driver
6 licensing medical advisory board regarding the ability of a driver
7 to operate a motor vehicle safely. However, upon written request
8 to the commissioner of the bureau of motor vehicles, the driver
9 must be given copies of the driver's medical records and
10 evaluations.

11 (18) School safety and security measures, plans, and systems,
12 including emergency preparedness plans developed under 511
13 IAC 6.1-2-2.5.

14 (19) A record or a part of a record, the public disclosure of which
15 would have a reasonable likelihood of threatening public safety
16 by exposing a vulnerability to terrorist attack. A record described
17 under this subdivision includes the following:

18 (A) A record assembled, prepared, or maintained to prevent,
19 mitigate, or respond to an act of terrorism under IC 35-47-12-1
20 (before its repeal), an act of agricultural terrorism under
21 IC 35-47-12-2 (before its repeal), or a felony terrorist offense
22 (as defined in IC 35-50-2-18).

23 (B) Vulnerability assessments.

24 (C) Risk planning documents.

25 (D) Needs assessments.

26 (E) Threat assessments.

27 (F) Intelligence assessments.

28 (G) Domestic preparedness strategies.

29 (H) The location of community drinking water wells and
30 surface water intakes.

31 (I) The emergency contact information of emergency
32 responders and volunteers.

33 (J) Infrastructure records that disclose the configuration of
34 critical systems such as voting system and voter registration
35 system critical infrastructure, and communication, electrical,
36 ventilation, water, and wastewater systems.

37 (K) Detailed drawings or specifications of structural elements,
38 floor plans, and operating, utility, or security systems, whether
39 in paper or electronic form, of any building or facility located
40 on an airport (as defined in IC 8-21-1-1) that is owned,
41 occupied, leased, or maintained by a public agency, or any part
42 of a law enforcement recording that captures information



1 about airport security procedures, areas, or systems. A record
 2 described in this clause may not be released for public
 3 inspection by any public agency without the prior approval of
 4 the public agency that owns, occupies, leases, or maintains the
 5 airport. Both of the following apply to the public agency that
 6 owns, occupies, leases, or maintains the airport:

7 (i) The public agency is responsible for determining whether
 8 the public disclosure of a record or a part of a record,
 9 including a law enforcement recording, has a reasonable
 10 likelihood of threatening public safety by exposing a
 11 security procedure, area, system, or vulnerability to terrorist
 12 attack.

13 (ii) The public agency must identify a record described
 14 under item (i) and clearly mark the record as "confidential
 15 and not subject to public disclosure under
 16 IC 5-14-3-4(b)(19)(J) without approval of (insert name of
 17 submitting public agency)". However, in the case of a law
 18 enforcement recording, the public agency must clearly mark
 19 the record as "confidential and not subject to public
 20 disclosure under IC 5-14-3-4(b)(19)(K) without approval of
 21 (insert name of the public agency that owns, occupies,
 22 leases, or maintains the airport)".

23 (L) The home address, home telephone number, and
 24 emergency contact information for any:

25 (i) emergency management worker (as defined in
 26 IC 10-14-3-3);

27 (ii) public safety officer (as defined in IC 35-47-4.5-3);

28 (iii) emergency medical responder (as defined in
 29 IC 16-18-2-109.8); or

30 (iv) advanced emergency medical technician (as defined in
 31 IC 16-18-2-6.5).

32 This subdivision does not apply to a record or portion of a record
 33 pertaining to a location or structure owned or protected by a
 34 public agency in the event that an act of terrorism under
 35 IC 35-47-12-1 (before its repeal), an act of agricultural terrorism
 36 under IC 35-47-12-2 (before its repeal), or a felony terrorist
 37 offense (as defined in IC 35-50-2-18) has occurred at that location
 38 or structure, unless release of the record or portion of the record
 39 would have a reasonable likelihood of threatening public safety
 40 by exposing a vulnerability of other locations or structures to
 41 terrorist attack.

42 (20) The following personal information concerning a customer



1 of a municipally owned utility (as defined in IC 8-1-2-1):

2 (A) Telephone number.

3 (B) Address.

4 (C) Social Security number.

5 (21) The following personal information about a complainant
6 contained in records of a law enforcement agency:

7 (A) Telephone number.

8 (B) The complainant's address. However, if the complainant's
9 address is the location of the suspected crime, infraction,
10 accident, or complaint reported, the address shall be made
11 available for public inspection and copying.

12 (22) Notwithstanding subdivision (8)(A), the name,
13 compensation, job title, business address, business telephone
14 number, job description, education and training background,
15 previous work experience, or dates of first employment of a law
16 enforcement officer who is operating in an undercover capacity.

17 (23) Records requested by an offender, an agent, or a relative of
18 an offender that:

19 (A) contain personal information relating to:

20 (i) a correctional officer (as defined in IC 5-10-10-1.5);

21 (ii) a probation officer;

22 (iii) a community corrections officer;

23 (iv) a law enforcement officer (as defined in
24 IC 35-31.5-2-185);

25 (v) a judge (as defined in IC 33-38-12-3);

26 (vi) the victim of a crime; or

27 (vii) a family member of a correctional officer, probation
28 officer, community corrections officer, law enforcement
29 officer (as defined in IC 35-31.5-2-185), judge (as defined
30 in IC 33-38-12-3), or victim of a crime; or

31 (B) concern or could affect the security of a jail or correctional
32 facility.

33 For purposes of this subdivision, "agent" means a person who is
34 authorized by an offender to act on behalf of, or at the direction
35 of, the offender, and "relative" has the meaning set forth in
36 IC 35-42-2-1(b). However, the term "agent" does not include an
37 attorney in good standing admitted to the practice of law in
38 Indiana.

39 (24) Information concerning an individual less than eighteen (18)
40 years of age who participates in a conference, meeting, program,
41 or activity conducted or supervised by a state educational
42 institution, including the following information regarding the



- 1 individual or the individual's parent or guardian:
- 2 (A) Name.
- 3 (B) Address.
- 4 (C) Telephone number.
- 5 (D) Electronic mail account address.
- 6 (25) Criminal intelligence information.
- 7 (26) The following information contained in a report of unclaimed
- 8 property under IC 32-34-1.5-18 or in a claim for unclaimed
- 9 property under IC 32-34-1.5-48:
- 10 (A) Date of birth.
- 11 (B) Driver's license number.
- 12 (C) Taxpayer identification number.
- 13 (D) Employer identification number.
- 14 (E) Account number.
- 15 (27) Except as provided in subdivision (19) and sections 5.1 and
- 16 5.2 of this chapter, a law enforcement recording. However, before
- 17 disclosing the recording, the public agency must comply with the
- 18 obscuring requirements of sections 5.1 and 5.2 of this chapter, if
- 19 applicable.
- 20 (28) Records relating to negotiations between a state educational
- 21 institution and another entity concerning the establishment of a
- 22 collaborative relationship or venture to advance the research,
- 23 engagement, or educational mission of the state educational
- 24 institution, if the records are created while negotiations are in
- 25 progress. The terms of the final offer of public financial resources
- 26 communicated by the state educational institution to an industrial,
- 27 a research, or a commercial prospect shall be available for
- 28 inspection and copying under section 3 of this chapter after
- 29 negotiations with that prospect have terminated. However, this
- 30 subdivision does not apply to records regarding research
- 31 prohibited under IC 16-34.5-1-2 or any other law.
- 32 **(29) Records that are available for inspection to an individual**
- 33 **who:**
- 34 **(A) has access to an operable curriculum portal that meets**
- 35 **the requirements described in IC 20-30-17-4; or**
- 36 **(B) is provided access to an operable curriculum portal**
- 37 **that meets the requirements described in IC 20-30-17-4, in**
- 38 **lieu of allowing the person to inspect and copy the public**
- 39 **record under section 3 of this chapter.**
- 40 (c) Nothing contained in subsection (b) shall limit or affect the right
- 41 of a person to inspect and copy a public record required or directed to
- 42 be made by any statute or by any rule of a public agency.



1 (d) Notwithstanding any other law, a public record that is classified
 2 as confidential, other than a record concerning an adoption or patient
 3 medical records, shall be made available for inspection and copying
 4 seventy-five (75) years after the creation of that record.

5 (e) Only the content of a public record may form the basis for the
 6 adoption by any public agency of a rule or procedure creating an
 7 exception from disclosure under this section.

8 (f) Except as provided by law, a public agency may not adopt a rule
 9 or procedure that creates an exception from disclosure under this
 10 section based upon whether a public record is stored or accessed using
 11 paper, electronic media, magnetic media, optical media, or other
 12 information storage technology.

13 (g) Except as provided by law, a public agency may not adopt a rule
 14 or procedure nor impose any costs or liabilities that impede or restrict
 15 the reproduction or dissemination of any public record.

16 (h) Notwithstanding subsection (d) and section 7 of this chapter:

17 (1) public records subject to IC 5-15 may be destroyed only in
 18 accordance with record retention schedules under IC 5-15; or

19 (2) public records not subject to IC 5-15 may be destroyed in the
 20 ordinary course of business.

21 SECTION 2. IC 5-14-4-12 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 12. The counselor shall
 23 submit a report in an electronic format under IC 5-14-6 not later than
 24 June 30 of each year to the legislative services agency concerning the
 25 activities of the counselor for the previous year. The report must
 26 include the following information:

27 (1) The total number of inquiries and complaints received.

28 (2) The number of inquiries and complaints received each from
 29 the public, the media, and government agencies.

30 (3) The number of inquiries and complaints that were resolved.

31 (4) The number of complaints received about each of the
 32 following:

33 (A) State agencies.

34 (B) County agencies.

35 (C) City agencies.

36 (D) Township agencies.

37 (E) Township agencies.

38 (F) School corporations, **disaggregated by each school**
 39 **corporation.**

40 (G) Other local agencies.

41 (5) The number of complaints received concerning each of the
 42 following:



- 1 (A) Public records.
 2 (B) Public meetings.
 3 (6) The total number of written advisory opinions issued and
 4 pending.
 5 SECTION 3. IC 20-23-18-3, AS AMENDED BY P.L.147-2020,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c), the
 8 Muncie Community School Corporation is subject to all applicable
 9 federal and state laws.
 10 (b) If a provision of this chapter conflicts with any other law,
 11 including IC 20-23-4, the provision in this chapter controls.
 12 (c) Notwithstanding subsection (a), to provide all administrative and
 13 academic flexibility to implement innovative strategies, the Muncie
 14 Community School Corporation is subject only to the following IC 20
 15 and IC 22 provisions:
 16 (1) IC 20-26-5-10 (criminal history).
 17 **(2) IC 20-26-12.5 (curricular materials advisory committee).**
 18 **(3) IC 20-26-21 (personal analysis, evaluations, or surveys by**
 19 **third party vendors).**
 20 ~~(2)~~ **(4) IC 20-28-5-8 (conviction of certain felonies; notice and**
 21 **hearing; permanent revocation of license; data base of school**
 22 **employees who have been reported).**
 23 ~~(3)~~ **(5) IC 20-28-10-17 (school counselor immunity).**
 24 **(6) IC 20-28-10-20 (prohibited tenets).**
 25 ~~(4)~~ **(7) IC 20-29 (collective bargaining) to the extent required by**
 26 **subsection (e).**
 27 ~~(5)~~ **(8) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative**
 28 **observances).**
 29 ~~(6)~~ **(9) The following:**
 30 (A) IC 20-30-5-0.5 (display of the United States flag; Pledge
 31 of Allegiance).
 32 (B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the
 33 constitutions of Indiana and the United States; writings,
 34 documents, and records of American history or heritage).
 35 (C) IC 20-30-5-4 (system of government; American history).
 36 (D) IC 20-30-5-5 (morals instruction).
 37 (E) IC 20-30-5-6 (good citizenship instruction).
 38 **(10) IC 20-30-17 (curriculum portals).**
 39 ~~(7)~~ **(11) IC 20-32-4, concerning graduation requirements.**
 40 ~~(8)~~ **(12) IC 20-32-5.1, concerning the Indiana's Learning**
 41 **Evaluation Assessment Readiness Network (ILEARN) program.**
 42 ~~(9)~~ **(13) IC 20-32-8.5 (IRead3).**



- 1 **(14) IC 20-33-1.5 (dignity and nondiscrimination in**
 2 **education).**
 3 ~~(10)~~ **(15)** IC 20-33-2 (compulsory school attendance).
 4 ~~(11)~~ **(16)** IC 20-33-8-16 (firearms and deadly weapons).
 5 ~~(12)~~ **(17)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22
 6 (student due process and judicial review).
 7 ~~(13)~~ **(18)** IC 20-33-7 (parental access to education records).
 8 ~~(14)~~ **(19)** IC 20-33-9 (reporting of student violations of law).
 9 ~~(15)~~ **(20)** IC 20-34-3 (health and safety measures).
 10 ~~(16)~~ **(21)** IC 20-35 (concerning special education).
 11 ~~(17)~~ **(22)** IC 20-39 (accounting and financial reporting
 12 procedures).
 13 ~~(18)~~ **(23)** IC 20-40 (government funds and accounts).
 14 ~~(19)~~ **(24)** IC 20-41 (extracurricular funds and accounts).
 15 ~~(20)~~ **(25)** IC 20-42 (fiduciary funds and accounts).
 16 ~~(21)~~ **(26)** IC 20-42.5 (allocation of expenditures to student
 17 instruction and learning).
 18 ~~(22)~~ **(27)** IC 20-43 (state tuition support).
 19 ~~(23)~~ **(28)** IC 20-44 (property tax levies).
 20 ~~(24)~~ **(29)** IC 20-46 (levies other than general fund levies).
 21 ~~(25)~~ **(30)** IC 20-47 (related entities; holding companies; lease
 22 agreements).
 23 ~~(26)~~ **(31)** IC 20-48 (borrowing and bonds).
 24 ~~(27)~~ **(32)** IC 20-49 (state management of common school funds;
 25 state advances and loans).
 26 ~~(28)~~ **(33)** IC 20-50 (concerning homeless children and foster care
 27 children).
 28 ~~(29)~~ **(34)** IC 22-2-18, before its expiration on June 30, 2021
 29 (limitation on employment of minors).
 30 (d) The Muncie Community School Corporation is subject to
 31 required audits by the state board of accounts under IC 5-11-1-9.
 32 (e) Except to the extent required under a collective bargaining
 33 agreement entered into before July 1, 2018, the Muncie Community
 34 School Corporation is not subject to IC 20-29 unless the school
 35 corporation voluntarily recognizes an exclusive representative under
 36 IC 20-29-5-2. If the school corporation voluntarily recognizes an
 37 exclusive representative under IC 20-29-5-2, the school corporation
 38 may authorize a school within the corporation to opt out of bargaining
 39 allowable subjects or discussing discussion items by specifying the
 40 excluded items on the notice required under IC 20-29-5-2(b). The
 41 notice must be provided to the education employment relations board
 42 at the time the notice is posted.



1 SECTION 4. IC 20-26-12-2, AS AMENDED BY P.L.233-2015,
 2 SECTION 151, IS AMENDED TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A governing body may
 4 purchase from a publisher any curricular material selected by the
 5 proper local officials. The governing body may rent the curricular
 6 materials to students enrolled in any public or nonpublic school that is:

7 (1) in compliance with the minimum certification standards of the
 8 state board; and

9 (2) located within the attendance unit served by the governing
 10 body.

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

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

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

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

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

20 SECTION 5. IC 20-26-12-24, AS AMENDED BY P.L.216-2021,
 21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2022]: Sec. 24. (a) The ~~superintendent, after approval from~~
 23 ~~the~~ governing body, shall establish procedures for adoption of
 24 curricular materials.

25 (b) The governing body, after reviewing any recommendations from
 26 the superintendent **and the curricular materials advisory committee**
 27 **established under IC 20-26-12.5**, shall adopt curricular materials for
 28 use in teaching each subject in the school corporation.

29 (c) ~~A special committee of teachers and parents may also be~~
 30 ~~appointed to review books, magazines, and audiovisual material used~~
 31 ~~or proposed for use in the classroom to supplement state adopted~~
 32 ~~curricular materials and may make recommendations to the~~
 33 ~~superintendent and the governing body concerning the use of these~~
 34 ~~materials.~~

35 (d) (c) The governing body may, if the governing body considers it
 36 appropriate, retain curricular materials adopted under this section and
 37 authorize the purchase of supplemental materials to ensure continued
 38 alignment with academic standards adopted by the state board.

39 (e) (d) The superintendent, advisory committee, and governing body
 40 may consider using the list of curricular materials provided by the
 41 department under IC 20-20-5.5.

42 (f) (e) A governing body may not purchase curricular materials from



1 a publisher unless the publisher agrees, in accordance with Sections
 2 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities
 3 Education Improvement Act 2004 (20 U.S.C. 1400 et seq.), to provide
 4 or grant a license to the school corporation to allow for the
 5 reproduction of adopted curricular materials in:

- 6 (1) large type;
- 7 (2) Braille; and
- 8 (3) audio format.

9 SECTION 6. IC 20-26-12.5 IS ADDED TO THE INDIANA CODE
 10 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2022]:

12 **Chapter 12.5. Curricular Materials Advisory Committee**

13 **Sec. 1. (a) As used in this chapter, "curricular material" means**
 14 **any material used for student instruction by a school corporation,**
 15 **including the following:**

- 16 (1) Textbooks and other printed materials.
- 17 (2) Audiovisual materials.
- 18 (3) Materials in electronic or digital formats, including
- 19 materials accessible through the Internet.
- 20 (4) Library materials.
- 21 (5) Student surveys.
- 22 (6) A syllabus.

23 (b) The term does not include an academic test or assessment,
 24 scoring keys, or other test or assessment data used in administering
 25 an academic test or assessment that is directly related to measuring
 26 a student's academic performance in understanding a particular
 27 curricular subject matter, as prescribed by the department.

28 **Sec. 2. (a) As used in this chapter, "educational activity" means**
 29 **a presentation, an assembly, a lecture, or any other educational**
 30 **activity or event that is:**

- 31 (1) organized or facilitated by a public school; and
- 32 (2) conducted during instructional time (as defined in
- 33 IC 20-30-2-1).

34 (b) The term does not include a student presentation.

35 **Sec. 3. (a) A governing body of a school corporation shall create**
 36 **a curricular materials advisory committee using procedures**
 37 **established by the governing body for the creation, selection, and**
 38 **appointment of the curricular materials advisory committee. The**
 39 **procedures must provide for the appointment of:**

- 40 (1) teachers, administrators, and representatives of the
- 41 community; and
- 42 (2) parents of students who are attending a school in the



- 1 school corporation.
- 2 (b) A governing body shall establish procedures for the
- 3 curricular materials advisory committee to:
- 4 (1) have access to all curricular materials and educational
- 5 activities;
- 6 (2) review, at its discretion, curricular materials and
- 7 educational activities;
- 8 (3) make recommendations regarding curricular materials
- 9 and educational activities to the governing body; and
- 10 (4) present recommendations regarding curricular materials
- 11 and educational activities at a public hearing of the governing
- 12 body.
- 13 (c) A governing body shall post on the school's Internet web site
- 14 the proposed procedures created in subsections (a) and (b). At least
- 15 thirty (30) days after the posting of the proposed procedures on the
- 16 Internet web site, the governing body shall hold a public meeting,
- 17 at which public comment is heard, to explain the proposed
- 18 procedures. The governing body may then approve, disapprove, or
- 19 amend the proposed procedures.
- 20 Sec. 4. (a) The curricular materials advisory committee shall be
- 21 comprised according to the following parameters:
- 22 (1) Except as provided in subdivision (3), sixty percent (60%)
- 23 parents of students within the school corporation. However,
- 24 not more than fifty percent (50%) of the parents of students
- 25 may be employees of the school corporation.
- 26 (2) Except as provided in subdivision (3), forty percent (40%)
- 27 teachers, administrators, or members of the community.
- 28 However, not more than fifty percent (50%) of the teachers,
- 29 administrators, or community members that comprise the
- 30 forty percent (40%) may be administrators.
- 31 (3) Not more than fifty percent (50%) of the members
- 32 described in subdivisions (1) and (2) may be employees of the
- 33 school corporation.
- 34 (b) Only candidates approved by a majority of members of the
- 35 governing body may serve on the committee. Members appointed
- 36 under subsection (a) shall serve a four (4) year term. The
- 37 governing body may fill a vacancy on the committee with a
- 38 member who will serve a four (4) year term.
- 39 (c) In recommending and considering candidates, the governing
- 40 body shall make a reasonable effort to ensure that the committee
- 41 is representative of a broad range of community interests as
- 42 determined by the governing body.



1 (d) The committee shall elect a chairperson from the members
2 of the committee. The chairperson must be a parent of a student in
3 the school corporation who has been appointed to the committee.

4 (e) The committee chairperson may create subcommittees to
5 review curricular material subject matters. Subcommittees may
6 recommend curricular materials to the committee for
7 consideration. A subcommittee must be comprised according to the
8 parameters set forth in subsection (a).

9 Sec. 5. (a) The curricular materials advisory committee shall
10 review and evaluate the school corporation's curricular materials
11 and educational activities to ensure that the materials and activities
12 are representative of the community's interests and aligned with
13 Indiana academic standards.

14 (b) The committee may recommend to the governing body that
15 parents of students enrolled in the school corporation may be
16 allowed to opt out of or opt in to curricular materials and
17 educational activities identified by the committee, unless otherwise
18 provided by law.

19 Sec. 6. The governing body may accept, reject, or otherwise
20 modify a recommendation made by the committee.

21 Sec. 7. A curricular materials advisory committee shall:

22 (1) meet at least two (2) times annually on dates and times
23 established by the chairperson of the committee; and

24 (2) hold at least two (2) public meetings annually, at which
25 public comment is heard, to discuss the committee's review
26 process and findings with the public.

27 SECTION 7. IC 20-26-21 IS ADDED TO THE INDIANA CODE
28 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2022]:

30 Chapter 21. Personal Analysis, Evaluations, or Surveys by
31 Third Party Vendors

32 Sec. 1. As used in this chapter, "qualified school" has the
33 meaning set forth in IC 20-30-17-3.

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

36 (b) If a school corporation or qualified school uses a third party
37 vendor in providing a personal analysis, evaluation, or survey that
38 reveals, identifies, collects, maintains or attempts to affect a
39 student's attitudes, habits, traits, opinions, beliefs, or feelings, the
40 third party vendor and the school corporation or qualified school
41 may not record, collect, or maintain the responses to or results of
42 the analysis, evaluation, or survey in a manner that would identify



1 the responses or results of an individual student.

2 **Sec. 3. An individual may initiate a civil action against a school**
 3 **corporation, qualified school, or the applicable third party vendor**
 4 **for a violation of the requirements established in section 2 of this**
 5 **chapter. A court may award the following to an individual who**
 6 **prevails under this subsection:**

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

8 (2) **Actual damages resulting from the violation.**

9 (3) **Declaratory or injunctive relief.**

10 SECTION 8. IC 20-28-3-3, AS AMENDED BY P.L.220-2015,
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2022]: Sec. 3. (a) The department shall develop guidelines for
 13 use by accredited teacher education institutions and departments in
 14 preparing individuals to:

15 (1) teach in various environments; and

16 (2) successfully apply positive classroom behavioral management
 17 strategies and research based alternatives to exclusionary
 18 discipline in a manner that serves the diverse learning needs of all
 19 students.

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

23 **(c) The guidelines prescribed in subsections (a) or (b) shall not**
 24 **violate IC 20-28-10-20 or IC 20-33-1.5.**

25 SECTION 9. IC 20-28-3-3.5, AS AMENDED BY P.L.92-2020,
 26 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2022]: Sec. 3.5. (a) The guidelines developed under section
 28 3 of this chapter must incorporate methods that assist individuals in
 29 developing competency in employing approaches to create positive
 30 classroom and school climates that are culturally responsive, including:

31 (1) classroom management strategies;

32 (2) restorative justice;

33 (3) positive behavioral interventions and supports;

34 (4) social and emotional training as described in IC 12-21-5-2,
 35 IC 20-19-3-12, and IC 20-26-5-34.2; and

36 (5) conflict resolution.

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

39 SECTION 10. IC 20-28-5-7, AS AMENDED BY P.L.43-2021,
 40 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2022]: Sec. 7. (a) On the written recommendation of the
 42 secretary of education, the department may suspend or revoke a license



1 for:

- 2 (1) immorality;
 3 (2) misconduct in office;
 4 (3) incompetency; or
 5 (4) willful neglect of duty.

6 For each suspension or revocation **under this section**, the department
 7 shall comply with IC 4-21.5-3.

8 **(b) On the written recommendation of the secretary of**
 9 **education, the department may suspend or revoke a license of a**
 10 **teacher, principal, superintendent, or any other individual licensed**
 11 **by the department under this chapter if the individual willfully or**
 12 **wantonly violates IC 20-28-10-20, IC 20-33-1.5, or IC 20-34-3-27.**

13 SECTION 11. IC 20-28-10-20 IS ADDED TO THE INDIANA
 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2022]: Sec. 20. (a) In accordance with
 16 IC 20-33-1-6, a state agency (as defined in IC 4-13-1.4-2), school
 17 corporation, or qualified school (as defined in IC 20-30-17-3) or an
 18 employee of the state agency, school corporation, or qualified
 19 school shall not direct or otherwise compel a school employee to
 20 affirm, adopt, or adhere to any of the following tenets:

21 (1) That any sex, race, ethnicity, religion, color, national
 22 origin, or political affiliation is inherently superior or inferior
 23 to another sex, race, ethnicity, religion, color, national origin,
 24 or political affiliation.

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

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

33 (4) That members of any sex, race, ethnicity, religion, color,
 34 national origin, or political affiliation should treat others with
 35 disrespect due to the other individual's sex, race, ethnicity,
 36 religion, color, national origin, or political affiliation.

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

40 (6) That an individual, by virtue of the individual's sex, race,
 41 ethnicity, religion, color, national origin, or political
 42 affiliation, bears responsibility for actions committed in the



1 past by other members of the same sex, race, ethnicity,
2 religion, color, national origin, or political affiliation.

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

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

12 **(b) A teacher, an administrator, a governing body, or any other**
13 **employee of any state agency, school corporation, or qualified**
14 **school may not require an employee of a school corporation or**
15 **qualified school to engage in training, orientation, or therapy that**
16 **violates subsection (a)(1) through (a)(8).**

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

19 **(d) The provisions of this section are severable as provided in**
20 **IC 1-1-1-8(b).**

21 SECTION 12. IC 20-30-5-6, AS AMENDED BY P.L.246-2005,
22 SECTION 170, IS AMENDED TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) This section applies only to
24 public schools.

25 (b) As used in this section, "good citizenship instruction" means
26 integrating instruction into the current curriculum that stresses the
27 nature and importance of the following:

- 28 (1) Being honest and truthful.
- 29 (2) Respecting authority.
- 30 (3) Respecting the property of others.
- 31 (4) Always doing the student's personal best.
- 32 (5) Not stealing.
- 33 (6) Possessing the skills (including methods of conflict resolution)
34 necessary to live peaceably in society and not resorting to
35 violence to settle disputes.
- 36 (7) Taking personal responsibility for obligations to family and
37 community.
- 38 (8) Taking personal responsibility for earning a livelihood.
- 39 (9) Treating others the way the student would want to be treated.
- 40 (10) Respecting the national flag, the Constitution of the United
41 States, and the Constitution of the State of Indiana.
- 42 (11) Respecting the student's parents and home.



- 1 (12) Respecting the student's self.
- 2 (13) Respecting the rights of others to have their own views and
- 3 religious beliefs.
- 4 **(14) The ideals and values expressed or enumerated in the**
- 5 **Constitution of the United States compared to forms of**
- 6 **government that conflict with and are incompatible with the**
- 7 **principles of western political thought upon which the United**
- 8 **States was founded.**
- 9 **(15) Individual rights, freedoms, and political suffrage.**
- 10 **(16) The economic and political institutions which have best**
- 11 **contributed toward human advancement, prosperity,**
- 12 **scientific inquiry, and well-being.**
- 13 (c) The department shall:
- 14 (1) identify; and
- 15 (2) make available;
- 16 models of conflict resolution instruction to school corporations. The
- 17 instruction may consist of a teacher education program that applies the
- 18 techniques to the students in the classroom to assist school corporations
- 19 in complying with this section.
- 20 SECTION 13. IC 20-30-5-7.3, AS ADDED BY P.L.39-2021,
- 21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2022]: Sec. 7.3. **(a)** Beginning with students entering grade 6
- 23 in the 2023-2024 school year, each school corporation, charter school,
- 24 and state accredited nonpublic school shall require each student of the
- 25 school corporation, charter school, or state accredited nonpublic school
- 26 to successfully complete in grade 6, 7, or 8 one (1) semester of a civics
- 27 education course.
- 28 **(b) All civics education courses must abide by requirements**
- 29 **described in IC 20-33-1.5.**
- 30 SECTION 14. IC 20-30-5-14, AS AMENDED BY P.L.76-2020,
- 31 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 32 JULY 1, 2022]: Sec. 14. (a) As used in this section, "Indiana career
- 33 explorer program and standards" refers to the:
- 34 (1) software or Internet based system approved by the department
- 35 of workforce development; and
- 36 (2) standards established by the department of workforce
- 37 development that are aligned to interdisciplinary employability
- 38 skills standards prescribed in subsection (c);
- 39 that provides students with career and college planning resources.
- 40 (b) To:
- 41 (1) educate students on the importance of their future career
- 42 choices;



- 1 (2) prepare students for the realities inherent in the work
2 environment; and
3 (3) instill in students work values that will enable them to succeed
4 in their respective careers;
5 each school within a school corporation shall include in the school's
6 curriculum for all students in grades 1 through 12 instruction
7 concerning employment matters and work values described in
8 subsection (c).
9 (c) Each school within a school corporation shall include
10 interdisciplinary employability skills standards established by the
11 department, in conjunction with the department of workforce
12 development, and approved by the state board in the school's
13 curriculum.
14 (d) Each school shall:
15 (1) integrate within the curriculum instruction that is; or
16 (2) conduct activities or special events periodically that are;
17 designed to foster overall career awareness and career development as
18 described in subsection (b).
19 (e) The department shall develop career awareness and career
20 development models as described in subsection (f) to assist schools in
21 complying with this section.
22 (f) The models described in this subsection must be developed in
23 accordance with the following:
24 (1) For grades 1 through 5, career awareness models to introduce
25 students to work values and basic employment concepts.
26 (2) For grades 6 through 8, initial career information models that
27 focus on career choices as they relate to student interest and skills.
28 (3) For grades 9 through 12, career exploration models that offer
29 students insight into future employment options and career
30 preparation models that provide job or further education
31 counseling, including the following:
32 (A) Initial job counseling, including the use of job service
33 officers to provide school based assessment, information, and
34 guidance on employment options and the rights of students as
35 employees.
36 (B) Workplace orientation visits.
37 (C) On-the-job experience exercises.
38 (g) The department, with assistance from the department of labor
39 and the department of workforce development, shall:
40 (1) develop and make available teacher guides; and
41 (2) conduct seminars or other teacher education activities;
42 to assist teachers in providing the instruction described in this section.



1 (h) The department shall, with assistance from the department of
2 workforce development, design and implement innovative career
3 preparation demonstration projects for students in at least grade 9.

4 (i) Each school in a school corporation and each charter school:

5 (1) shall include in the school's curriculum state developed career
6 standards for all students in grade 8 that include instruction in and
7 use of either:

8 (A) the Indiana career explorer program and standards; or

9 (B) an alternative Internet based system and standards that
10 provide students with career and college planning resources
11 that have been approved by the state board under subsection
12 (j); and

13 (2) except as provided in subdivision (1), may include in the
14 school's curriculum state developed career standards for all
15 students in any grade level that include instruction in and use of
16 the program and standards or system and standards described in
17 subdivision (1)(A) or (1)(B).

18 (j) A school corporation or charter school may submit a request to
19 the state board to approve an alternative Internet based system and
20 standards that provide students with career and college planning
21 resources. The state board, in consultation with the department and the
22 department of workforce development, may approve an alternative
23 system and standards if the state board determines that the alternative
24 system:

25 (1) has an aptitude assessment tool;

26 (2) contains educational course track information;

27 (3) has a tool for the preparation and development of the
28 graduation plan prescribed in IC 20-30-4, including a parent sign
29 in component;

30 (4) allows access to education and career demand information
31 using data prepared by the department of workforce development;
32 and

33 (5) is aligned to interdisciplinary employability skills standards
34 prescribed in subsection (c).

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

38 (1) Provides access to education and career demand information
39 using data prepared by the department of workforce development.

40 (2) Provides educational and career assessments or tools that:

41 (A) must include an aptitude and career assessment;

42 (B) are aligned to interdisciplinary employability skills



1 standards prescribed in subsection (c); and

2 (C) may include:

3 (i) educational course track information; and

4 (ii) a tool for the preparation and development of the
5 graduation plan prescribed in IC 20-30-4, including a parent
6 sign in component.

7 **(I) Any standards, curriculum, activities, or events developed or
8 administered under this section shall not violate IC 20-33-1.5.**

9 SECTION 15. IC 20-30-5-17, AS AMENDED BY P.L.154-2018,
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2022]: Sec. 17. (a) Each school corporation **or qualified
12 school (as defined in IC 20-30-17-3)** shall make available for
13 inspection by the parent of a student any instructional materials,
14 including teachers' manuals, curricular materials, films or other video
15 materials, tapes, and other materials, used in connection with:

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

18 (2) instruction on human sexuality.

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

23 ~~(1) political affiliations;~~

24 ~~(2) religious beliefs or practices;~~

25 ~~(3) mental or psychological conditions that may embarrass the
26 student or the student's family;~~

27 ~~(4) sexual behavior or attitudes;~~

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

29 ~~(6) critical appraisals of other individuals with whom the student
30 has a close family relationship;~~

31 ~~(7) legally recognized privileged or confidential relationships,
32 including a relationship with a lawyer, minister, or physician; or~~

33 ~~(8) income (except as required by law to determine eligibility for
34 participation in a program or for receiving financial assistance
35 under a program);~~

36 without the prior **written** consent of the student if the student is an
37 adult or an emancipated minor or the prior written consent of the
38 student's parent if the student is an unemancipated minor. **The consent
39 requirements described in this subsection may be fulfilled by
40 utilizing a functionality on the school's Internet web site in the
41 manner described in IC 20-30-17-4(e).** A parental consent form for
42 a personal analysis, an evaluation, or a survey described in this



1 subsection shall accurately reflect the contents and nature of the
2 personal analysis, evaluation, or survey.

3 (c) Before a **qualified school (as defined in IC 20-30-17-3)** may
4 provide a student with instruction on human sexuality, the school must
5 provide the parent of the student or the student, if the student is an
6 adult or an emancipated minor, with a written request for consent of
7 instruction. A consent form provided to a parent of a student or a
8 student under this subsection must accurately summarize the contents
9 and nature of the instruction on human sexuality that will be provided
10 to the student and indicate that a parent of a student or an adult or
11 emancipated minor student has the right to review and inspect all
12 materials related to the instruction on human sexuality. The written
13 consent form may be sent in an electronic format. The parent of the
14 student or the student, if the student is an adult or an emancipated
15 minor, may return the consent form indicating that the parent of the
16 student or the adult or emancipated student:

- 17 (1) consents to the instruction; or
18 (2) declines instruction.

19 If a student does not participate in the instruction on human sexuality,
20 the **qualified school (as defined in IC 20-30-17-3)** shall provide the
21 student with alternative academic instruction during the same time
22 frame that the instruction on human sexuality is provided.

23 (d) If the parent of the student or the student, if the student is an
24 adult or an emancipated minor, does not respond to the written request
25 provided by the school under subsection (c) within twenty-one (21)
26 calendar days after receiving the request under subsection (c), the
27 **qualified school (as defined in IC 20-30-17-3)** shall provide the parent
28 of the student, or the student, if the student is an adult or an
29 emancipated minor, a written notice requesting that the parent of the
30 student, or the student, if the student is an adult or an emancipated
31 minor, indicate, in a manner prescribed by the **qualified school (as
32 defined in IC 20-30-17-3)**, whether the parent of the student or the
33 adult or emancipated student:

- 34 (1) consents to the instruction; or
35 (2) declines instruction.

36 A notice provided to a parent of a student or a student under this
37 subsection must accurately summarize the contents and nature of the
38 instruction on human sexuality that will be provided to the student and
39 indicate that a parent of a student or an adult or emancipated minor
40 student has the right to review and inspect all materials related to the
41 instruction on human sexuality. The notice may be sent in an electronic
42 format. If the **qualified school (as defined in IC 20-30-17-3)** does not



1 receive a response within ten (10) days after the notice, the student will
 2 receive the instruction on human sexuality unless the parent or the
 3 adult or emancipated student subsequently opts out of the instruction
 4 for the student.

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

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

8 SECTION 16. IC 20-30-17 IS ADDED TO THE INDIANA CODE
 9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2022]:

11 **Chapter 17. Curriculum Portals**

12 **Sec. 1. As used in this chapter, "curricular material" has the**
 13 **meaning set forth in IC 20-26-12.5-1.**

14 **Sec. 2. As used in this chapter, "educational activity" has the**
 15 **meaning set forth in IC 20-26-12.5-2.**

16 **Sec. 3. As used in this chapter, "qualified school" means the**
 17 **following:**

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

19 (2) A charter school.

20 (3) A laboratory school established under IC 20-24.5-2.

21 (4) The Indiana School for the Blind and Visually Impaired
 22 established by IC 20-21-2-1.

23 (5) The Indiana School for the Deaf established by
 24 IC 20-22-2-1.

25 **Sec. 4. (a) This section applies to a curricular material or an**
 26 **educational activity at a qualified school that is or is intended to be**
 27 **assigned, distributed, or otherwise presented to:**

28 (1) a student in a course or class for which the student
 29 receives credit;

30 (2) a student, if use of the curricular material or participation
 31 in the educational activity is required by the school
 32 corporation or qualified school; or

33 (3) a student, and at least a majority of students in a grade
 34 level are expected to use the curricular material or participate
 35 in the educational activity.

36 (b) Except as otherwise provided in section 8 of this chapter, not
 37 later than June 30, 2023, and not later than June 30 each year
 38 thereafter, each qualified school shall post on the qualified school's
 39 Internet web site, in a manner accessible to parents of students who
 40 are attending the school, all electronic curricular materials and a
 41 summary of educational activities. In addition, the Internet web
 42 site shall list all nonelectronic curricular materials and provide



1 instruction for a parent to review the nonelectronic curricular
 2 materials. Each qualified school shall allow a parent to visit a
 3 school during normal business hours in a manner prescribed by the
 4 qualified school to inspect nonelectronic curricular materials. The
 5 curricular materials and educational activities must, at a
 6 minimum, be disaggregated by grade level, teacher, and subject
 7 area.

8 (c) The curricular materials described in subsection (a) shall be:

9 (1) for electronic curricular materials, posted on the qualified
 10 school's Internet web site; or

11 (2) for nonelectronic curricular matters, made available at the
 12 qualified school;

13 as far in advance of the use of the curricular materials in the
 14 classroom as is practicable. Curricular materials that are not
 15 posted to the qualified school's Internet web site in advance of the
 16 use of the materials in the classroom must be either posted on the
 17 Internet web site or made available for inspection at the qualified
 18 school not later than five (5) days after the use of the materials in
 19 the classroom.

20 (d) A summary of the educational activities described in
 21 subsection (a) shall be posted on the qualified school's Internet web
 22 site as far in advance of the use of the activity in the classroom as
 23 is practicable. In the event that a qualified school is unable to post
 24 the summary of the educational activity to the qualified school's
 25 Internet web site in advance of the use of the activity in the
 26 classroom, the summary of the educational activity must be posted
 27 on the qualified school's Internet web site not later than five (5)
 28 days after the use of the activity in the classroom.

29 (e) The qualified school's Internet web site described in
 30 subsection (b) must include a functionality that allows a parent of
 31 a student to opt out of or opt in to curricular materials and
 32 educational activities as defined by statute or as approved by the
 33 governing body under IC 20-26-12.5-5.

34 Sec. 5. A student who has opted out of curricular materials or
 35 educational activities under section 4(e) of this chapter must
 36 continue to:

37 (1) receive instruction during the time period during which
 38 the student has opted out; and

39 (2) remain compliant with the instructional time requirements
 40 in IC 20-30-2-2.

41 Sec. 6. An individual with information regarding an alleged
 42 violation of the requirements established in section 4 of this



1 **chapter may present the information to the public access counselor**
 2 **and request an advisory opinion under IC 5-14-4-10 as to whether**
 3 **a school corporation, qualified school, or an employee of the school**
 4 **corporation or qualified school is in compliance with the**
 5 **requirements established under section 4 of this chapter.**

6 **Sec. 7. (a) The department shall:**

7 **(1) develop a model plan for presenting the information**
 8 **described in section 4 of this chapter on a qualified school's**
 9 **Internet web site; and**

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

11 **(b) The department may develop or procure and make available**
 12 **to schools a system that meets the requirements described in**
 13 **section 4 of this chapter.**

14 **Sec. 8. A qualified school at which parents of enrolled students**
 15 **or emancipated students have access to an electronic or virtual**
 16 **school platform that provides access to all curriculum and**
 17 **educational activities for the applicable student to the parent and**
 18 **an individual involved in the student's education who is designated**
 19 **by the parent (not to exceed four (4) individuals) satisfies the**
 20 **requirements described in section 4(b) of this chapter.**

21 SECTION 17. IC 20-31-3-1, AS AMENDED BY P.L.242-2017,
 22 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2022]: Sec. 1. (a) The state board shall adopt clear, concise,
 24 and jargon free state academic standards that are comparable to
 25 national and international academic standards and the college and
 26 career readiness educational standards adopted under IC 20-19-2-14.5.
 27 These academic standards must be adopted for each grade level from
 28 kindergarten through grade 12 for the following subjects:

29 (1) English/language arts.

30 (2) Mathematics.

31 (3) Social studies.

32 (4) Science.

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

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

38 SECTION 18. IC 20-31-6-1, AS ADDED BY P.L.246-2005,
 39 SECTION 175, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2022]: Sec. 1. (a) The department shall develop
 41 and make available to school corporations and nonpublic schools
 42 materials that assist teachers, administrators, and staff in a school in



1 developing cultural competency for use in providing professional and
2 staff development programs.

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

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

7 SECTION 19. IC 20-31-6-2, AS ADDED BY P.L.1-2005,
8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2022]: Sec. 2. (a) In developing a school's plan, the committee
10 shall consider methods to improve the cultural competency of the
11 school's teachers, administrators, staff, parents, and students.

12 (b) The committee shall:

13 (1) identify the racial, ethnic, language-minority, cultural,
14 exceptional learning, and socioeconomic groups that are included
15 in the school's student population;

16 (2) incorporate culturally appropriate strategies for increasing
17 educational opportunities and educational performance for each
18 group in the school's plan; and

19 (3) recommend areas in which additional professional
20 development is necessary to increase cultural competency in the
21 school's educational environment.

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

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

26 SECTION 20. IC 20-33-1.5 IS ADDED TO THE INDIANA CODE
27 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2022]:

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

30 **Sec. 1. As used in this chapter, "qualified school" has the**
31 **meaning set forth in IC 20-30-17-3.**

32 **Sec. 2. (a) In accordance with IC 20-33-1-1, a state agency (as**
33 **defined in IC 4-13-1.4-2), school corporation, or qualified school**
34 **shall not promote the following concepts as part of a course of**
35 **instruction or in a curriculum or instructional program, or allow**
36 **teachers or other employees of the school corporation or qualified**
37 **school to use supplemental instructional materials that promote the**
38 **following concepts:**

39 (1) **That any sex, race, ethnicity, religion, color, national**
40 **origin, or political affiliation is inherently superior or inferior**
41 **to another sex, race, ethnicity, religion, color, national origin,**
42 **or political affiliation.**



- 1 **(2) That an individual, by virtue of their sex, race, ethnicity,**
 2 **religion, color, national origin, or political affiliation is**
 3 **inherently racist, sexist, or oppressive, whether consciously or**
 4 **unconsciously.**
- 5 **(3) That an individual should be discriminated against or**
 6 **receive adverse treatment solely or partly because of the**
 7 **individual's sex, race, ethnicity, religion, color, national**
 8 **origin, or political affiliation.**
- 9 **(4) That members of any sex, race, ethnicity, religion, color,**
 10 **national origin, or political affiliation should treat others with**
 11 **disrespect due to the other individual's sex, race, ethnicity,**
 12 **religion, color, national origin, or political affiliation.**
- 13 **(5) That an individual's moral character is necessarily**
 14 **determined by the individual's sex, race, ethnicity, religion,**
 15 **color, national origin, or political affiliation.**
- 16 **(6) That an individual, by virtue of the individual's sex, race,**
 17 **ethnicity, religion, color, national origin, or political**
 18 **affiliation, bears responsibility for actions committed in the**
 19 **past by other members of the same sex, race, ethnicity,**
 20 **religion, color, national origin, or political affiliation.**
- 21 **(7) That any individual should feel discomfort, guilt, anguish**
 22 **responsibility, or any other form of psychological distress on**
 23 **account of the individual's sex, race, ethnicity, religion, color,**
 24 **national origin, or political affiliation.**
- 25 **(8) That meritocracy or traits such as hard work ethic are**
 26 **racist or sexist, or were created by members of a particular**
 27 **sex, race, ethnicity, religion, color, national origin, or political**
 28 **affiliation to oppress members of another sex, race, ethnicity,**
 29 **religion, color, national origin, or political affiliation.**
- 30 **(b) If a state agency (as defined in IC 4-13-1.4-2), school**
 31 **corporation, or qualified school or an employee of a state agency,**
 32 **school corporation, or qualified school requires, makes part of a**
 33 **course, awards a grade or course credit, including extra credit, or**
 34 **otherwise incentivizes a student to engage in either:**
- 35 **(1) political activism, lobbying, or efforts to persuade**
 36 **members of the legislative or executive branch at the federal,**
 37 **state, or local level; or**
- 38 **(2) participation in any internship, practicum, or similar**
 39 **activity involving social or public policy advocacy;**
- 40 **the state agency (as defined in IC 4-13-1.4-2), school corporation,**
 41 **or qualified school or the employee of the state agency, school**
 42 **corporation, or qualified school shall not require the student to**



1 adopt, affirm, affiliate, or take any action that would result in
2 favoring any particular position on the issue or issues involved.

3 (c) It is the duty of the state agency, school corporation,
4 qualified school, or the employee of the state agency (as defined in
5 IC 4-13-1.4-2), school corporation, or qualified school to remain
6 impartial in teaching curricular materials or conducting
7 educational activities, including curricular material or activities
8 described in subsections (b)(1) and (b)(2), and to ensure that
9 students are free to express their own beliefs and viewpoints
10 concerning curricular materials and educational activities
11 including courses of activities described in subsection (b)(1) and
12 (b)(2) without discrimination. However, a school corporation or
13 qualified school may establish reasonable time, place, or manner
14 restrictions necessary to prevent the material and substantial
15 disruption of school activities.

16 (d) Nothing in this chapter may be construed so as to exclude the
17 teaching of historical injustices committed against any sex, race,
18 ethnicity, religion, color, national origin, or political affiliation or
19 ideals or values that conflict with the Constitution of the United
20 States.

21 (e) A school corporation or qualified school may not do the
22 following:

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

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

29 (3) Adopt programs or use curricular material, instructional
30 material, curriculum, classroom assignments, orientation,
31 interventions, or counseling that include, incorporate, or are
32 based on practices prohibited under this chapter or
33 IC 20-28-10-20.

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

39 (5) Receive or apply to receive money that requires, as a
40 condition of receipt of the money, the adoption of a course,
41 policy, curriculum, or any other instructional material that
42 includes, incorporates, or is based on practices prohibited



1 under this chapter or IC 20-28-10-20.

2 Sec. 3. (a) The department shall develop a complaint form, in a
3 manner prescribed by the department, to be used by a school
4 employee, parent, or emancipated student to file a complaint with
5 the principal of a qualified school for a violation of IC 20-28-10-20,
6 IC 20-34-3-27, or section 2 of this chapter. The department shall
7 maintain a copy of the complaint form on the department's
8 Internet web site. In addition, each school corporation and
9 qualified school must maintain, and conspicuously display, a link
10 to the complaint form on the school corporation's or qualified
11 school's Internet web site.

12 (b) A school employee, parent, or emancipated student may file
13 a complaint with a principal of a qualified school, alleging a
14 violation of IC 20-28-10-20, IC 20-34-3-27, or section 2 of this
15 chapter. The complaint must be filed within thirty (30) business
16 days of the date the school employee, parent, or emancipated
17 student became aware, or by the exercise of reasonable diligence
18 should have been aware, of the occurrence giving rise to the
19 complaint. The principal shall:

20 (1) investigate the complaint; and

21 (2) respond to the complaint by:

22 (A) acknowledging a violation of IC 20-28-10-20,
23 IC 20-34-3-27, or section 2 of this chapter;

24 (B) denying a violation of IC 20-28-10-20, IC 20-34-3-27, or
25 section 2 of this chapter; or

26 (C) determining that the evidence obtained during the
27 investigation of the complaint was inconclusive;

28 within five (5) business days of receiving the complaint. If the
29 principal acknowledges a violation of IC 20-28-10-20,
30 IC 20-34-3-27, or section 2 of this chapter, the principal shall
31 include a description of how the qualified school will remedy the
32 violation.

33 (c) If a school employee, parent, or emancipated student is not
34 satisfied with the principal's response under subsection (b), the
35 school employee, parent, or emancipated student may submit an
36 appeal of the principal's response to the superintendent of the
37 school corporation, or the equivalent for a qualified school, within
38 ten (10) business days from the date of the principal's initial
39 response. The superintendent, or the equivalent for a qualified
40 school, shall respond to the appeal by:

41 (1) acknowledging a violation of IC 20-28-10-20,
42 IC 20-34-3-27, or section 2 of this chapter;



1 (2) denying a violation of IC 20-28-10-20, IC 20-34-3-27, or
 2 section 2 of this chapter; or

3 (3) determining that the evidence of a violation is
 4 inconclusive;

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

6 (d) A school employee, parent, or emancipated student may
 7 submit a request to review the decision of the superintendent, or
 8 the equivalent for a qualified school, under subsection (c) to the
 9 governing body of the school corporation or the equivalent for a
 10 qualified school. The request to review a decision under subsection
 11 (c) must be submitted to the governing body in a manner
 12 prescribed by the department. The governing body shall review the
 13 request and issue a final order within thirty (30) business days of
 14 receipt of the request which shall be included on the school
 15 corporation's or qualified school's Internet web site. If the
 16 governing body, or the equivalent for a qualified school,
 17 determines that a violation of IC 20-28-10-20, IC 20-34-3-27, or
 18 section 2 of this chapter occurred, the governing body shall provide
 19 a description of the remedy for the violation.

20 Sec. 4. A school employee, parent, or emancipated student may
 21 submit a request to the department to review a governing body's
 22 final order under section 3(d) of this chapter, The department shall
 23 review the request and issue findings within thirty (30) business
 24 days of receipt of the request. If the department determines that a
 25 violation of IC 20-28-10-20, IC 20-34-3-27, or section 2 of this
 26 chapter occurred, the department shall provide a description of the
 27 remedy for the violation which may include the suspension or
 28 revocation of a teacher's license under IC 20-28-5-7.

29 Sec. 5. After receiving the department's decision under section
 30 5 of this chapter, an individual may bring a civil action against a
 31 state agency, school corporation, or qualified school pertaining to
 32 the alleged violation addressed in the final order. A court may
 33 award the following to an individual who prevails under this
 34 subsection:

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

36 (2) Actual damages resulting from the violation.

37 (3) Declaratory or injunctive relief.

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

40 SECTION 21. IC 20-34-3-27 IS ADDED TO THE INDIANA
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2022]: Sec. 27. (a) This section does not apply



1 to transitional services as described in 34 CFR 300.32(b) that are
2 part of a student's individual education program.

3 (b) A licensed psychologist or school psychologist at a qualified
4 school (as defined in IC 20-30-17-3) or an employee of the qualified
5 school may not:

6 (1) provide a student with ongoing or recurring consultation,
7 collaboration, or intervention services for mental,
8 social-emotional, or psychological health issues; or

9 (2) refer a student to community resources for mental,
10 social-emotional, or psychological health services,

11 without obtaining prior written consent in the manner described
12 in subsection (c) from the student's parent, or the student, if the
13 student is emancipated.

14 (c) A consent form provided to a parent of a student or a student
15 under this section must accurately summarize the contents and
16 nature of the services described in subsection (b) that will be
17 provided to the student and indicate that a parent of a student or
18 an adult or emancipated student has the right to review and inspect
19 all materials related to the services to be provided to the student.
20 The written consent form may be sent in an electronic format. The
21 parent of the student or the student, if the student is an adult or an
22 emancipated minor, may return the consent form indicating that
23 the parent of the student or the adult or emancipated student
24 consents to the provision or administration of services to the
25 student. The qualified school (as defined in IC 20-30-17-3) or an
26 employee of the qualified school may not provide services
27 described in subsection (b) to a student if the parent of the student
28 or the emancipated minor or adult student does not provide
29 written consent under this section.

30 (d) The governing body shall give parents and students notice of
31 their rights under this section.

32 (e) The governing body shall enforce this section.

33 (f) A school employee, parent, or emancipated student may file
34 a complaint for a violation under this section using the complaint
35 process described in IC 20-33-1.5-3 and IC 20-33-1.5-4.

36 (g) This section may not be construed to require qualified school
37 (as defined in IC 20-30-17-3) to obtain parental consent to identify
38 a potential health issue of a student or to provide an emergency
39 response in a crisis situation in which an intervention or rapid
40 response service is needed to evaluate or stabilize an immediate,
41 medical, behavioral, or mental health condition, or without which,
42 the student is in immediate danger of experiencing abuse or



- 1 **neglect.**
 2 SECTION 22. IC 21-41-13 IS ADDED TO THE INDIANA CODE
 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2022]:
 5 **Chapter 13. Dignity and Nondiscrimination in Postsecondary**
 6 **Education**
 7 **Sec. 1. (a) A teacher preparation program (as defined in**
 8 **IC 20-28-3-1) shall not promote the following concepts as part of**
 9 **a course of instruction or in a curriculum or instructional**
 10 **program, or allow faculty or other employees of the teacher**
 11 **preparation program to use supplemental instructional materials**
 12 **that promote the following concepts:**
 13 **(1) Any sex, race, ethnicity, religion, color, national origin, or**
 14 **political affiliation is inherently superior or inferior to**
 15 **another sex, race, ethnicity, religion, color, national origin, or**
 16 **political affiliation.**
 17 **(2) That an individual, by virtue of their sex, race, ethnicity,**
 18 **religion, color, national origin, or political affiliation is**
 19 **inherently racist, sexist, or oppressive, whether consciously or**
 20 **unconsciously.**
 21 **(3) That an individual should be discriminated against or**
 22 **receive adverse treatment solely or partly because of the**
 23 **individual's sex, race, ethnicity, religion, color, national**
 24 **origin, or political affiliation.**
 25 **(4) That members of any sex, race, ethnicity, religion, color,**
 26 **national origin, or political affiliation should treat others with**
 27 **disrespect due to the other individual's sex, race, ethnicity,**
 28 **religion, color, national origin, or political affiliation.**
 29 **(5) That an individual's moral character is necessarily**
 30 **determined by the individual's sex, race, ethnicity, religion,**
 31 **color, national origin, or political affiliation.**
 32 **(6) That an individual, by virtue of the individual's sex, race,**
 33 **ethnicity, religion, color, national origin, or political**
 34 **affiliation, bears responsibility for actions committed in the**
 35 **past by other members of the same sex, race, ethnicity,**
 36 **religion, color, national origin, or political affiliation.**
 37 **(7) That any individual should feel discomfort, guilt, anguish**
 38 **responsibility, or any other form of psychological distress on**
 39 **account of the individual's sex, race, ethnicity, religion, color,**
 40 **national origin, or political affiliation.**
 41 **(8) That meritocracy or traits such as hard work ethic are**
 42 **racist or sexist, or were created by members of a particular**



- 1 sex, race, ethnicity, religion, color, national origin, or political
 2 affiliation to oppress members of another sex, race, ethnicity,
 3 religion, color, national origin, or political affiliation.
- 4 (b) An administrator, or any other employee of any state agency
 5 (as defined in IC 4-13-1.4-2), or a teacher preparation program
 6 may not require an employee of the teacher preparation program
 7 to engage in training, orientation, or therapy that presents any
 8 form of racial or sex stereotyping or blame on the basis of sex,
 9 race, ethnicity, religion, color, national origin, or political
 10 affiliation.
- 11 (c) Nothing in this chapter may be construed so as to exclude the
 12 teaching of historical injustices committed by or against any sex,
 13 race, ethnicity, religion, color, national origin, or political
 14 affiliation or ideals or values that conflict with the Constitution of
 15 the United States.
- 16 **Sec. 2. (a) In addition to any relief sought through the Office for
 17 Civil Rights at the United States Department of Education, an
 18 individual may, in the alternative, bring a civil action against a
 19 state educational institution engaged in a violation under this
 20 section.**
- 21 (b) A court may award the following to an individual who
 22 prevails under subsection (a):
- 23 (1) Court costs and reasonable attorney's fees.
 24 (2) Actual damages resulting from the violation.
 25 (3) Declaratory or injunctive relief.
- 26 **Sec. 3. The provisions of this chapter are severable as provided
 27 in IC 1-1-1-8(b).**
- 28 SECTION 23. IC 24-4-16.4-2, AS ADDED BY P.L.92-2008,
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2022]: Sec. 2. (a) As used in this chapter, "sexually explicit
 31 materials" means a product or service:
- 32 (1) that is harmful to minors (as described in IC 35-49-2-2), even
 33 if the product or service is not intended to be used by or offered
 34 to a minor; or
 35 (2) that is designed for use in, marketed primarily for, or provides
 36 for:
- 37 (A) the stimulation of the human genital organs; or
 38 (B) masochism or a masochistic experience, sadism or a
 39 sadistic experience, sexual bondage, or sexual domination.
- 40 (b) The term does not include:
- 41 (1) birth control or contraceptive devices; or
 42 (2) services, programs, products, or materials provided by a:



- 1 (A) communications service provider (as defined in
- 2 IC 8-1-32.6-3); or
- 3 (B) physician. or
- 4 ~~(C) public or nonpublic school.~~

5 SECTION 24. IC 35-49-3-4, AS AMENDED BY P.L.266-2019,
 6 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2022]: Sec. 4. (a) It is a defense to a prosecution under section
 8 3 of this chapter for the defendant to show:

- 9 (1) that the matter was disseminated or that the performance was
- 10 performed for legitimate scientific or educational purposes;
- 11 (2) that the matter was disseminated or displayed to or that the
- 12 performance was performed before the recipient by a bona fide
- 13 school, college, university, museum, college library, or public
- 14 library that qualifies for certain property tax exemptions under
- 15 ~~IC 6-1.1-10~~, university library or by an employee of such a
- 16 school, college, university, museum, college library, or public
- 17 library university library acting within the scope of the
- 18 employee's employment;
- 19 (3) that the defendant had reasonable cause to believe that the
- 20 minor involved was eighteen (18) years of age or older and that
- 21 the minor exhibited to the defendant a draft card, driver's license,
- 22 birth certificate, or other official or apparently official document
- 23 purporting to establish that the minor was eighteen (18) years of
- 24 age or older; or
- 25 (4) that the defendant was a salesclerk, motion picture
- 26 projectionist, usher, or ticket taker, acting within the scope of the
- 27 defendant's employment and that the defendant had no financial
- 28 interest in the place where the defendant was so employed.

29 (b) Except as provided in subsection (c), it is a defense to a
 30 prosecution under section 3 of this chapter if all the following apply:

- 31 (1) A cellular telephone, another wireless or cellular
- 32 communications device, or a social networking web site was used
- 33 to disseminate matter to a minor that is harmful to minors.
- 34 (2) The defendant is not more than four (4) years older or younger
- 35 than the person who received the matter that is harmful to minors.
- 36 (3) The relationship between the defendant and the person who
- 37 received the matter that is harmful to minors was a dating
- 38 relationship or an ongoing personal relationship. For purposes of
- 39 this subdivision, the term "ongoing personal relationship" does
- 40 not include a family relationship.
- 41 (4) The crime was committed by a person less than twenty-two
- 42 (22) years of age.



- 1 (5) The person receiving the matter expressly or implicitly
 2 acquiesced in the defendant's conduct.
- 3 (c) The defense to a prosecution described in subsection (b) does
 4 not apply if:
- 5 (1) the image is disseminated to a person other than the person:
 6 (A) who sent the image; or
 7 (B) who is depicted in the image; or
- 8 (2) the dissemination of the image violates:
 9 (A) a protective order to prevent domestic or family violence
 10 or harassment issued under IC 34-26-5 (or, if the order
 11 involved a family or household member, under IC 34-26-2 or
 12 IC 34-4-5.1-5 before their repeal);
 13 (B) an ex parte protective order issued under IC 34-26-5 (or,
 14 if the order involved a family or household member, an
 15 emergency order issued under IC 34-26-2 or IC 34-4-5.1
 16 before their repeal);
 17 (C) a workplace violence restraining order issued under
 18 IC 34-26-6;
 19 (D) a no contact order in a dispositional decree issued under
 20 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
 21 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
 22 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
 23 repeal) that orders the person to refrain from direct or indirect
 24 contact with a child in need of services or a delinquent child;
 25 (E) a no contact order issued as a condition of pretrial release,
 26 including release on bail or personal recognizance, or pretrial
 27 diversion, and including a no contact order issued under
 28 IC 35-33-8-3.6;
 29 (F) a no contact order issued as a condition of probation;
 30 (G) a protective order to prevent domestic or family violence
 31 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2
 32 before their repeal);
 33 (H) a protective order to prevent domestic or family violence
 34 issued under IC 31-14-16-1 in a paternity action;
 35 (I) a no contact order issued under IC 31-34-25 in a child in
 36 need of services proceeding or under IC 31-37-25 in a juvenile
 37 delinquency proceeding;
 38 (J) an order issued in another state that is substantially similar
 39 to an order described in clauses (A) through (I);
 40 (K) an order that is substantially similar to an order described
 41 in clauses (A) through (I) and is issued by an Indian:
 42 (i) tribe;



- 1 (ii) band;
2 (iii) pueblo;
3 (iv) nation; or
4 (v) organized group or community, including an Alaska
5 Native village or regional or village corporation as defined
6 in or established under the Alaska Native Claims Settlement
7 Act (43 U.S.C. 1601 et seq.);
8 that is recognized as eligible for the special programs and
9 services provided by the United States to Indians because of
10 their special status as Indians;
11 (L) an order issued under IC 35-33-8-3.2; or
12 (M) an order issued under IC 35-38-1-30.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1134, 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 9, delete lines 32 through 34, begin a new line block indented and insert:

"(29) Records that are available for inspection to an individual who:

(A) has access to an operable curriculum portal that meets the requirements described in IC 20-30-17-4; or

(B) is provided access to an operable curriculum portal that meets the requirements described in IC 20-30-17-4, in lieu of allowing the person to inspect and copy the public record under section 3 of this chapter."

Page 10, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 3. IC 20-23-18-3, AS AMENDED BY P.L.147-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c), the Muncie Community School Corporation is subject to all applicable federal and state laws.

(b) If a provision of this chapter conflicts with any other law, including IC 20-23-4, the provision in this chapter controls.

(c) Notwithstanding subsection (a), to provide all administrative and academic flexibility to implement innovative strategies, the Muncie Community School Corporation is subject only to the following IC 20 and IC 22 provisions:

(1) IC 20-26-5-10 (criminal history).

(2) IC 20-26-12.5 (curricular materials advisory committee).

(3) IC 20-26-21 (personal analysis, evaluations, or surveys by third party vendors).

~~(4)~~ **(4) IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).**

~~(5)~~ **(5) IC 20-28-10-17 (school counselor immunity).**

(6) IC 20-28-10-20 (prohibited tenets).

~~(7)~~ **(7) IC 20-29 (collective bargaining) to the extent required by subsection (e).**

~~(8)~~ **(8) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).**

~~(9)~~ **(9) The following:**



(A) IC 20-30-5-0.5 (display of the United States flag; Pledge of Allegiance).

(B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the constitutions of Indiana and the United States; writings, documents, and records of American history or heritage).

(C) IC 20-30-5-4 (system of government; American history).

(D) IC 20-30-5-5 (morals instruction).

(E) IC 20-30-5-6 (good citizenship instruction).

(10) IC 20-30-17 (curriculum portals).

~~(7)~~ **(11)** IC 20-32-4, concerning graduation requirements.

~~(8)~~ **(12)** IC 20-32-5.1, concerning the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.

~~(9)~~ **(13)** IC 20-32-8.5 (IRead3).

(14) IC 20-33-1.5 (dignity and nondiscrimination in education).

~~(10)~~ **(15)** IC 20-33-2 (compulsory school attendance).

~~(11)~~ **(16)** IC 20-33-8-16 (firearms and deadly weapons).

~~(12)~~ **(17)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

~~(13)~~ **(18)** IC 20-33-7 (parental access to education records).

~~(14)~~ **(19)** IC 20-33-9 (reporting of student violations of law).

~~(15)~~ **(20)** IC 20-34-3 (health and safety measures).

~~(16)~~ **(21)** IC 20-35 (concerning special education).

~~(17)~~ **(22)** IC 20-39 (accounting and financial reporting procedures).

~~(18)~~ **(23)** IC 20-40 (government funds and accounts).

~~(19)~~ **(24)** IC 20-41 (extracurricular funds and accounts).

~~(20)~~ **(25)** IC 20-42 (fiduciary funds and accounts).

~~(21)~~ **(26)** IC 20-42.5 (allocation of expenditures to student instruction and learning).

~~(22)~~ **(27)** IC 20-43 (state tuition support).

~~(23)~~ **(28)** IC 20-44 (property tax levies).

~~(24)~~ **(29)** IC 20-46 (levies other than general fund levies).

~~(25)~~ **(30)** IC 20-47 (related entities; holding companies; lease agreements).

~~(26)~~ **(31)** IC 20-48 (borrowing and bonds).

~~(27)~~ **(32)** IC 20-49 (state management of common school funds; state advances and loans).

~~(28)~~ **(33)** IC 20-50 (concerning homeless children and foster care children).

~~(29)~~ **(34)** IC 22-2-18, before its expiration on June 30, 2021 (limitation on employment of minors).



(d) The Muncie Community School Corporation is subject to required audits by the state board of accounts under IC 5-11-1-9.

(e) Except to the extent required under a collective bargaining agreement entered into before July 1, 2018, the Muncie Community School Corporation is not subject to IC 20-29 unless the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2. If the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2, the school corporation may authorize a school within the corporation to opt out of bargaining allowable subjects or discussing discussion items by specifying the excluded items on the notice required under IC 20-29-5-2(b). The notice must be provided to the education employment relations board at the time the notice is posted."

Page 12, line 21, delete "lesson plan or".

Page 13, line 5, delete "review" and insert "**review, at its discretion,**".

Page 13, delete lines 18 through 25, begin a new paragraph and insert:

"Sec. 4. (a) The curricular materials advisory committee shall be comprised according to the following parameters:

(1) Except as provided in subdivision (3), sixty percent (60%) parents of students within the school corporation. However, not more than fifty percent (50%) of the parents of students may be employees of the school corporation.

(2) Except as provided in subdivision (3), forty percent (40%) teachers, administrators, or members of the community. However, not more than fifty percent (50%) of the teachers, administrators, or community members that comprise the forty percent (40%) may be administrators.

(3) Not more than fifty percent (50%) of the members described in subdivisions (1) and (2) may be employees of the school corporation."

Page 13, line 27, after "committee." insert "**Members appointed under subsection (a) shall serve a four (4) year term. The governing body may fill a vacancy on the committee with a member who will serve a four (4) year term.**".

Page 13, line 29, delete "attempt" and insert "**make a reasonable effort**".

Page 14, line 3, delete "Except as otherwise provided by law, the" and insert "**The**".

Page 14, line 7, delete "committee." and insert "**committee, unless otherwise provided by law.**



Sec. 6. The governing body may accept, reject, or otherwise modify a recommendation made by the committee."

Page 14, line 8, delete "6." and insert "7."

Page 15, line 39, delete "licenced" and insert "**licensed**".

Page 15, line 40, delete "for a violation of" and insert "**if the individual willfully or wantonly violates**".

Page 16, line 6, delete "acting in an official capacity".

Page 16, delete lines 21 through 24, begin a new line block indented and insert:

"(4) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should treat others with disrespect due to the other individual's sex, race, ethnicity, religion, color, national origin, or political affiliation."

Page 17, line 3, after "that" insert "**violates subsection (a)(1) through (a)(8)**".

Page 17, delete lines 4 through 6.

Page 17, between lines 10 and 11, begin a new paragraph and insert:
"SECTION 11. IC 20-30-5-6, AS AMENDED BY P.L.246-2005, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) This section applies only to public schools.

(b) As used in this section, "good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:

- (1) Being honest and truthful.
- (2) Respecting authority.
- (3) Respecting the property of others.
- (4) Always doing the student's personal best.
- (5) Not stealing.
- (6) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
- (7) Taking personal responsibility for obligations to family and community.
- (8) Taking personal responsibility for earning a livelihood.
- (9) Treating others the way the student would want to be treated.
- (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
- (11) Respecting the student's parents and home.
- (12) Respecting the student's self.
- (13) Respecting the rights of others to have their own views and religious beliefs.



(14) The ideals and values expressed or enumerated in the Constitution of the United States compared to forms of government that conflict with and are incompatible with the principles of western political thought upon which the United States was founded.

(15) Individual rights, freedoms, and political suffrage.

(16) The economic and political institutions which have best contributed toward human advancement, prosperity, scientific inquiry, and well-being.

(c) The department shall:

(1) identify; and

(2) make available;

models of conflict resolution instruction to school corporations. The instruction may consist of a teacher education program that applies the techniques to the students in the classroom to assist school corporations in complying with this section."

Page 20, line 2, delete "laboratory" and insert "**qualified school (as defined in IC 20-30-17-3)**".

Page 20, line 3, delete "school established under IC 20-24.5-2,".

Page 21, line 18, delete "qualified" and insert "**qualified**".

Page 22, line 27, after "(b)" delete "Not" and insert "**Except as otherwise provided in section 8 of this chapter, not**".

Page 22, line 36, delete "qualified" and insert "**qualified**".

Page 24, between lines 3 and 4, begin a new paragraph and insert:

"Sec. 8. A qualified school at which parents of enrolled students or emancipated students have access to an electronic or virtual school platform that provides access to all curriculum and educational activities for the applicable student to the parent and an individual involved in the student's education who is designated by the parent (not to exceed four (4) individuals) satisfies the requirements described in section 4(b) of this chapter."

Page 25, line 17, delete "include or".

Page 25, line 20, delete ", acting in their official capacity,".

Page 25, line 21, delete "include or".

Page 25, delete lines 35 through 38, begin a new line block indented and insert:

"(4) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should treat others with disrespect due to the other individual's sex, race, ethnicity, religion, color, national origin, or political affiliation."

Page 27, line 2, delete "affiliation." and insert "**affiliation or ideals or values that conflict with the Constitution of the United States.**".



Page 27, line 39, after "chapter." insert **"The complaint must be filed within thirty (30) business days of the date the school employee, parent, or emancipated student became aware, or by the exercise of reasonable diligence should have been aware, of the occurrence giving rise to the complaint."**

Page 28, line 6, after "(5)" insert **"business"**.

Page 28, line 32, after "(30)" insert **"business"**.

Page 28, line 42, after "(30)" insert **"business"**.

Page 29, line 19, after "(a)" insert **"This section does not apply to transitional services as described in 34 CFR 300.32(b) that are part of a student's individual education program.**

(b)".

Page 29, line 19, after "A" insert **"licensed psychologist or school psychologist at a"**.

Page 29, line 20, after "IC 20-30-17-3)" insert **"or an employee of the qualified school"**.

Page 29, line 27, delete "(b)" and insert **"(c)"**.

Page 29, line 29, delete "(b)" and insert **"(c)"**.

Page 29, line 31, delete "(a)" and insert **"(b)"**.

Page 29, line 40, after "IC 20-30-17-3)" insert **"or an employee of the qualified school"**.

Page 29, line 41, delete "(a)" and insert **"(b)"**.

Page 30, line 2, delete "(c)" and insert **"(d)"**.

Page 30, line 4, delete "(d)" and insert **"(e)"**.

Page 30, line 5, delete "(e)" and insert **"(f)"**.

Page 30, line 8, delete "(f)" and insert **"(g)"**.

Page 30, line 11, delete "situation." and insert **"situation in which an intervention or rapid response service is needed to evaluate or stabilize an immediate, medical, behavioral, or mental health condition, or without which, the student is in immediate danger of experiencing abuse or neglect."**

Page 30, line 18, delete "include or".

Page 30, line 21, delete ", acting in their official capacity,".

Page 30, line 22, delete "include or".

Page 30, delete lines 36 through 39, begin a new line block indented and insert:

"(4) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should treat others with disrespect due to the other individual's sex, race, ethnicity, religion, color, national origin, or political affiliation."

Page 31, line 24, after "political" insert **"affiliation or ideals or values that conflict with the Constitution of the United States."**



Page 31, delete line 25.
Renumber all SECTIONS consecutively.
and when so amended that said bill do pass.

(Reference is to HB 1134 as introduced.)

BEHNING

Committee Vote: yeas 8, nays 5.

