

SENATE BILL No. 386

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-1.5.

Synopsis: Dignity and nondiscrimination in education. Provides that a school corporation or qualified school shall not promote certain concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees to use supplemental learning materials to promote certain concepts regarding age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin. Requires a request to meet with a teacher for certain complaints. Requires each school corporation or qualified school to establish grievance procedures for certain complaints. Provides that, if a parent of a student or a student, if the student is an adult or an emancipated minor, is not satisfied with a final decision, the parent or student may submit a request to the secretary of education (secretary) to review the complaint and decision. Provides that the secretary's decision is a final order and is appealable. Requires the department of education to create guidance materials and professional development materials for use by school corporations, qualified schools, and teachers.

Effective: July 1, 2023.

Raatz

January 19, 2023, read first time and referred to Committee on Education and Career Development.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

SENATE BILL No. 386

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 20-33-1.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2023]:
- 4 **Chapter 1.5. Dignity and Nondiscrimination in Education**
- 5 **Sec. 1. As used in this chapter, "qualified school" means the**
- 6 **following:**
- 7 **(1) A school maintained by a school corporation.**
- 8 **(2) A charter school.**
- 9 **(3) A laboratory school established under IC 20-24.5-2.**
- 10 **(4) The Indiana School for the Blind and Visually Impaired**
- 11 **established by IC 20-21-2-1.**
- 12 **(5) The Indiana School for the Deaf established by**
- 13 **IC 20-22-2-1.**
- 14 **Sec. 2. As used in this chapter, "state agency" has the meaning**
- 15 **set forth in IC 4-13-1.4-2.**
- 16 **Sec. 3. (a) In accordance with IC 20-33-1-1, a school corporation**
- 17 **or qualified school shall not compel or promote, as part of a course**



of instruction or in a curriculum or instructional program, a person to adopt, affirm, adhere to, or profess an idea that:

(1) a person or group of people of one (1) age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin are inherently superior or inferior to a person or group of people of another age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin;

(2) a person or group of people should be discriminated against or receive adverse treatment solely or partly because of the age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin of the person or group of people; or

(3) a person or group of people of one (1) age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin cannot and should not attempt to treat another person or group of people equally and without regard to age, sex, gender identity, sexual orientation, race, creed, color, marital status, familial status, mental or physical disability, religion, or national origin.

(b) A school corporation or qualified school shall not allow teachers or other employees of the school corporation or qualified school to use supplemental materials in a course of instruction or in a curriculum or instructional program to compel or promote the concepts listed in subsection (a).

(c) After July 1, 2023, any contract or agreement entered into by a school corporation or qualified school must include the following statement: "During the performance of this contract, the contractor or its agent may not engage in workplace training of a school employee that violates IC 20-33-1.5-3.".

Sec. 4. A school corporation or qualified school may not do the following:

(1) Provide, contract to provide, offer, or sponsor any course that promotes practices prohibited under this chapter. This subdivision includes programs, curricular materials, instructional materials, curriculum, classroom assignments, orientation, interventions, or counseling offered by a state agency.

(2) Use money, property, assets, or resources for a purpose



that promotes practices prohibited under this chapter.

(3) Adopt programs or use curricular material, instructional material, curriculum, classroom assignments, orientation, interventions, or counseling that promote practices prohibited under this chapter. This subdivision includes curricular materials, instructional materials, curriculum, classroom assignments, orientations, interventions, or counseling offered by a state agency.

(4) Execute a contract or agreement with an internal or external entity or person to provide services, training, professional development, or any other assistance that promotes practices prohibited under this chapter. This subdivision includes contracts to provide services, training, professional development, or any other assistance with a state agency.

(5) Receive or apply to receive money that requires, as a condition of receipt of the money, the adoption of a course, policy, curriculum, or any other instructional material that promotes practices prohibited under this chapter. This subdivision includes money received from a state agency.

Sec. 5. Nothing in this chapter shall be construed to exclude the teaching or discussion of:

(1) the ideas and history of the concepts described in section 3 of this chapter;

(2) ideas or public policy issues that an individual may find unwelcome, disagreeable, or offensive; or

(3) the curriculum required under IC 20-30-5-7.

Sec. 6. (a) If a parent of a student or a student, if the student is an adult or emancipated minor, of a school corporation or qualified school has a complaint regarding:

(1) the use or proposed use of specific learning material in the classroom; or

(2) an alleged violation of this chapter;

by a teacher, the parent or student, if the student is an adult or emancipated minor, shall request a meeting with the teacher to discuss the complaint.

(b) If a parent or student described in subsection (a) is not satisfied with the resolution of the meeting with a teacher under subsection (a), the parent or student may submit a complaint through the grievance procedure maintained by the school corporation or qualified school under section 7 of this chapter.

Sec. 7. (a) Each school corporation or qualified school shall



1 establish and maintain a grievance procedure for the resolution of
 2 a complaint submitted by a parent of a student or a student, if the
 3 student is an adult or emancipated minor, for a complaint
 4 described in section 6 of this chapter if the parent or student is not
 5 satisfied with the resolution of the meeting with the teacher under
 6 section 6 of this chapter.

7 (b) A grievance procedure under this section must include a
 8 complaint form that a parent or student described in subsection (a)
 9 may submit to the school corporation or qualified school for a
 10 complaint described in subsection (a).

11 (c) A school corporation or qualified school shall post the
 12 following on the qualified school's website:

13 (1) The grievance procedure established by the school
 14 corporation or qualified school under subsection (a).

15 (2) The complaint form described in subsection (b).

16 (d) A grievance procedure submitted under this section must
 17 receive a hearing by the governing body not later than thirty (30)
 18 days after receipt of the complaint.

19 Sec. 8. (a) If a parent or student described in section 7(a) of this
 20 chapter is not satisfied with the final decision by a school
 21 corporation or qualified school regarding a complaint submitted
 22 under section 7 of this chapter, not later than ten (10) days after
 23 the final decision the parent or student may submit an appeal to
 24 the secretary of education, on a form prescribed by the
 25 department, to review the complaint and decision.

26 (b) The secretary of education shall review the appeal submitted
 27 under subsection (a) and issue a final order not later than sixty (60)
 28 days after the date that the department receives the request. An
 29 order issued by the secretary of education is a final order unless an
 30 appeal is filed in accordance with IC 4-21.5-5.

31 (c) An appeal under this section is governed by IC 4-21.5-3.

32 Sec. 9. (a) The department shall:

33 (1) develop guidance materials for school corporations and
 34 qualified schools to assist school corporations and qualified
 35 schools in implementing this chapter;

36 (2) develop professional development materials for teachers
 37 and school employees to assist teachers and school employees
 38 in complying with this chapter; and

39 (3) post the guidance materials and professional development
 40 materials on the department's website.

41 (b) The guidance materials and professional development
 42 materials created under subsection (a) must be in alignment with



the following objectives:

(1) That students should engage with a variety of viewpoints on challenging issues facilitated by teachers and school employees who promote independent thought over an advancement of the teacher's or school employee's personal beliefs.

(2) That a teacher or school employee should be prepared to help students discern, evaluate, and analyze information, to question and verify the credibility of the information's source, and to make their own reasoned judgments supported by evidence.

(3) A teacher or school employee should be prepared to discuss challenging issues in the classroom and not avoid them.

Sec. 10. If a teacher or school employee is found in violation of this chapter, the teacher or school employee must engage in professional development in compliance with section 9 of this chapter.

