

SENATE BILL No. 167

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-14; IC 20-26; IC 20-28; IC 20-30; IC 20-31; IC 20-33-1.5; IC 20-34-3-27; IC 21-41-13; IC 24-4-16.4-2; IC 35-49-3-4.

Synopsis: Education matters. Defines a "qualified school". Requires each qualified school to post 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. Requires the governing body to create educational activities and curricular materials review, discussion, and recommendation procedures for the committee. 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 include or promote certain concepts as part of a course of instruction or in a curriculum or direct or otherwise compel a school employee or

(Continued next page)

Effective: July 1, 2022.

Baldwin, Raatz, Holdman

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



student to adhere to certain tenets relating to the individual's sex, race, 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 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.



Introduced

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

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

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

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

SENATE BILL No. 167

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.



- 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 has access to an operable curriculum portal that meets**
- 34 **the requirements described in IC 20-30-17-4.**
- 35 (c) Nothing contained in subsection (b) shall limit or affect the right
- 36 of a person to inspect and copy a public record required or directed to
- 37 be made by any statute or by any rule of a public agency.
- 38 (d) Notwithstanding any other law, a public record that is classified
- 39 as confidential, other than a record concerning an adoption or patient
- 40 medical records, shall be made available for inspection and copying
- 41 seventy-five (75) years after the creation of that record.
- 42 (e) Only the content of a public record may form the basis for the



1 adoption by any public agency of a rule or procedure creating an
2 exception from disclosure under this section.

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

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

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

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

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

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

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

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

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

26 (4) The number of complaints received about each of the
27 following:

28 (A) State agencies.

29 (B) County agencies.

30 (C) City agencies.

31 (D) Town agencies.

32 (E) Township agencies.

33 (F) School corporations, **disaggregated by each school**
34 **corporation.**

35 (G) Other local agencies.

36 (5) The number of complaints received concerning each of the
37 following:

38 (A) Public records.

39 (B) Public meetings.

40 (6) The total number of written advisory opinions issued and
41 pending.

42 SECTION 3. IC 20-26-12-2, AS AMENDED BY P.L.233-2015,



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

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

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

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

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

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

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

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

19 SECTION 4. IC 20-26-12-24, AS AMENDED BY P.L.216-2021,
 20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2022]: Sec. 24. (a) The ~~superintendent~~, ~~after approval from~~
 22 ~~the~~ governing body, shall establish procedures for adoption of
 23 curricular materials.

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

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

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

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

41 ~~(f)~~ (e) A governing body may not purchase curricular materials from
 42 a publisher unless the publisher agrees, in accordance with Sections



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

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

8 SECTION 5. IC 20-26-12.5 IS ADDED TO THE INDIANA CODE
 9 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2022]:

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

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

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

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

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

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

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

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

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



1 (b) A governing body shall establish procedures for the
2 curricular materials advisory committee to:

- 3 (1) have access to all curricular materials and educational
4 activities;
5 (2) review curricular materials and educational activities;
6 (3) make recommendations regarding curricular materials
7 and educational activities to the governing body; and
8 (4) present recommendations regarding curricular materials
9 and educational activities at a public hearing of the governing
10 body.

11 (c) A governing body shall post on the school's Internet web site
12 the proposed procedures created in subsections (a) and (b). At least
13 thirty (30) days after the posting of the proposed procedures on the
14 Internet web site, the governing body shall hold a public meeting,
15 at which public comment is heard, to explain the proposed
16 procedures. The governing body may then approve, disapprove, or
17 amend the proposed procedures.

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

- 20 (1) At least forty percent (40%) parents of students within the
21 school corporation.
22 (2) At least forty percent (40%) teachers and administrators.
23 (3) The remainder of the positions comprised of interested
24 community members who are not employed by the school
25 corporation.

26 (b) Only candidates approved by a majority of members of the
27 governing body may serve on the committee.

28 (c) In recommending and considering candidates, the governing
29 body shall attempt to ensure that the committee is representative
30 of a broad range of community interests as determined by the
31 governing body.

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

35 (e) The committee chairperson may create subcommittees to
36 review curricular material subject matters. Subcommittees may
37 recommend curricular materials to the committee for
38 consideration. A subcommittee must be comprised according to the
39 parameters set forth in subsection (a).

40 Sec. 5. (a) The curricular materials advisory committee shall
41 review and evaluate the school corporation's curricular materials
42 and educational activities to ensure that the materials and activities



1 are representative of the community's interests and aligned with
2 Indiana academic standards.

3 (b) Except as otherwise provided by law, the committee may
4 recommend to the governing body that parents of students enrolled
5 in the school corporation may be allowed to opt out of or opt in to
6 curricular materials and educational activities identified by the
7 committee.

8 **Sec. 6. A curricular materials advisory committee shall:**
9 (1) meet at least two (2) times annually on dates and times
10 established by the chairperson of the committee; and
11 (2) hold at least two (2) public meetings annually, at which
12 public comment is heard, to discuss the committee's review
13 process and findings with the public.

14 SECTION 6. IC 20-26-21 IS ADDED TO THE INDIANA CODE
15 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2022]:

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

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

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

23 (b) If a school corporation or qualified school uses a third party
24 vendor in providing a personal analysis, evaluation, or survey that
25 reveals, identifies, collects, maintains or attempts to affect a
26 student's attitudes, habits, traits, opinions, beliefs, or feelings, the
27 third party vendor and the school corporation or qualified school
28 may not record, collect, or maintain the responses to or results of
29 the analysis, evaluation, or survey in a manner that would identify
30 the responses or results of an individual student.

31 **Sec. 3. (a) A school employee, parent, or emancipated student**
32 **may file a complaint for a violation under this chapter using the**
33 **complaint process described in IC 20-33-1.5-3 and IC 20-33-1.5-4.**

34 (b) After receiving the department's decision under
35 IC 20-33-1.5-5, an individual may bring a civil action against a
36 state agency, school corporation, or qualified school pertaining to
37 the alleged violation addressed in the final order. A court may
38 award the following to an individual who prevails under this
39 subsection:

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



1 SECTION 7. IC 20-28-3-3, AS AMENDED BY P.L.220-2015,
 2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2022]: Sec. 3. (a) The department shall develop guidelines for
 4 use by accredited teacher education institutions and departments in
 5 preparing individuals to:

- 6 (1) teach in various environments; and
 7 (2) successfully apply positive classroom behavioral management
 8 strategies and research based alternatives to exclusionary
 9 discipline in a manner that serves the diverse learning needs of all
 10 students.

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

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

16 SECTION 8. IC 20-28-3-3.5, AS AMENDED BY P.L.92-2020,
 17 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2022]: Sec. 3.5. (a) The guidelines developed under section
 19 3 of this chapter must incorporate methods that assist individuals in
 20 developing competency in employing approaches to create positive
 21 classroom and school climates that are culturally responsive, including:

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

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

30 SECTION 9. IC 20-28-10-20 IS ADDED TO THE INDIANA
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2022]: **Sec. 20. (a) In accordance with
 33 IC 20-33-1-6, a state agency (as defined in IC 4-13-1.4-2), school
 34 corporation, or qualified school (as defined in IC 20-30-17-3) or an
 35 employee of the state agency, school corporation, or qualified
 36 school acting in an official capacity shall not direct or otherwise
 37 compel a school employee to affirm, adopt, or adhere to any of the
 38 following tenets:**

- 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 not attempt to**
 11 **treat others without respect to sex, race, ethnicity, religion,**
 12 **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 **or any other form of psychological distress on account of the**
 23 **individual's sex, race, ethnicity, religion, color, national**
 24 **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) A teacher, an administrator, a governing body, or any other**
 31 **employee of any state agency, school corporation, or qualified**
 32 **school may not require an employee of a school corporation or**
 33 **qualified school to engage in training, orientation, or therapy that**
 34 **presents any form of racial or sex stereotyping or blame on the**
 35 **basis of sex, race, ethnicity, religion, color, national origin, or**
 36 **political affiliation.**
- 37 **(c) A school employee may file a complaint using the complaint**
 38 **process described in IC 20-33-1.5-3 and IC 20-33-1.5-4.**
- 39 **(d) The provisions of this section are severable as provided in**
 40 **IC 1-1-1-8(b).**
- 41 SECTION 10. IC 20-30-5-7.3, AS ADDED BY P.L.39-2021,
 42 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 7.3. (a) Beginning with students entering grade 6
 2 in the 2023-2024 school year, each school corporation, charter school,
 3 and state accredited nonpublic school shall require each student of the
 4 school corporation, charter school, or state accredited nonpublic school
 5 to successfully complete in grade 6, 7, or 8 one (1) semester of a civics
 6 education course.

7 **(b) All civics education courses must abide by requirements**
 8 **described in IC 20-33-1.5.**

9 SECTION 11. IC 20-30-5-14, AS AMENDED BY P.L.76-2020,
 10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2022]: Sec. 14. (a) As used in this section, "Indiana career
 12 explorer program and standards" refers to the:

- 13 (1) software or Internet based system approved by the department
 14 of workforce development; and
- 15 (2) standards established by the department of workforce
 16 development that are aligned to interdisciplinary employability
 17 skills standards prescribed in subsection (c);

18 that provides students with career and college planning resources.

19 (b) To:

- 20 (1) educate students on the importance of their future career
 21 choices;
- 22 (2) prepare students for the realities inherent in the work
 23 environment; and
- 24 (3) instill in students work values that will enable them to succeed
 25 in their respective careers;

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

30 (c) Each school within a school corporation shall include
 31 interdisciplinary employability skills standards established by the
 32 department, in conjunction with the department of workforce
 33 development, and approved by the state board in the school's
 34 curriculum.

35 (d) Each school shall:

- 36 (1) integrate within the curriculum instruction that is; or
- 37 (2) conduct activities or special events periodically that are;

38 designed to foster overall career awareness and career development as
 39 described in subsection (b).

40 (e) The department shall develop career awareness and career
 41 development models as described in subsection (f) to assist schools in
 42 complying with this section.



1 (f) The models described in this subsection must be developed in
2 accordance with the following:

3 (1) For grades 1 through 5, career awareness models to introduce
4 students to work values and basic employment concepts.

5 (2) For grades 6 through 8, initial career information models that
6 focus on career choices as they relate to student interest and skills.

7 (3) For grades 9 through 12, career exploration models that offer
8 students insight into future employment options and career
9 preparation models that provide job or further education
10 counseling, including the following:

11 (A) Initial job counseling, including the use of job service
12 officers to provide school based assessment, information, and
13 guidance on employment options and the rights of students as
14 employees.

15 (B) Workplace orientation visits.

16 (C) On-the-job experience exercises.

17 (g) The department, with assistance from the department of labor
18 and the department of workforce development, shall:

19 (1) develop and make available teacher guides; and

20 (2) conduct seminars or other teacher education activities;

21 to assist teachers in providing the instruction described in this section.

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

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

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

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

30 (B) an alternative Internet based system and standards that
31 provide students with career and college planning resources
32 that have been approved by the state board under subsection
33 (j); and

34 (2) except as provided in subdivision (1), may include in the
35 school's curriculum state developed career standards for all
36 students in any grade level that include instruction in and use of
37 the program and standards or system and standards described in
38 subdivision (1)(A) or (1)(B).

39 (j) A school corporation or charter school may submit a request to
40 the state board to approve an alternative Internet based system and
41 standards that provide students with career and college planning
42 resources. The state board, in consultation with the department and the



1 department of workforce development, may approve an alternative
 2 system and standards if the state board determines that the alternative
 3 system:

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

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

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

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

30 SECTION 12. IC 20-30-5-17, AS AMENDED BY P.L.154-2018,
 31 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2022]: Sec. 17. (a) Each school corporation **or laboratory**
 33 **school established under IC 20-24.5-2**, shall make available for
 34 inspection by the parent of a student any instructional materials,
 35 including teachers' manuals, curricular materials, films or other video
 36 materials, tapes, and other materials, used in connection with:

- 37 (1) a personal analysis, an evaluation, or a survey described in
 38 subsection (b); or
- 39 (2) instruction on human sexuality.

40 (b) A student shall not be required to participate in a personal
 41 analysis, an evaluation, or a survey ~~that is not directly related to~~
 42 ~~academic instruction and~~ that reveals or attempts to affect the student's



attitudes, habits, traits, opinions, beliefs, or feelings concerning:

- (1) political affiliations;
- (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);

without the prior **written** 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. **The consent requirements described in this subsection may be fulfilled by utilizing a functionality on the school's Internet web site in the manner described in IC 20-30-17-4(e).** 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.

(c) Before a **qualified school (as defined in IC 20-30-17-3)** 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 **qualified school (as defined in IC 20-30-17-3)** shall provide the student with alternative academic instruction during the same time



1 frame that the instruction on human sexuality is provided.

2 (d) If the parent of the student or the student, if the student is an
3 adult or an emancipated minor, does not respond to the written request
4 provided by the school under subsection (c) within twenty-one (21)
5 calendar days after receiving the request under subsection (c), the
6 **qualified school (as defined in IC 20-30-17-3)** shall provide the parent
7 of the student, or the student, if the student is an adult or an
8 emancipated minor, a written notice requesting that the parent of the
9 student, or the student, if the student is an adult or an emancipated
10 minor, indicate, in a manner prescribed by the **qualified school (as**
11 **defined in IC 20-30-17-3)**, whether the parent of the student or the
12 adult or emancipated student:

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

15 A notice provided to a parent of a student or a student under this
16 subsection must accurately summarize the contents and nature of the
17 instruction on human sexuality that will be provided to the student and
18 indicate that a parent of a student or an adult or emancipated minor
19 student has the right to review and inspect all materials related to the
20 instruction on human sexuality. The notice may be sent in an electronic
21 format. If the **qualified school (as defined in IC 20-30-17-3)** does not
22 receive a response within ten (10) days after the notice, the student will
23 receive the instruction on human sexuality unless the parent or the
24 adult or emancipated student subsequently opts out of the instruction
25 for the student.

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

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

29 SECTION 13. IC 20-30-17 IS ADDED TO THE INDIANA CODE
30 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2022]:

32 **Chapter 17. Curriculum Portals**

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

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

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

- 39 (1) **A school maintained by a school corporation.**
40 (2) **A charter school.**
41 (3) **A laboratory school established under IC 20-24.5-2.**
42 (4) **The Indiana School for the Blind and Visually Impaired**



1 established by IC 20-21-2-1.

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

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

7 (1) a student in a course or class for which the student
8 receives credit;

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

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

15 (b) Not later than June 30, 2023, and not later than June 30 each
16 year thereafter, each qualified school shall post on the qualified
17 school's Internet web site, in a manner accessible to parents of
18 students who are attending the school, all electronic curricular
19 materials and a summary of educational activities. In addition, the
20 Internet web site shall list all nonelectronic curricular materials
21 and provide instruction for a parent to review the nonelectronic
22 curricular materials. Each qualified school shall allow a parent to
23 visit a school during normal business hours in a manner prescribed
24 by the qualified school to inspect nonelectronic curricular
25 materials. The curricular materials and educational activities
26 must, at a minimum, be disaggregated by grade level, teacher, and
27 subject area.

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

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

31 (2) for nonelectronic curricular matters, made available at the
32 qualified school;

33 as far in advance of the use of the curricular materials in the
34 classroom as is practicable. Curricular materials that are not
35 posted to the qualified school's Internet web site in advance of the
36 use of the materials in the classroom must be either posted on the
37 Internet web site or made available for inspection at the qualified
38 school not later than five (5) days after the use of the materials in
39 the classroom.

40 (d) A summary of the educational activities described in
41 subsection (a) shall be posted on the qualified school's Internet web
42 site as far in advance of the use of the activity in the classroom as



1 is practicable. In the event that a qualified school is unable to post
 2 the summary of the educational activity to the qualified school's
 3 Internet web site in advance of the use of the activity in the
 4 classroom, the summary of the educational activity must be posted
 5 on the qualified school's Internet web site not later than five (5)
 6 days after the use of the activity in the classroom.

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

12 **Sec. 5.** A student who has opted out of curricular materials or
 13 educational activities under section 4(e) of this chapter must
 14 continue to:

- 15 (1) receive instruction during the time period during which
- 16 the student has opted out; and
- 17 (2) remain compliant with the instructional time requirements
- 18 in IC 20-30-2-2.

19 **Sec. 6.** An individual with information regarding an alleged
 20 violation of the requirements established in section 4 of this
 21 chapter may present the information to the public access counselor
 22 and request an advisory opinion under IC 5-14-4-10 as to whether
 23 a school corporation, qualified school, or an employee of the school
 24 corporation or qualified school is in compliance with the
 25 requirements established under section 4 of this chapter.

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

- 27 (1) develop a model plan for presenting the information
- 28 described in section 4 of this chapter on a qualified school's
- 29 Internet web site; and
- 30 (2) post the model on the department's Internet web site.

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

34 SECTION 14. IC 20-31-3-1, AS AMENDED BY P.L.242-2017,
 35 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2022]: Sec. 1. (a) The state board shall adopt clear, concise,
 37 and jargon free state academic standards that are comparable to
 38 national and international academic standards and the college and
 39 career readiness educational standards adopted under IC 20-19-2-14.5.
 40 These academic standards must be adopted for each grade level from
 41 kindergarten through grade 12 for the following subjects:

- 42 (1) English/language arts.



1 (2) Mathematics.

2 (3) Social studies.

3 (4) Science.

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

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

9 SECTION 15. IC 20-31-6-1, AS ADDED BY P.L.246-2005,
10 SECTION 175, IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2022]: Sec. 1. **(a)** The department shall develop
12 and make available to school corporations and nonpublic schools
13 materials that assist teachers, administrators, and staff in a school in
14 developing cultural competency for use in providing professional and
15 staff development programs.

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

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

20 SECTION 16. IC 20-31-6-2, AS ADDED BY P.L.1-2005,
21 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2022]: Sec. 2. (a) In developing a school's plan, the committee
23 shall consider methods to improve the cultural competency of the
24 school's teachers, administrators, staff, parents, and students.

25 (b) The committee shall:

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

29 (2) incorporate culturally appropriate strategies for increasing
30 educational opportunities and educational performance for each
31 group in the school's plan; and

32 (3) recommend areas in which additional professional
33 development is necessary to increase cultural competency in the
34 school's educational environment.

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

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

39 SECTION 17. IC 20-33-1.5 IS ADDED TO THE INDIANA CODE
40 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2022]:

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



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

3 **Sec. 2. (a) In accordance with IC 20-33-1-1, a state agency (as**
 4 **defined in IC 4-13-1.4-2), school corporation, or qualified school**
 5 **shall not include or promote the following concepts as part of a**
 6 **course of instruction or in a curriculum or instructional program,**
 7 **or allow teachers or other employees of the school corporation or**
 8 **qualified school, acting in their official capacity, to use**
 9 **supplemental instructional materials that include or promote the**
 10 **following concepts:**

11 **(1) That any sex, race, ethnicity, religion, color, national**
 12 **origin, or political affiliation is inherently superior or inferior**
 13 **to another sex, race, ethnicity, religion, color, national origin,**
 14 **or political affiliation.**

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

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

23 **(4) That members of any sex, race, ethnicity, religion, color,**
 24 **national origin, or political affiliation should not attempt to**
 25 **treat others without respect to sex, race, ethnicity, religion,**
 26 **color, national origin, or political affiliation.**

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

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

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

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



1 religion, color, national origin, or political affiliation.

2 (b) If a state agency (as defined in IC 4-13-1.4-2), school
3 corporation, or qualified school or an employee of a state agency,
4 school corporation, or qualified school requires, makes part of a
5 course, awards a grade or course credit, including extra credit, or
6 otherwise incentivizes a student to engage in either:

7 (1) political activism, lobbying, or efforts to persuade
8 members of the legislative or executive branch at the federal,
9 state, or local level; or

10 (2) participation in any internship, practicum, or similar
11 activity involving social or public policy advocacy;
12 the state agency (as defined in IC 4-13-1.4-2), school corporation,
13 or qualified school or the employee of the state agency, school
14 corporation, or qualified school shall not require the student to
15 adopt, affirm, affiliate, or take any action that would result in
16 favoring any particular position on the issue or issues involved.

17 (c) It is the duty of the state agency, school corporation,
18 qualified school, or the employee of the state agency (as defined in
19 IC 4-13-1.4-2), school corporation, or qualified school to remain
20 impartial in teaching curricular materials or conducting
21 educational activities, including curricular material or activities
22 described in subsections (b)(1) and (b)(2), and to ensure that
23 students are free to express their own beliefs and viewpoints
24 concerning curricular materials and educational activities
25 including courses of activities described in subsection (b)(1) and
26 (b)(2) without discrimination. However, a school corporation or
27 qualified school may establish reasonable time, place, or manner
28 restrictions necessary to prevent the material and substantial
29 disruption of school activities.

30 (d) Nothing in this chapter may be construed so as to exclude the
31 teaching of historical injustices committed against any sex, race,
32 ethnicity, religion, color, national origin, or political affiliation.

33 (e) A school corporation or qualified school may not do the
34 following:

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

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

41 (3) Adopt programs or use curricular material, instructional
42 material, curriculum, classroom assignments, orientation,



1 interventions, or counseling that include, incorporate, or are
 2 based on practices prohibited under this chapter or
 3 IC 20-28-10-20.

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

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

14 **Sec. 3. (a)** The department shall develop a complaint form, in a
 15 manner prescribed by the department, to be used by a school
 16 employee, parent, or emancipated student to file a complaint with
 17 the principal of a qualified school for a violation of IC 20-26-21-2,
 18 IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter. The
 19 department shall maintain a copy of the complaint form on the
 20 department's Internet web site. In addition, each school
 21 corporation and qualified school must maintain, and conspicuously
 22 display, a link to the complaint form on the school corporation's or
 23 qualified school's Internet web site.

24 (b) A school employee, parent, or emancipated student may file
 25 a complaint with a principal of a qualified school, alleging a
 26 violation of IC 20-26-21-2, IC 20-28-10-20, IC 20-34-3-27, or
 27 section 2 of this chapter. The principal shall:

28 (1) investigate the complaint; and

29 (2) respond to the complaint by:

30 (A) acknowledging a violation of IC 20-26-21-2,
 31 IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter;

32 (B) denying a violation of IC 20-26-21-2, IC 20-28-10-20,
 33 IC 20-34-3-27, or section 2 of this chapter; or

34 (C) determining that the evidence obtained during the
 35 investigation of the complaint was inconclusive;

36 within five (5) days of receiving the complaint. If the principal
 37 acknowledges a violation of IC 20-26-21-2, IC 20-28-10-20,
 38 IC 20-34-3-27, or section 2 of this chapter, the principal shall
 39 include a description of how the qualified school will remedy the
 40 violation.

41 (c) If a school employee, parent, or emancipated student is not
 42 satisfied with the principal's response under subsection (b), the



1 school employee, parent, or emancipated student may submit an
 2 appeal of the principal's response to the superintendent of the
 3 school corporation, or the equivalent for a qualified school, within
 4 ten (10) business days from the date of the principal's initial
 5 response. The superintendent, or the equivalent for a qualified
 6 school, shall respond to the appeal by:

7 (1) acknowledging a violation of IC 20-26-21-2,
 8 IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter;

9 (2) denying a violation of IC 20-26-21-2, IC 20-28-10-20,
 10 IC 20-34-3-27, or section 2 of this chapter; or

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

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

14 (d) A school employee, parent, or emancipated student may
 15 submit a request to review the decision of the superintendent, or
 16 the equivalent for a qualified school, under subsection (c) to the
 17 governing body of the school corporation or the equivalent for a
 18 qualified school. The request to review a decision under subsection
 19 (c) must be submitted to the governing body in a manner
 20 prescribed by the department. The governing body shall review the
 21 request and issue a final order within thirty (30) days of receipt of
 22 the request which shall be included on the school corporation's or
 23 qualified school's Internet web site. If the governing body, or the
 24 equivalent for a qualified school, determines that a violation of
 25 IC 20-26-21-2, IC 20-28-10-20, IC 20-34-3-27, or section 2 of this
 26 chapter occurred, the governing body shall provide a description
 27 of the remedy for the violation.

28 **Sec. 4.** A school employee, parent, or emancipated student may
 29 submit a request to the department to review a governing body's
 30 final order under section 3(d) of this chapter. The department shall
 31 review the request and issue findings within thirty (30) days of
 32 receipt of the request. If the department determines that a violation
 33 of IC 20-26-21-2, IC 20-28-10-20, IC 20-34-3-27, or section 2 of this
 34 chapter occurred, the department shall provide a description of the
 35 remedy for the violation.

36 **Sec. 5.** After receiving the department's decision under section
 37 4 of this chapter, an individual may bring a civil action against a
 38 state agency, school corporation, or qualified school pertaining to
 39 the alleged violation addressed in the final order. A court may
 40 award the following to an individual who prevails under this
 41 subsection:

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



1 **(2) Actual damages resulting from the violation.**
2 **(3) Declaratory or injunctive relief.**
3 **Sec. 6. The provisions of this chapter are severable as provided**
4 **in IC 1-1-1-8(b).**
5 SECTION 18. IC 20-34-3-27 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2022]: **Sec. 27. (a) A qualified school (as**
8 **defined in IC 20-30-17-3) may not:**
9 **(1) provide a student with ongoing or recurring consultation,**
10 **collaboration, or intervention services for mental,**
11 **social-emotional, or psychological health issues; or**
12 **(2) refer a student to community resources for mental,**
13 **social-emotional, or psychological health services,**
14 **without obtaining prior written consent in the manner described**
15 **in subsection (b) from the student's parent, or the student, if the**
16 **student is emancipated.**
17 **(b) A consent form provided to a parent of a student or a**
18 **student under this section must accurately summarize the contents**
19 **and nature of the services described in subsection (a) that will be**
20 **provided to the student and indicate that a parent of a student or**
21 **an adult or emancipated student has the right to review and inspect**
22 **all materials related to the services to be provided to the student.**
23 **The written consent form may be sent in an electronic format. The**
24 **parent of the student or the student, if the student is an adult or an**
25 **emancipated minor, may return the consent form indicating that**
26 **the parent of the student or the adult or emancipated student**
27 **consents to the provision or administration of services to the**
28 **student. The qualified school (as defined in IC 20-30-17-3) may not**
29 **provide services described in subsection (a) to a student if the**
30 **parent of the student or the emancipated minor or adult student**
31 **does not provide written consent under this section.**
32 **(c) The governing body shall give parents and students notice of**
33 **their rights under this section.**
34 **(d) The governing body shall enforce this section.**
35 **(e) A school employee, parent, or emancipated student may file**
36 **a complaint for a violation under this section using the complaint**
37 **process described in IC 20-33-1.5-3 and IC 20-33-1.5-4.**
38 **(f) This section may not be construed to require qualified school**
39 **(as defined in IC 20-30-17-3) to obtain parental consent to identify**
40 **a potential health issue of a student or to provide an emergency**
41 **response in a crisis situation.**
42 SECTION 19. IC 21-41-13 IS ADDED TO THE INDIANA CODE



1 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2022]:

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

5 **Sec. 1. (a) A teacher preparation program (as defined in**
6 **IC 20-28-3-1) shall not include or promote the following concepts**
7 **as part of a course of instruction or in a curriculum or**
8 **instructional program, or allow faculty or other employees of the**
9 **teacher preparation program, acting in their official capacity, to**
10 **use supplemental instructional materials that include or promote**
11 **the following concepts:**

12 (1) Any sex, race, ethnicity, religion, color, national origin, or
13 political affiliation is inherently superior or inferior to
14 another sex, race, ethnicity, religion, color, national origin, or
15 political affiliation.

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

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

24 (4) That members of any sex, race, ethnicity, religion, color,
25 national origin, or political affiliation should not attempt to
26 treat others without respect to sex, race, ethnicity, religion,
27 color, national origin, or political affiliation.

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

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

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

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



1 **affiliation to oppress members of another sex, race, ethnicity,**
 2 **religion, color, national origin, or political affiliation.**

3 **(b) An administrator, or any other employee of any state agency**
 4 **(as defined in IC 4-13-1.4-2), or a teacher preparation program**
 5 **may not require an employee of the teacher preparation program**
 6 **to engage in training, orientation, or therapy that presents any**
 7 **form of racial or sex stereotyping or blame on the basis of sex,**
 8 **race, ethnicity, religion, color, national origin, or political**
 9 **affiliation.**

10 **(c) Nothing in this chapter may be construed so as to exclude the**
 11 **teaching of historical injustices committed by or against any sex,**
 12 **race, ethnicity, religion, color, national origin, or political**
 13 **affiliation.**

14 **Sec. 2. (a) In addition to any relief sought through the Office for**
 15 **Civil Rights at the United States Department of Education, an**
 16 **individual may, in the alternative, bring a civil action against a**
 17 **state educational institution engaged in a violation under this**
 18 **section.**

19 **(b) A court may award the following to an individual who**
 20 **prevails under subsection (a):**

- 21 **(1) Court costs and reasonable attorney's fees.**
- 22 **(2) Actual damages resulting from the violation.**
- 23 **(3) Declaratory or injunctive relief.**

24 **Sec. 3. The provisions of this chapter are severable as provided**
 25 **in IC 1-1-1-8(b).**

26 SECTION 20. IC 24-4-16.4-2, AS ADDED BY P.L.92-2008,
 27 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2022]: Sec. 2. (a) As used in this chapter, "sexually explicit
 29 materials" means a product or service:

- 30 (1) that is harmful to minors (as described in IC 35-49-2-2), even
 31 if the product or service is not intended to be used by or offered
 32 to a minor; or
- 33 (2) that is designed for use in, marketed primarily for, or provides
 34 for:
 - 35 (A) the stimulation of the human genital organs; or
 - 36 (B) masochism or a masochistic experience, sadism or a
 37 sadistic experience, sexual bondage, or sexual domination.

38 (b) The term does not include:

- 39 (1) birth control or contraceptive devices; or
- 40 (2) services, programs, products, or materials provided by a:
 - 41 (A) communications service provider (as defined in
 42 IC 8-1-32.6-3); or



1 (B) physician. ~~or~~
 2 ~~(C) public or nonpublic school.~~

3 SECTION 21. IC 35-49-3-4, AS AMENDED BY P.L.266-2019,
 4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2022]: Sec. 4. (a) It is a defense to a prosecution under section
 6 3 of this chapter for the defendant to show:

- 7 (1) that the matter was disseminated or that the performance was
 8 performed for legitimate scientific ~~or educational~~ purposes;
 9 (2) that the matter was disseminated or displayed to or that the
 10 performance was performed before the recipient by a bona fide
 11 ~~school; college, university,~~ museum, **college library**, or **public**
 12 **library that qualifies for certain property tax exemptions under**
 13 ~~IC 6-1.1-10; university library~~ or by an employee of such a
 14 ~~school; college, university,~~ museum, **college library**, or **public**
 15 **library university library** acting within the scope of the
 16 employee's employment;
 17 (3) that the defendant had reasonable cause to believe that the
 18 minor involved was eighteen (18) years of age or older and that
 19 the minor exhibited to the defendant a draft card, driver's license,
 20 birth certificate, or other official or apparently official document
 21 purporting to establish that the minor was eighteen (18) years of
 22 age or older; or
 23 (4) that the defendant was a salesclerk, motion picture
 24 projectionist, usher, or ticket taker, acting within the scope of the
 25 defendant's employment and that the defendant had no financial
 26 interest in the place where the defendant was so employed.
 27 (b) Except as provided in subsection (c), it is a defense to a
 28 prosecution under section 3 of this chapter if all the following apply:
 29 (1) A cellular telephone, another wireless or cellular
 30 communications device, or a social networking web site was used
 31 to disseminate matter to a minor that is harmful to minors.
 32 (2) The defendant is not more than four (4) years older or younger
 33 than the person who received the matter that is harmful to minors.
 34 (3) The relationship between the defendant and the person who
 35 received the matter that is harmful to minors was a dating
 36 relationship or an ongoing personal relationship. For purposes of
 37 this subdivision, the term "ongoing personal relationship" does
 38 not include a family relationship.
 39 (4) The crime was committed by a person less than twenty-two
 40 (22) years of age.
 41 (5) The person receiving the matter expressly or implicitly
 42 acquiesced in the defendant's conduct.



1 (c) The defense to a prosecution described in subsection (b) does
2 not apply if:

- 3 (1) the image is disseminated to a person other than the person:
4 (A) who sent the image; or
5 (B) who is depicted in the image; or
6 (2) the dissemination of the image violates:
7 (A) a protective order to prevent domestic or family violence
8 or harassment issued under IC 34-26-5 (or, if the order
9 involved a family or household member, under IC 34-26-2 or
10 IC 34-4-5.1-5 before their repeal);
11 (B) an ex parte protective order issued under IC 34-26-5 (or,
12 if the order involved a family or household member, an
13 emergency order issued under IC 34-26-2 or IC 34-4-5.1
14 before their repeal);
15 (C) a workplace violence restraining order issued under
16 IC 34-26-6;
17 (D) a no contact order in a dispositional decree issued under
18 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
19 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
20 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
21 repeal) that orders the person to refrain from direct or indirect
22 contact with a child in need of services or a delinquent child;
23 (E) a no contact order issued as a condition of pretrial release,
24 including release on bail or personal recognizance, or pretrial
25 diversion, and including a no contact order issued under
26 IC 35-33-8-3.6;
27 (F) a no contact order issued as a condition of probation;
28 (G) a protective order to prevent domestic or family violence
29 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2
30 before their repeal);
31 (H) a protective order to prevent domestic or family violence
32 issued under IC 31-14-16-1 in a paternity action;
33 (I) a no contact order issued under IC 31-34-25 in a child in
34 need of services proceeding or under IC 31-37-25 in a juvenile
35 delinquency proceeding;
36 (J) an order issued in another state that is substantially similar
37 to an order described in clauses (A) through (I);
38 (K) an order that is substantially similar to an order described
39 in clauses (A) through (I) and is issued by an Indian:
40 (i) tribe;
41 (ii) band;
42 (iii) pueblo;



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

