

SENATE BILL No. 213

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-30.

Synopsis: Academic transparency. Requires, not later than June 30, 2023, and not later than June 30 each year thereafter, each public school to post on the public school's Internet web site, in a manner that is accessible by the public, certain information regarding learning materials and educational activities that are used for student instruction. Requires each public school to update the information and post a notice of the update on the public school's Internet web site. Provides that a resident of a school district may bring an action to compel the governing board to comply with transparency requirements.

Effective: July 1, 2022.

Tomes

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



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. 213

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) **In addition to the requirements of**
4 **IC 20-30-17**, each school corporation shall make available for
5 inspection by the parent of a student any instructional materials,
6 including teachers' manuals, curricular materials, films or other video
7 materials, tapes, and other materials, used in connection 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) A student shall not be required to participate in a personal
12 analysis, an evaluation, or a survey that is not directly related to
13 academic instruction and that reveals or attempts to affect the student's
14 attitudes, habits, traits, opinions, beliefs, or feelings concerning:
15 (1) political affiliations;
16 (2) religious beliefs or practices;
17 (3) mental or psychological conditions that may embarrass the



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

11 without the prior consent of the student if the student is an adult or an
12 emancipated minor or the prior written consent of the student's parent
13 if the student is an unemancipated minor. A parental consent form for
14 a personal analysis, an evaluation, or a survey described in this
15 subsection shall accurately reflect the contents and nature of the
16 personal analysis, evaluation, or survey.

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

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

32 If a student does not participate in the instruction on human sexuality,
33 the school shall provide the student with alternative academic
34 instruction during the same time frame that the instruction on human
35 sexuality is provided.

36 (d) If the parent of the student or the student, if the student is an
37 adult or an emancipated minor, does not respond to the written request
38 provided by the school under subsection (c) within twenty-one (21)
39 calendar days after receiving the request under subsection (c), the
40 school shall provide the parent of the student, or the student, if the
41 student is an adult or an emancipated minor, a written notice requesting
42 that the parent of the student, or the student, if the student is an adult



1 or an emancipated minor, indicate, in a manner prescribed by the
 2 school, whether the parent of the student or the adult or emancipated
 3 student:

4 (1) consents to the instruction; or

5 (2) declines instruction.

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

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

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

19 SECTION 2. IC 20-30-17 IS ADDED TO THE INDIANA CODE
 20 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2022]:

22 **Chapter 17. Academic Transparency**

23 **Sec. 1. (a) As used in this chapter, "educational activity" means**
 24 **a presentation, assembly, lecture, or event that is:**

25 (1) **organized, facilitated, or created by:**

26 (A) **a school corporation or public school; or**

27 (B) **an individual or organization that is not associated**
 28 **with the school corporation or public school; and**

29 (2) **conducted during instructional time (as defined in**
 30 **IC 20-30-2-1).**

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

32 **Sec. 2. (a) As used in this chapter, "learning material" means**
 33 **the following:**

34 (1) **Textbooks and other printed materials.**

35 (2) **Audiovisual materials.**

36 (3) **Materials in electronic or digital formats, including**
 37 **materials accessible through the Internet.**

38 (b) **The term includes a lesson plan or syllabus.**

39 (c) **The term does not include an academic test or assessment,**
 40 **scoring keys, or other test or assessment data used in administering**
 41 **an academic test or assessment.**

42 **Sec. 3. As used in this chapter, "public school" means a:**



- 1 (1) school maintained by a school corporation; or
 2 (2) charter school.
- 3 **Sec. 4. As used in this chapter, "used for student instruction"**
 4 **means any educational activity or learning material that is, or is**
 5 **planned to be, any of the following during the school year:**
- 6 (1) Assigned, distributed, or otherwise presented to:
 7 (A) a student in a course or class for which the student
 8 receives credit;
 9 (B) a student if use of the learning material or
 10 participation in the educational activity is required by the
 11 school corporation or public school; or
 12 (C) a student and at least a majority of students in a grade
 13 level are expected to use the learning material or
 14 participate in the educational activity.
- 15 (2) Included in a defined list of learning materials from which
 16 the students are required to select one (1) or more of the
 17 learning materials.
- 18 (3) Created by:
 19 (A) the governing body of a school corporation;
 20 (B) an employee of a school corporation or public school;
 21 or
 22 (C) an individual or organization that is not associated
 23 with the school corporation or public school.
- 24 **Sec. 5. (a) This section applies to a learning material or an**
 25 **educational activity that is used for student instruction.**
- 26 **(b) Not later than June 30, 2023, and not later than June 30 each**
 27 **year thereafter, each public school shall post on the public school's**
 28 **Internet web site, in a manner accessible by the public, the**
 29 **following:**
- 30 (1) Information concerning any learning material or
 31 educational activity that is or is intended to be used for
 32 student instruction by the public school in the immediately
 33 following school year, organized by subject area, grade level,
 34 and teacher. The information posted under this subdivision
 35 must include the following:
 36 (A) The title and author, organization, or Internet web site
 37 associated with each learning material and educational
 38 activity.
 39 (B) A brief description of the learning material or
 40 educational activity.
 41 (C) An Internet web site link to the learning material or
 42 educational activity, if publicly available on the Internet.



- 1 **(2) The full text or a copy of any learning material or**
 2 **educational activity described in section 4(3) that is or is**
 3 **intended to be used by the public school in the immediately**
 4 **following school year.**
 5 **(3) Any procedures or policies in effect for the documentation,**
 6 **review, or approval of learning materials or educational**
 7 **activities used for student instruction.**
 8 **(c) Each public school shall:**
 9 **(1) update the information described in subsection (b) at least**
 10 **one (1) time each semester;**
 11 **(2) post a notice on the public school's Internet web site**
 12 **stating that the information has been updated and providing**
 13 **the date on which the information was updated; and**
 14 **(3) maintain the information described in subsection (b) on**
 15 **the public school's Internet web site for at least five (5) years**
 16 **after the date on which the information was posted to the web**
 17 **site.**
 18 **(d) This section may not be construed to require a public school**
 19 **to do the following:**
 20 **(1) Except as provided under subsection (b)(2), post the full**
 21 **text or a copy of learning materials.**
 22 **(2) Post learning material or information concerning a**
 23 **educational activity in a manner that would constitute an**
 24 **infringement of copyright under the federal Copyright Act**
 25 **(17 U.S.C. 101 et seq.).**
 26 **Sec. 6. (a) A resident of a school district may bring an action for**
 27 **injunctive relief against the governing board of the resident's**
 28 **school district to compel the governing board to comply with this**
 29 **chapter.**
 30 **(b) A resident of a school district who prevails in an action**
 31 **brought under subsection (a) shall be awarded reasonable**
 32 **attorney's fees not to exceed fifteen thousand dollars (\$15,000).**
 33 **Sec. 7. The state board may adopt rules under IC 4-22-2 to**
 34 **implement this chapter.**

