

# HOUSE BILL No. 1228

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-30-5-17; IC 20-33-1.5; IC 21-41-13.

**Synopsis:** Education matters. Provides that a teacher, administrator, or other employee of a school corporation or charter school shall not require or make part of a course certain concepts related to race or sex. Provides that a student enrolled at a state educational institution shall not be required to engage in any form of mandatory gender or sexual diversity training or counseling. Provides that any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex is prohibited. Provides that a student shall not be required to participate in a personal analysis, an evaluation, or a survey that is established or administered by: (1) a school corporation; (2) a school; (3) the department of education (department); or (4) a third party vendor of a school corporation, a school, or the department; without the prior consent of the student if the student is an adult or an emancipated minor or the prior written consent of the student's parent if the student is an unemancipated minor. (Current law provides that a student shall not be required to participate in a personal analysis, an evaluation, or a survey that is not directly related to academic instruction and that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings concerning certain matters without the prior consent of the student if the student is an adult or an emancipated minor or the prior written consent of the student's parent if the student is an unemancipated minor.) Establishes certain requirements for a personal analysis, evaluation, or survey collected by or shared with a third party vendor.

**Effective:** Upon passage; July 1, 2022.

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**Lindauer**

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

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Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

## HOUSE BILL No. 1228

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 20-30-5-17, AS AMENDED BY P.L.154-2018,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2022]: Sec. 17. (a) Each school corporation shall make  
4 available for inspection by the parent of a student any instructional  
5 materials, including teachers' manuals, curricular materials, films or  
6 other video materials, tapes, and other materials, used in connection  
7 with:  
8 (1) a personal analysis, an evaluation, or a survey described in  
9 subsection (b); or  
10 (2) instruction on human sexuality.  
11 (b) **This subsection does not apply to an academic test or**  
12 **assessment.** A student shall not be required to participate in a personal  
13 analysis, an evaluation, or a survey that is ~~not directly related to~~  
14 ~~academic instruction and that reveals or attempts to affect the student's~~  
15 ~~attitudes, habits, traits, opinions, beliefs, or feelings concerning:~~  
16 (1) ~~political affiliations;~~  
17 (2) ~~religious beliefs or practices;~~



- (3) mental or psychological conditions that may embarrass the student or the student's family;
- (4) sexual behavior or attitudes;
- (5) illegal, antisocial, self-incriminating, or demeaning behavior;
- (6) critical appraisals of other individuals with whom the student has a close family relationship;
- (7) legally recognized privileged or confidential relationships, including a relationship with a lawyer, minister, or physician; or
- (8) income (except as required by law to determine eligibility for participation in a program or for receiving financial assistance under a program);

established or administered by:

- (1) a school corporation;
- (2) a school;
- (3) the department; or
- (4) a third party vendor of a school corporation, a school, or the department;

without the prior consent of the student if the student is an adult or an emancipated minor or the prior written consent of the student's parent if the student is an unemancipated minor. A parental consent form for a personal analysis, an evaluation, or a survey described in this subsection shall accurately reflect the contents and nature of the personal analysis, evaluation, or survey. **The consent form must indicate whether information collected by the personal analysis, evaluation, or survey will be collected or shared with a third party vendor of a school corporation, a school, or the department.**

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

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

If a student does not participate in the instruction on human sexuality,



the school shall provide the student with alternative academic instruction during the same time frame that the instruction on human sexuality is provided.

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

(1) consents to the instruction; or

(2) declines instruction.

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

**(e) In the event the department, school corporation, or school enters into a contract or an agreement with a third party vendor to:**

**(1) collect or share information of a personal analysis, evaluation, or survey under subsection (b); or**

**(2) provide software or software tools that can be used for data collection, analysis, or evaluation of a student;**

**the terms of the contract or agreement must be available for inspection on the department's, school corporation's, or school's Internet web site. A school corporation, school, or the department may not authorize a third party vendor to act in the same capacity as a school official for purposes of collecting a student's personal identifiable information. Any contract or agreement entered into under this section with a third party vendor shall include data privacy and protection requirements to protect student information including that any information collected by the third party vendor is subject to 20 U.S.C. 1232h (protection of pupil**



rights) and access to any student information must be limited to an employee of the department, school corporation, or school that is a party to the contract, unless otherwise authorized by the student's parent if the student is an unemancipated minor or the student if the student is an adult or an emancipated minor.

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

(g) The governing body shall enforce this section.

SECTION 2. IC 20-33-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

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

**Sec. 1. In accordance with IC 20-33-1-1, a teacher, administrator, or other employee of a school corporation or charter school, shall not require or include the following concepts in a course:**

(1) That a particular race or sex is inherently superior to another race or sex.

(2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.

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

(4) Members of a particular race or sex cannot and should not attempt to treat others without respect based on race or sex.

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

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

(7) Any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of the individual's race or sex.

(8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.

**Sec. 2. The state board shall adopt rules under IC 4-22-2 necessary to implement this chapter.**

SECTION 3. IC 21-41-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:



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

**Sec. 1. (a) A student enrolled at a state educational institution shall not be required to engage in any form of mandatory gender or sexual diversity training or counseling. However, voluntary counseling is not prohibited. Any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex is prohibited.**

**(b) The commission shall adopt rules under IC 4-22-2 necessary to implement this section.**

**SECTION 4. An emergency is declared for this act.**

