

# SENATE BILL No. 289

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-14-8; IC 20-26-22.5; IC 22-5-9.5.

**Synopsis:** Nondiscrimination in employment and education. Requires a school corporation, charter school, state agency, and political subdivision to post on its website certain training and curricular materials concerning nondiscrimination, diversity, equity, inclusion, race, ethnicity, sex, and bias. Provides that a school corporation, charter school, state agency, or political subdivision may not: (1) require or otherwise compel a student of the school corporation or charter school or an employee to affirm, adopt, or adhere to certain beliefs or concepts; or (2) use public funds to contract with, hire, or otherwise engage consultants, trainers, or other persons to take certain actions to promote the beliefs or concepts. Provides that a school corporation, charter school, state agency, political subdivision, or an employee of a school corporation, charter school, state agency, or political subdivision may not, in the course or scope of public service or employment, promote, embrace, or endorse stereotypes. Establishes a process for an employee, a parent, or an emancipated student to file a complaint of a violation. Allows an employee, a parent, or an emancipated student to bring a civil action against a school corporation, charter school, state agency, or political subdivision.

**Effective:** July 1, 2025.

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## Byrne

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January 13, 2025, read first time and referred to Committee on Judiciary.

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First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

# SENATE BILL No. 289

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

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

1 SECTION 1. IC 5-14-8 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2025]:  
4 **Chapter 8. Access to Training and Curricular Materials**  
5 **Sec. 1. As used in this chapter, "charter school" has the meaning**  
6 **set forth in IC 20-24-1-4.**  
7 **Sec. 2. As used in this chapter, "governing body" has the**  
8 **meaning set forth in IC 20-18-2-5.**  
9 **Sec. 3. As used in this chapter, "political subdivision" has the**  
10 **meaning set forth in IC 36-1-2-13, but the term does not include a**  
11 **school corporation.**  
12 **Sec. 4. As used in this chapter, "school corporation" has the**  
13 **meaning set forth in IC 20-18-2-16(a).**  
14 **Sec. 5. As used in this chapter, "state agency" has the meaning**  
15 **set forth in IC 4-13-1.4-2.**  
16 **Sec. 6. (a) Each governing body of a school corporation and**  
17 **equivalent authority for a charter school shall post on the website**



1 of each school maintained by the school corporation or charter  
2 school the following information:

3 (1) All training materials used for staff and faculty training,  
4 including materials for instructors, concerning any of the  
5 following concepts:

6 (A) Nondiscrimination.

7 (B) Diversity.

8 (C) Equity.

9 (D) Inclusion.

10 (E) Race.

11 (F) Ethnicity.

12 (G) Sex.

13 (H) Bias.

14 (I) Any combination of the concepts described in clauses  
15 (A) through (H) with other concepts.

16 (2) In accordance with subsection (b), all instructional or  
17 curricular materials concerning any of the concepts listed in  
18 subdivision (1).

19 (3) Any procedures for the documentation, review, or  
20 approval of the materials described in subdivisions (1) and  
21 (2), including documentation, review, or approval conducted  
22 by the principal, a curriculum administrator, or a teacher.

23 (b) Any instructional or curricular materials published under  
24 subsection (a)(2) must identify, at a minimum, the following:

25 (1) The title, the author, the organization, and any website  
26 associated with the material.

27 (2) A brief description of the material.

28 (3) A link to the material, if publicly available on the Internet,  
29 or information on how to request review of a copy of the  
30 material.

31 (4) The identity of the teacher, if the material was created by  
32 the teacher.

33 Sec. 7. (a) Except as provided in subsection (b), each state  
34 agency and political subdivision shall post on the website of the  
35 state agency or political subdivision all training materials used for  
36 employee training, including materials for instructors, concerning  
37 any of the following concepts:

38 (1) Nondiscrimination.

39 (2) Diversity.

40 (3) Equity.

41 (4) Inclusion.

42 (5) Race.



- 1           **(6) Ethnicity.**
- 2           **(7) Sex.**
- 3           **(8) Bias.**
- 4           **(9) Any combination of the concepts described in subdivisions**
- 5           **(1) through (8) with other concepts.**

6           **(b) A state agency or political subdivision is not required to post**  
 7 **training material that is confidential under IC 5-14-3-4.**

8           **Sec. 8. This chapter may not be construed to require the digital**  
 9 **reproduction or posting of copies of material if the reproduction or**  
 10 **posting would infringe on copyrighted material. However, if**  
 11 **reproduction or posting would infringe on copyrighted material,**  
 12 **the original materials must be:**

- 13           **(1) linked, if possible; or**
- 14           **(2) provided upon request.**

15           SECTION 2. IC 20-26-22.5 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2025]:

18           **Chapter 22.5. Nondiscrimination in Education**

19           **Sec. 1. As used in this chapter, "stereotypes" means character**  
 20 **traits ascribed to:**

- 21           **(1) a particular race, sex, ethnicity, religion, or national**  
 22 **origin; or**
- 23           **(2) an individual because of the individual's race, sex,**  
 24 **ethnicity, religion, or national origin.**

25           **Sec. 2. (a) A school corporation or charter school may not:**

26           **(1) require or otherwise compel a student, teacher,**  
 27 **administrator, or other employee to affirm, adopt, or adhere**  
 28 **to any belief or concept that:**

- 29           **(A) one (1) race, sex, ethnicity, religion, or national origin**  
 30 **is inherently superior or inferior to another race, sex,**  
 31 **ethnicity, religion, or national origin;**
- 32           **(B) an individual, by virtue of the individual's race, sex,**  
 33 **ethnicity, religion, or national origin should be blamed for**  
 34 **actions committed in the past by other members of the**  
 35 **same race, sex, ethnicity, religion, or national origin; or**
- 36           **(C) an individual's moral character is necessarily**  
 37 **determined, in whole or in part, by the individual's race,**  
 38 **sex, ethnicity, religion, or national origin; or**

39           **(2) use public funds to contract with, hire, or otherwise**  
 40 **engage consultants, trainers, or other persons to:**

- 41           **(A) direct or otherwise compel a student, teacher,**  
 42 **administrator, or other employee to affirm, adopt, or**



- 1           **adhere to any belief or concept described in subdivision**  
 2           **(1);**  
 3           **(B) advocate any belief or concept described in subdivision**  
 4           **(1) unless:**  
 5               **(i) the school corporation or charter school expressly**  
 6               **makes clear that it does not sponsor, approve, or endorse**  
 7               **the beliefs or concepts; and**  
 8               **(ii) the school corporation or charter school affords**  
 9               **students, teachers, administrators, and other employees**  
 10              **the opportunity to opt out of any speeches by or sessions**  
 11              **with the consultants, trainers, or other persons; or**  
 12              **(C) require a student, teacher, administrator, or other**  
 13              **employee to attend or participate in a training session,**  
 14              **seminar, continuing education, orientation, or therapy that**  
 15              **promotes any belief or concept described in subdivision**  
 16              **(1).**
- 17           **(b) This section may not be construed to prohibit:**  
 18               **(1) speech protected by the First Amendment of the**  
 19               **Constitution of the United States;**  
 20               **(2) voluntary attendance at a training session, seminar,**  
 21               **continuing education, orientation, or therapy if there is no**  
 22               **inducement or coercion for attendance;**  
 23               **(3) access to sources on an individual basis that advocate**  
 24               **beliefs or concepts described in subsection (a)(1) for the**  
 25               **purpose of research or independent study; or**  
 26               **(4) discussion of beliefs or concepts described in subsection**  
 27               **(a)(1) or the assignment of materials that incorporate the**  
 28               **beliefs or concepts for educational purposes, if the school**  
 29               **corporation or charter school expressly makes clear that it**  
 30               **does not sponsor, approve, or endorse the beliefs, concepts, or**  
 31               **materials.**
- 32           **Sec. 3. (a) In the course or scope of public service or**  
 33           **employment:**  
 34               **(1) a school corporation;**  
 35               **(2) a charter school; or**  
 36               **(3) an employee of a school corporation or charter school;**  
 37           **may not promote, embrace, or endorse stereotypes.**  
 38           **(b) This section may not be construed to prohibit the discussion**  
 39           **of:**  
 40               **(1) how stereotypes have been or are wrongfully embraced or**  
 41               **used to discriminate on the basis of race, sex, ethnicity,**  
 42               **religion, or national origin; or**



1           **(2) data or scientific studies that:**

2               **(A) categorize people based on race, sex, ethnicity, religion,**  
3               **or national origin; or**

4               **(B) reveal disparities between different groups within any**  
5               **of the categories described in clause (A).**

6           **Sec. 4. (a) The department shall develop a complaint form, in a**  
7           **manner prescribed by the department, to be used by an employee,**  
8           **a parent, or an emancipated student to file a complaint with the**  
9           **principal of a school in a school corporation or a charter school for**  
10           **a violation of this chapter. The department shall maintain a copy**  
11           **of the complaint form on the department's website. In addition,**  
12           **each school corporation and charter school must maintain, and**  
13           **conspicuously display, a link to the complaint form on the school**  
14           **corporation's or charter school's website.**

15           **(b) An employee, a parent, or an emancipated student may file**  
16           **a complaint with a principal of a school in a school corporation or**  
17           **a charter school, alleging a violation of this chapter. The principal**  
18           **shall:**

19               **(1) investigate the complaint; and**

20               **(2) respond to the complaint by:**

21                   **(A) acknowledging a violation of this chapter;**

22                   **(B) denying a violation of this chapter; or**

23                   **(C) determining that the evidence obtained during the**  
24                   **investigation of the complaint was inconclusive;**

25           **within five (5) days of receiving the complaint. If the principal**  
26           **acknowledges a violation of this chapter, the principal shall include**  
27           **a description of how the school will remedy the violation.**

28           **(c) If an employee, a parent, or an emancipated student is not**  
29           **satisfied with the principal's response under subsection (b), the**  
30           **employee, parent, or emancipated student may submit an appeal**  
31           **of the principal's response to the superintendent of the school**  
32           **corporation, or the equivalent for a charter school, within ten (10)**  
33           **business days from the date of the principal's initial response. The**  
34           **superintendent, or the equivalent for a charter school, shall**  
35           **respond to the appeal by:**

36               **(1) acknowledging a violation of this chapter;**

37               **(2) denying a violation of this chapter; or**

38               **(3) determining that the evidence of a violation is**  
39               **inconclusive;**

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

41           **(d) An employee, a parent, or an emancipated student may**  
42           **submit a request to review the decision of the superintendent, or**



1 the equivalent authority for a charter school, under subsection (c)  
 2 to the governing body of the school corporation or the equivalent  
 3 authority for a charter school. The request to review a decision  
 4 under subsection (c) must be submitted to the governing body or  
 5 equivalent authority in a manner prescribed by the department.  
 6 The governing body or equivalent authority shall review the  
 7 request and issue a final order within thirty (30) days of receipt of  
 8 the request which shall be included on the school corporation's or  
 9 charter school's website. If the governing body or the equivalent  
 10 authority determines that a violation of this chapter occurred, the  
 11 governing body or equivalent authority shall provide a description  
 12 of the remedy for the violation.

13 **Sec. 5.** An employee, a parent, or an emancipated student may  
 14 submit a request to the department to review a governing body's  
 15 or equivalent authority's final order under section 4(d) of this  
 16 chapter. The department shall review the request and issue  
 17 findings within thirty (30) days of receipt of the request. If the  
 18 department determines that a violation of this chapter occurred,  
 19 the department shall provide a description of the remedy for the  
 20 violation.

21 **Sec. 6.** After receiving the department's decision under section  
 22 5 of this chapter, an individual may bring a civil action against a  
 23 school corporation or charter school pertaining to the alleged  
 24 violation addressed in the final order. A court may award the  
 25 following to an individual who prevails under this section:

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

29 SECTION 3. IC 22-5-9.5 IS ADDED TO THE INDIANA CODE  
 30 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2025]:

32 **Chapter 9.5. Nondiscrimination in Public Employment**

33 **Sec. 1.** As used in this chapter, "department", for purposes of  
 34 section 7 of this chapter, refers to the department of labor created  
 35 by IC 22-1-1-1.

36 **Sec. 2.** As used in this chapter, "political subdivision" has the  
 37 meaning set forth in IC 36-1-2-13, but the term does not include a  
 38 school corporation.

39 **Sec. 3.** As used in this chapter, "state agency" has the meaning  
 40 set forth in IC 4-13-1.4-2.

41 **Sec. 4.** As used in this chapter, "stereotypes" means character  
 42 traits ascribed to:



- 1           (1) a particular race, sex, ethnicity, religion, or national  
2           origin; or  
3           (2) an individual because of the individual's race, sex,  
4           ethnicity, religion, or national origin.
- 5       **Sec. 5. (a) A state agency or political subdivision may not:**
- 6           (1) require or otherwise compel an employee to affirm, adopt,  
7           or adhere to any belief or concept that:
- 8               (A) one (1) race, sex, ethnicity, religion, or national origin  
9               is inherently superior or inferior to another race, sex,  
10              ethnicity, religion, or national origin;  
11              (B) an individual, by virtue of the individual's race, sex,  
12              ethnicity, religion, or national origin should be blamed for  
13              actions committed in the past by other members of the  
14              same race, sex, ethnicity, religion, or national origin; or  
15              (C) an individual's moral character is necessarily  
16              determined, in whole or in part, by the individual's race,  
17              sex, ethnicity, religion, or national origin; or
- 18           (2) use public funds to contract with, hire, or otherwise  
19           engage consultants, trainers, or other persons to:
- 20               (A) direct or otherwise compel an employee to affirm,  
21               adopt, or adhere to any belief or concept described in  
22               subdivision (1);  
23               (B) advocate any belief or concept described in subdivision  
24               (1) unless:
- 25                   (i) the state agency or political subdivision expressly  
26                   makes clear that it does not sponsor, approve, or endorse  
27                   the beliefs or concepts; and  
28                   (ii) the state agency or political subdivision affords  
29                   employees the opportunity to opt out of any speeches by  
30                   or sessions with the consultants, trainers, or other  
31                   persons; or
- 32               (C) require an employee to attend or participate in a  
33               training session, seminar, continuing education,  
34               orientation, or therapy that promotes any belief or concept  
35               described in subdivision (1).
- 36       **(b) This section may not be construed to prohibit:**
- 37           (1) speech protected by the First Amendment of the  
38           Constitution of the United States;  
39           (2) voluntary attendance at a training session, seminar,  
40           continuing education, orientation, or therapy if there is no  
41           inducement or coercion for attendance;  
42           (3) access to sources on an individual basis that advocate





1 beliefs or concepts described in subsection (a)(1) for the  
 2 purpose of research or independent study; or  
 3 (4) discussion of beliefs or concepts described in subsection  
 4 (a)(1) if the state agency or political subdivision expressly  
 5 makes clear that it does not sponsor, approve, or endorse the  
 6 beliefs or concepts.

7 **Sec. 6. (a) In the course or scope of public service or**  
 8 **employment:**

9 (1) a state agency;

10 (2) a political subdivision; or

11 (3) an employee of a state agency or political subdivision;

12 may not promote, embrace, or endorse stereotypes.

13 (b) This section may not be construed to prohibit the discussion  
 14 of:

15 (1) how stereotypes have been or are wrongfully embraced or  
 16 used to discriminate on the basis of race, sex, ethnicity,  
 17 religion, or national origin; or

18 (2) data or scientific studies that:

19 (A) categorize people based on race, sex, ethnicity, religion,  
 20 or national origin; or

21 (B) reveal disparities between different groups within any  
 22 of the categories described in clause (A).

23 **Sec. 7. (a) The department shall develop a complaint form, in a**  
 24 **manner prescribed by the department, to be used by an employee**  
 25 **of a state agency or political subdivision to file a complaint with the**  
 26 **state agency or political subdivision for a violation of this chapter.**  
 27 **The department shall maintain a copy of the complaint form on the**  
 28 **department's website. In addition, each state agency and political**  
 29 **subdivision must maintain, and conspicuously display, a link to the**  
 30 **complaint form on the state agency's or political subdivision's**  
 31 **website.**

32 (b) An employee of a state agency or political subdivision may  
 33 file a complaint with the state agency or political subdivision  
 34 alleging a violation of this chapter. The state agency or political  
 35 subdivision shall:

36 (1) investigate the complaint; and

37 (2) respond to the complaint by:

38 (A) acknowledging a violation of this chapter;

39 (B) denying a violation of this chapter; or

40 (C) determining that the evidence obtained during the  
 41 investigation of the complaint was inconclusive;

42 within five (5) days of receiving the complaint. If the state agency



1 or political subdivision acknowledges a violation of this chapter,  
2 the response must include a description of how the state agency or  
3 political subdivision will remedy the violation.

4 **Sec. 8.** After receiving the state agency's or political  
5 subdivision's decision under section 7 of this chapter, an individual  
6 may bring a civil action against a state agency or political  
7 subdivision pertaining to the alleged violation addressed in the  
8 decision. A court may award the following to an individual who  
9 prevails under this section:

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

