



Reprinted
January 26, 2022

HOUSE BILL No. 1134

DIGEST OF HB 1134 (Updated January 25, 2022 7:32 pm - DI 116)

Citations Affected: IC 5-14; IC 20-23; IC 20-26; IC 20-28; IC 20-30; IC 20-31; IC 20-33; IC 20-34; IC 24-4; IC 35-49.

Synopsis: Education matters. Establishes requirements for a school corporation to establish a curriculum advisory committee. Defines a “qualified school”. Establishes requirements for a school corporation or qualified school to establish a curriculum portal. Provides that a school corporation or qualified school may not promote certain concepts as part of a course of instruction or in a curriculum or direct or otherwise compel a school employee or student to adhere to certain tenets relating to the individual’s sex, race, ethnicity, religion, color, national origin, or political affiliation. Provides that a school corporation or qualified school may not require an employee of the school corporation or qualified school to engage in certain training, orientations, or therapies. Establishes a complaint process. 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
(Continued next page)

Effective: July 1, 2022.

Cook, Prescott, Goodrich

January 4, 2022, read first time and referred to Committee on Education.
January 13, 2022, amended, reported — Do Pass.
January 25, 2022, read second time, amended, ordered engrossed.

HB 1134—LS 6965/DI 116



Digest Continued

results of an individual student. Establishes a consent procedure to be used before a school corporation or qualified school may provide or administer certain mental, social-emotional, or psychological services to a student. 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. Makes conforming amendments.

HB 1134—LS 6965/DI 116



Reprinted
January 26, 2022

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

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

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

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

HOUSE BILL No. 1134

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.

HB 1134—LS 6965/DI 116



(6) Information concerning research, including actual research documents, conducted under the auspices of a state educational institution, including information:

(A) concerning any negotiations made with respect to the research; and

(B) received from another party involved in the research.

(7) Grade transcripts and license examination scores obtained as part of a licensure process.

(8) Those declared confidential by or under rules adopted by the supreme court of Indiana.

(9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39 or as provided under IC 16-41-8.

(10) Application information declared confidential by the Indiana economic development corporation under IC 5-28.

(11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.

(12) A Social Security number contained in the records of a public agency.

(13) The following information that is part of a foreclosure action subject to IC 32-30-10.5:

(A) Contact information for a debtor, as described in IC 32-30-10.5-8(d)(1)(B).

(B) Any document submitted to the court as part of the debtor's loss mitigation package under IC 32-30-10.5-10(a)(3).

(14) The following information obtained from a call made to a fraud hotline established under IC 36-1-8-8.5:

(A) The identity of any individual who makes a call to the fraud hotline.

(B) A report, transcript, audio recording, or other information concerning a call to the fraud hotline.

However, records described in this subdivision may be disclosed to a law enforcement agency, a private university police department, the attorney general, the inspector general, the state examiner, or a prosecuting attorney.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

(1) Investigatory records of law enforcement agencies or private university police departments. For purposes of this chapter, a law enforcement recording is not an investigatory record. Law enforcement agencies or private university police departments



may share investigatory records with a:

(A) person who advocates on behalf of a crime victim, including a victim advocate (as defined in IC 35-37-6-3.5) or a victim service provider (as defined in IC 35-37-6-5), for the purposes of providing services to a victim or describing services that may be available to a victim; and

(B) school corporation (as defined by IC 20-18-2-16(a)), charter school (as defined by IC 20-24-1-4), or nonpublic school (as defined by IC 20-18-2-12) for the purpose of enhancing the safety or security of a student or a school facility;

without the law enforcement agency or private university police department losing its discretion to keep those records confidential from other records requesters. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.

(2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:

(A) a public agency;

(B) the state; or

(C) an individual.

(3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.

(5) The following:

(A) Records relating to negotiations between:

(i) the Indiana economic development corporation;

(ii) the ports of Indiana;

(iii) the Indiana state department of agriculture;

(iv) the Indiana finance authority;

(v) an economic development commission;

(vi) the Indiana White River state park development commission;

(vii) a local economic development organization that is a nonprofit corporation established under state law whose primary purpose is the promotion of industrial or business development in Indiana, the retention or expansion of Indiana businesses, or the development of entrepreneurial activities in Indiana; or



(viii) a governing body of a political subdivision; with industrial, research, or commercial prospects, if the records are created while negotiations are in progress. However, this clause does not apply to records regarding research that is prohibited under IC 16-34.5-1-2 or any other law.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the ports of Indiana, the Indiana finance authority, an economic development commission, the Indiana White River state park development commission, or a governing body of a political subdivision to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(D) Notwithstanding clause (A), an incentive agreement with an incentive recipient shall be available for inspection and copying under section 3 of this chapter after the date the incentive recipient and the Indiana economic development corporation execute the incentive agreement regardless of whether negotiations are in progress with the recipient after that date regarding a modification or extension of the incentive agreement.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(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



entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes the following:

(A) A record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18).

(B) Vulnerability assessments.

(C) Risk planning documents.

(D) Needs assessments.

(E) Threat assessments.

(F) Intelligence assessments.

(G) Domestic preparedness strategies.

(H) The location of community drinking water wells and surface water intakes.

(I) The emergency contact information of emergency responders and volunteers.

(J) Infrastructure records that disclose the configuration of critical systems such as voting system and voter registration system critical infrastructure, and communication, electrical, ventilation, water, and wastewater systems.

(K) Detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency, or any part of a law enforcement recording that captures information



about airport security procedures, areas, or systems. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. Both of the following apply to the public agency that owns, occupies, leases, or maintains the airport:

(i) The public agency is responsible for determining whether the public disclosure of a record or a part of a record, including a law enforcement recording, has a reasonable likelihood of threatening public safety by exposing a security procedure, area, system, or vulnerability to terrorist attack.

(ii) The public agency must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)". However, in the case of a law enforcement recording, the public agency must clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(K) without approval of (insert name of the public agency that owns, occupies, leases, or maintains the airport)".

(L) The home address, home telephone number, and emergency contact information for any:

(i) emergency management worker (as defined in IC 10-14-3-3);

(ii) public safety officer (as defined in IC 35-47-4.5-3);

(iii) emergency medical responder (as defined in IC 16-18-2-109.8); or

(iv) advanced emergency medical technician (as defined in IC 16-18-2-6.5).

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 (before its repeal), an act of agricultural terrorism under IC 35-47-12-2 (before its repeal), or a felony terrorist offense (as defined in IC 35-50-2-18) has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer



of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(22) Notwithstanding subdivision (8)(A), the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first employment of a law enforcement officer who is operating in an undercover capacity.

(23) Records requested by an offender, an agent, or a relative of an offender that:

(A) contain personal information relating to:

(i) a correctional officer (as defined in IC 5-10-10-1.5);

(ii) a probation officer;

(iii) a community corrections officer;

(iv) a law enforcement officer (as defined in IC 35-31.5-2-185);

(v) a judge (as defined in IC 33-38-12-3);

(vi) the victim of a crime; or

(vii) a family member of a correctional officer, probation officer, community corrections officer, law enforcement officer (as defined in IC 35-31.5-2-185), judge (as defined in IC 33-38-12-3), or victim of a crime; or

(B) concern or could affect the security of a jail or correctional facility.

For purposes of this subdivision, "agent" means a person who is authorized by an offender to act on behalf of, or at the direction of, the offender, and "relative" has the meaning set forth in IC 35-42-2-1(b). However, the term "agent" does not include an attorney in good standing admitted to the practice of law in Indiana.

(24) Information concerning an individual less than eighteen (18) years of age who participates in a conference, meeting, program, or activity conducted or supervised by a state educational institution, including the following information regarding the



individual or the individual's parent or guardian:

(A) Name.

(B) Address.

(C) Telephone number.

(D) Electronic mail account address.

(25) Criminal intelligence information.

(26) The following information contained in a report of unclaimed property under IC 32-34-1.5-18 or in a claim for unclaimed property under IC 32-34-1.5-48:

(A) Date of birth.

(B) Driver's license number.

(C) Taxpayer identification number.

(D) Employer identification number.

(E) Account number.

(27) Except as provided in subdivision (19) and sections 5.1 and 5.2 of this chapter, a law enforcement recording. However, before disclosing the recording, the public agency must comply with the obscuring requirements of sections 5.1 and 5.2 of this chapter, if applicable.

(28) Records relating to negotiations between a state educational institution and another entity concerning the establishment of a collaborative relationship or venture to advance the research, engagement, or educational mission of the state educational institution, if the records are created while negotiations are in progress. The terms of the final offer of public financial resources communicated by the state educational institution to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated. However, this subdivision does not apply to records regarding research prohibited under IC 16-34.5-1-2 or any other law.

(29) Records that are available for inspection to an individual who:

(A) has access to an operable curriculum portal that meets the requirements described in IC 20-30-17-5; or

(B) is provided access to an operable curriculum portal that meets the requirements described in IC 20-30-17-5, in lieu of allowing the person to inspect and copy the public record under section 3 of this chapter.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.



(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption or patient medical records, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Only the content of a public record may form the basis for the adoption by any public agency of a rule or procedure creating an exception from disclosure under this section.

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

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

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

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

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

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

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

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

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

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

(A) State agencies.

(B) County agencies.

(C) City agencies.

(D) Town agencies.

(E) Township agencies.

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

(G) Other local agencies.

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



- 1 (A) Public records.
 2 (B) Public meetings.
 3 (6) The total number of written advisory opinions issued and
 4 pending.
 5 SECTION 3. IC 20-23-18-3, AS AMENDED BY P.L.147-2020,
 6 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c), the
 8 Muncie Community School Corporation is subject to all applicable
 9 federal and state laws.
 10 (b) If a provision of this chapter conflicts with any other law,
 11 including IC 20-23-4, the provision in this chapter controls.
 12 (c) Notwithstanding subsection (a), to provide all administrative and
 13 academic flexibility to implement innovative strategies, the Muncie
 14 Community School Corporation is subject only to the following IC 20
 15 and IC 22 provisions:
 16 (1) IC 20-26-5-10 (criminal history).
 17 **(2) IC 20-26-12.5 (curricular materials advisory committee).**
 18 **(3) IC 20-26-21 (personal analysis, evaluations, or surveys by**
 19 **third party vendors).**
 20 ~~(2)~~ **(4) IC 20-28-5-8 (conviction of certain felonies; notice and**
 21 **hearing; permanent revocation of license; data base of school**
 22 **employees who have been reported).**
 23 ~~(3)~~ **(5) IC 20-28-10-17 (school counselor immunity).**
 24 **(6) IC 20-28-10-20 (prohibited tenets).**
 25 ~~(4)~~ **(7) IC 20-29 (collective bargaining) to the extent required by**
 26 **subsection (e).**
 27 ~~(5)~~ **(8) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative**
 28 **observances).**
 29 ~~(6)~~ **(9) The following:**
 30 (A) IC 20-30-5-0.5 (display of the United States flag; Pledge
 31 of Allegiance).
 32 (B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the
 33 constitutions of Indiana and the United States; writings,
 34 documents, and records of American history or heritage).
 35 (C) IC 20-30-5-4 (system of government; American history).
 36 (D) IC 20-30-5-5 (morals instruction).
 37 (E) IC 20-30-5-6 (good citizenship instruction).
 38 **(10) IC 20-30-17 (curriculum portals).**
 39 ~~(7)~~ **(11) IC 20-32-4, concerning graduation requirements.**
 40 ~~(8)~~ **(12) IC 20-32-5.1, concerning the Indiana's Learning**
 41 **Evaluation Assessment Readiness Network (ILEARN) program.**
 42 ~~(9)~~ **(13) IC 20-32-8.5 (IRead3).**



(14) IC 20-33-1.5 (dignity and nondiscrimination in education).

~~(10)~~ **(15)** IC 20-33-2 (compulsory school attendance).

~~(11)~~ **(16)** IC 20-33-8-16 (firearms and deadly weapons).

~~(12)~~ **(17)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

~~(13)~~ **(18)** IC 20-33-7 (parental access to education records).

~~(14)~~ **(19)** IC 20-33-9 (reporting of student violations of law).

~~(15)~~ **(20)** IC 20-34-3 (health and safety measures).

~~(16)~~ **(21)** IC 20-35 (concerning special education).

~~(17)~~ **(22)** IC 20-39 (accounting and financial reporting procedures).

~~(18)~~ **(23)** IC 20-40 (government funds and accounts).

~~(19)~~ **(24)** IC 20-41 (extracurricular funds and accounts).

~~(20)~~ **(25)** IC 20-42 (fiduciary funds and accounts).

~~(21)~~ **(26)** IC 20-42.5 (allocation of expenditures to student instruction and learning).

~~(22)~~ **(27)** IC 20-43 (state tuition support).

~~(23)~~ **(28)** IC 20-44 (property tax levies).

~~(24)~~ **(29)** IC 20-46 (levies other than general fund levies).

~~(25)~~ **(30)** IC 20-47 (related entities; holding companies; lease agreements).

~~(26)~~ **(31)** IC 20-48 (borrowing and bonds).

~~(27)~~ **(32)** IC 20-49 (state management of common school funds; state advances and loans).

~~(28)~~ **(33)** IC 20-50 (concerning homeless children and foster care children).

~~(29)~~ **(34)** IC 22-2-18, before its expiration on June 30, 2021 (limitation on employment of minors).

(d) The Muncie Community School Corporation is subject to required audits by the state board of accounts under IC 5-11-1-9.

(e) Except to the extent required under a collective bargaining agreement entered into before July 1, 2018, the Muncie Community School Corporation is not subject to IC 20-29 unless the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2. If the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2, the school corporation may authorize a school within the corporation to opt out of bargaining allowable subjects or discussing discussion items by specifying the excluded items on the notice required under IC 20-29-5-2(b). The notice must be provided to the education employment relations board at the time the notice is posted.



SECTION 4. IC 20-26-12-2, AS AMENDED BY P.L.233-2015, SECTION 151, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) A governing body may purchase from a publisher any curricular material selected by the proper local officials. The governing body may rent the curricular materials to students enrolled in any public or nonpublic school that is:

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

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

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

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

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

(2) paid for through rental fees previously collected.

(c) This section does not limit other laws.

SECTION 5. IC 20-26-12-24, AS AMENDED BY P.L.216-2021, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 24. (a) The ~~superintendent~~, ~~after approval from the governing body~~, shall establish procedures for adoption of curricular materials.

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

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

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

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

~~(f)~~ **(e)** A governing body may not purchase curricular materials from



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

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

SECTION 6. IC 20-26-12.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 12.5. Curricular Materials Advisory Committee

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

- (1) Textbooks and other printed materials.
- (2) Audiovisual materials.
- (3) Materials in electronic or digital formats, including materials accessible through the Internet.
- (4) Library materials.
- (5) Student surveys.
- (6) A syllabus.

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

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

- (1) organized or facilitated by a public school or school employees, including activities conducted by individuals or organizations that are not associated with the public school; and
- (2) assigned, distributed, presented, or otherwise made available to students.

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

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



(1) teachers, administrators, and representatives of the community; and

(2) parents of students who are attending a school in the school corporation.

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

(1) have access to all curricular materials and educational activities;

(2) review, at its discretion, curricular materials and educational activities;

(3) make recommendations regarding curricular materials and educational activities to the governing body; and

(4) present recommendations regarding curricular materials and educational activities at a public hearing of the governing body.

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

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

(1) The governing body as a whole shall appoint members to the advisory committee in accordance to the following parameters:

(A) Except as provided in clause (C), sixty percent (60%) parents of students within the school corporation. However, not more than fifty percent (50%) of the parents of students may be employees of the school corporation.

(B) Except as provided in clause (C), forty percent (40%) teachers, administrators, or members of the community. However, not more than fifty percent (50%) of the teachers, administrators, or community members that comprise the forty percent (40%) may be administrators.

(C) Not more than fifty percent (50%) of the members described in clauses (A) and (B) may be employees of the school corporation.

(2) Each member of the governing body shall appoint one (1) individual who is a parent of a student within the school corporation who should be included in the parameter



described in subdivision (1)(A). Nothing in this subdivision shall be construed to prohibit the governing body as a whole from appointing additional individuals under subdivision (1)(A).

(b) Members appointed under subsection (a) shall serve a four (4) year term. The:

(1) governing body, except as provided in subdivision (2), may fill a vacancy for a member appointed under subsection (a)(1); and

(2) applicable governing body member may fill a vacancy for an individual described in subsection (a)(2); with a member who will serve a four (4) year term.

(c) In recommending and considering candidates, the governing body shall make a reasonable effort to ensure that the committee is representative of a broad range of community interests as determined by the governing body.

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

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

Sec. 5. (a) The curricular materials advisory committee may, at its discretion, review or evaluate any of the school corporation's curricular materials and educational activities to ensure that the materials and activities are representative of the community's interests and aligned with Indiana academic standards.

(b) Before July 1, 2023, the advisory committee shall submit to the governing body written recommendations for a policy or policies that meet or exceed the requirements described in IC 20-30-17 and establish the extent and manner in which curricular materials and educational activities shall be accessible to parents, individuals involved in a student's education who are designated by the student's parent, and other interested community members. The proposed policy or policies must be considered by the governing body at a public meeting.

Sec. 6. (a) The governing body may accept, reject, or otherwise modify a recommendation made by the advisory committee. However, prior to the 2023-2024 school year, the governing body, in consultation with the advisory committee, shall adopt a policy



that must meet or exceed the requirements described in IC 20-30-17 and this chapter outlining the extent in which curricular materials and educational activities shall be accessible to parents, individuals involved in a student's education who are designated by the student's parent, and other interested community members. In developing the policy or policies, the governing body shall consider:

- (1) the advisory committee's recommendations;
- (2) how best to maximize the convenience for parents to access curricular materials and educational activities in order to engage the parent in the student's learning; and
- (3) the feasibility and resources required to provide maximum access to parents, individuals involved in the student's education who are designated by the student's parent, and other interested community members.

(b) The school corporation's policy adopted under subsection (a) shall allow a student's parent who requests either:

- (1) curricular material; or
- (2) available information relating to an educational activity; that is not available on the school corporation's portal established under IC 20-30-17, to access the material or information as soon as practicable but not later than thirty (30) days after the request is made. The parent's request must identify with reasonable particularity the curricular material or available information relating to an educational activity being requested.

Sec. 7. A curricular materials advisory committee shall:

- (1) meet at least two (2) times annually on dates and times established by the chairperson of the committee; and
- (2) hold at least two (2) public meetings annually, at which public comment is heard, to discuss the committee's review process and findings with the public.

SECTION 7. IC 20-26-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

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

Sec. 1. As used in this chapter, "qualified school" has the meaning set forth in IC 20-33-17-4.

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

(b) If a school corporation or qualified school uses a third party vendor in providing a personal analysis, evaluation, or survey that



1 reveals, identifies, collects, maintains or attempts to affect a
 2 student's attitudes, habits, traits, opinions, beliefs, or feelings, the
 3 third party vendor and the school corporation or qualified school
 4 may not record, collect, or maintain the responses to or results of
 5 the analysis, evaluation, or survey in a manner that would identify
 6 the responses or results of an individual student.

7 (c) The department shall develop guidance for educators
 8 necessary to implement this section.

9 Sec. 3. (a) An individual may initiate a civil action against a
 10 school corporation, qualified school, or the applicable third party
 11 vendor for a violation of the requirements established in section 2
 12 of this chapter. A court may award the following to an individual
 13 who prevails under this subsection:

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

15 (2) Actual damages resulting from the violation, not to exceed
 16 one thousand dollars (\$1,000).

17 (3) Declaratory or injunctive relief.

18 (b) If a court renders judgment in favor of a defendant
 19 responding to an action brought under this section and the court
 20 finds that the plaintiff's suit was frivolous or brought in bad faith,
 21 the court shall order reasonable attorney's fees and court costs in
 22 favor of the defendant not to exceed ten thousand dollars (\$10,000).

23 SECTION 8. IC 20-28-3-3, AS AMENDED BY P.L.220-2015,
 24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2022]: Sec. 3. (a) The department shall develop guidelines for
 26 use by accredited teacher education institutions and departments in
 27 preparing individuals to:

28 (1) teach in various environments; and

29 (2) successfully apply positive classroom behavioral management
 30 strategies and research based alternatives to exclusionary
 31 discipline in a manner that serves the diverse learning needs of all
 32 students.

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

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

38 SECTION 9. IC 20-28-3-3.5, AS AMENDED BY P.L.92-2020,
 39 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2022]: Sec. 3.5. (a) The guidelines developed under section
 41 3 of this chapter must incorporate methods that assist individuals in
 42 developing competency in employing approaches to create positive



classroom and school climates that are culturally responsive, including:

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

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

SECTION 10. IC 20-28-5-7, AS AMENDED BY P.L.43-2021, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 7. **(a)** On the written recommendation of the secretary of education, the department may suspend or revoke a license for:

- (1) immorality;
- (2) misconduct in office;
- (3) incompetency; or
- (4) willful neglect of duty.

For each suspension or revocation **under this section**, the department shall comply with IC 4-21.5-3.

(b) On the written recommendation of the secretary of education, the department may suspend or revoke a license of a teacher, principal, superintendent, or any other individual licensed by the department under this chapter if the individual willfully or wantonly violates IC 20-28-10-20, IC 20-33-1.5, or IC 20-34-3-27.

SECTION 11. IC 20-28-10-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 20. **(a) In accordance with IC 20-33-1-6, a school corporation or qualified school (as defined in IC 20-30-17-4) or an employee of the school corporation or qualified school shall not direct or otherwise compel a school employee to affirm, adopt, or adhere to any of the following tenets:**

- (1) That any sex, race, ethnicity, religion, color, national origin, or political affiliation is inherently superior or inferior to another sex, race, ethnicity, religion, color, national origin, or political affiliation.**
- (2) That an individual, by virtue of their sex, race, ethnicity, religion, color, national origin, or political affiliation is inherently racist, sexist, or oppressive, whether consciously or unconsciously.**
- (3) That an individual should be discriminated against or receive adverse treatment solely or partly because of the**



individual's sex, race, ethnicity, religion, color, national origin, or political affiliation.

(4) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should treat others with disrespect due to the other individual's sex, race, ethnicity, religion, color, national origin, or political affiliation.

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

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

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

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

(b) A teacher, an administrator, a governing body, or any other employee of any school corporation or qualified school may not require an employee of a school corporation or qualified school to engage in training, orientation, or therapy that violates subsection (a)(1) through (a)(8).

(c) A school employee may file a complaint using the complaint process described in IC 20-33-1.5-3 and IC 20-33-1.5-4.

(d) The department shall develop guidance for educators necessary to implement this section.

(e) The provisions of this section are severable as provided in IC 1-1-1-8(b).

SECTION 12. IC 20-30-5-6, AS AMENDED BY P.L.246-2005, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) This section applies only to public schools.

(b) As used in this section, "good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:

(1) Being honest and truthful.



- 1 (2) Respecting authority.
- 2 (3) Respecting the property of others.
- 3 (4) Always doing the student's personal best.
- 4 (5) Not stealing.
- 5 (6) Possessing the skills (including methods of conflict resolution)
- 6 necessary to live peaceably in society and not resorting to
- 7 violence to settle disputes.
- 8 (7) Taking personal responsibility for obligations to family and
- 9 community.
- 10 (8) Taking personal responsibility for earning a livelihood.
- 11 (9) Treating others the way the student would want to be treated.
- 12 (10) Respecting the national flag, the Constitution of the United
- 13 States, and the Constitution of the State of Indiana.
- 14 (11) Respecting the student's parents and home.
- 15 (12) Respecting the student's self.
- 16 (13) Respecting the rights of others to have their own views and
- 17 religious beliefs.
- 18 **(14) The ideals and values expressed or enumerated in the**
- 19 **Constitution of the United States and the economic and**
- 20 **political institutions of the United States are better suited to**
- 21 **contribute toward human advancement, prosperity, scientific**
- 22 **inquiry, and well-being compared to forms of government**
- 23 **that conflict with and are incompatible with the principles of**
- 24 **western political thought upon which the United States was**
- 25 **founded.**
- 26 **(15) Individual rights, freedoms, and political suffrage.**
- 27 **(16) The economic and political institutions which have best**
- 28 **contributed toward human advancement, prosperity,**
- 29 **scientific inquiry, and well-being.**
- 30 (c) The department shall:
- 31 (1) identify; and
- 32 (2) make available;
- 33 models of conflict resolution instruction to school corporations. The
- 34 instruction may consist of a teacher education program that applies the
- 35 techniques to the students in the classroom to assist school corporations
- 36 in complying with this section.
- 37 SECTION 13. IC 20-30-5-7.3, AS ADDED BY P.L.39-2021,
- 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 39 JULY 1, 2022]: Sec. 7.3. **(a)** Beginning with students entering grade 6
- 40 in the 2023-2024 school year, each school corporation, charter school,
- 41 and state accredited nonpublic school shall require each student of the
- 42 school corporation, charter school, or state accredited nonpublic school



1 to successfully complete in grade 6, 7, or 8 one (1) semester of a civics
2 education course.

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

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

- 9 (1) software or Internet based system approved by the department
10 of workforce development; and
11 (2) standards established by the department of workforce
12 development that are aligned to interdisciplinary employability
13 skills standards prescribed in subsection (c);
14 that provides students with career and college planning resources.

15 (b) To:

- 16 (1) educate students on the importance of their future career
17 choices;
18 (2) prepare students for the realities inherent in the work
19 environment; and
20 (3) instill in students work values that will enable them to succeed
21 in their respective careers;
22 each school within a school corporation shall include in the school's
23 curriculum for all students in grades 1 through 12 instruction
24 concerning employment matters and work values described in
25 subsection (c).

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

31 (d) Each school shall:

- 32 (1) integrate within the curriculum instruction that is; or
33 (2) conduct activities or special events periodically that are;
34 designed to foster overall career awareness and career development as
35 described in subsection (b).

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

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

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



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

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

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

(B) Workplace orientation visits.

(C) On-the-job experience exercises.

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

(1) develop and make available teacher guides; and

(2) conduct seminars or other teacher education activities;

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

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

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

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

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

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

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

(j) A school corporation or charter school may submit a request to the state board to approve an alternative Internet based system and standards that provide students with career and college planning resources. The state board, in consultation with the department and the department of workforce development, may approve an alternative system and standards if the state board determines that the alternative system:

(1) has an aptitude assessment tool;



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

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

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

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

SECTION 15. IC 20-30-5-17, AS AMENDED BY P.L.154-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 17. (a) Each school corporation **or qualified school (as defined in IC 20-30-17-4)** shall make available for inspection by the parent of a student any instructional materials, including teachers' manuals, curricular materials, films or other video materials, tapes, and other materials, used in connection with:

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

(b) A student shall not be required to participate in a personal analysis, an evaluation, or a survey ~~that is not directly related to academic instruction and~~ that reveals or attempts to affect the student's attitudes, habits, traits, opinions, beliefs, or feelings ~~concerning:~~

- ~~(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. 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 20-30-17-4)** 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 20-30-17-4)** shall provide the
 student with alternative academic instruction during the same time
 frame that the instruction on human sexuality is provided.

(d) If the parent of the student or the student, if the student is an
 adult or an emancipated minor, does not respond to the written request
 provided by the school under subsection (c) within twenty-one (21)
 calendar days after receiving the request under subsection (c), the
qualified school (as defined in IC 20-30-17-4) shall provide the parent
 of the student, or the student, if the student is an adult or an



emancipated minor, a written notice requesting that the parent of the student, or the student, if the student is an adult or an emancipated minor, indicate, in a manner prescribed by the **qualified school (as defined in IC 20-30-17-4)**, whether the parent of the student or the adult or emancipated student:

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

A notice provided to a parent of a student or a student under this subsection must accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student and indicate that a parent of a student or an adult or emancipated minor student has the right to review and inspect all materials related to the instruction on human sexuality. The notice may be sent in an electronic format. If the **qualified school (as defined in IC 20-30-17-4)** does not receive a response within ten (10) days after the notice, the student will receive the instruction on human sexuality unless the parent or the adult or emancipated student subsequently opts out of the instruction for the student.

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

(f) The governing body shall enforce this section.

SECTION 16. IC 20-30-17 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 17. Curriculum Portals

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

Sec. 2. As used in this chapter, "curriculum portal" means the qualified school's:

- (1) Internet web site;
- (2) learning management system; or
- (3) other web page or electronic modality.

Sec. 3. As used in this chapter, "educational activity" has the meaning set forth in IC 20-26-12.5-2.

Sec. 4. As used in this chapter, "qualified school" means the following:

- (1) A school maintained by a school corporation.
- (2) A charter school.
- (3) A laboratory school established under IC 20-24.5-2.
- (4) The Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.
- (5) The Indiana School for the Deaf established by



1 **IC 20-22-2-1.**

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

5 **(1) a student in a course or class for which the student**
 6 **receives credit;**

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

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

13 **(b) Except as otherwise provided in section 9 of this chapter, not**
 14 **later than August 1, 2023, and not later than August 1 each year**
 15 **thereafter, each qualified school shall post on the qualified school's**
 16 **curriculum portal, in a manner that:**

17 **(1) is disaggregated by grade level, teacher, and subject area;**

18 **(2) is accessible to parents, or individuals involved in the**
 19 **student's education who are designated by the parent; or**

20 **(3) shows bibliographic or other information necessary to:**

21 **(A) identify specific textbooks, audiovisual, electronic,**
 22 **digital, library, or other learning materials, including the**
 23 **title and the author, organization, or Internet address;**

24 **(B) provide either the full text or copy of student surveys;**
 25 **and**

26 **(C) provide course or grade syllabi.**

27 **(c) A summary of the educational activities described in**
 28 **subsection (a) shall be posted on the qualified school's curriculum**
 29 **portal as far in advance of the use of the activity in the classroom**
 30 **as is practicable.**

31 **Sec. 6. An individual with information regarding an alleged**
 32 **violation of the requirements established in section 5 of this**
 33 **chapter may present the information to the public access counselor**
 34 **and request an advisory opinion under IC 5-14-4-10 as to whether**
 35 **a school corporation, qualified school, or an employee of the school**
 36 **corporation or qualified school is in compliance with the**
 37 **requirements established under section 4 of this chapter.**

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

39 **(1) develop a model plan for presenting the information**
 40 **described in section 5 of this chapter on a qualified school's**
 41 **Internet web site; and**

42 **(2) post the model on the department's Internet web site.**



1 **(b) The department may develop or procure and make available**
 2 **to schools a system that meets the requirements described in**
 3 **section 5 of this chapter.**

4 **Sec. 8. Nothing in this chapter shall be construed to require a**
 5 **qualified school to post or distribute a learning material or**
 6 **educational activity in a manner that would constitute an**
 7 **infringement of copyright under the federal Copyright Act, 1017**
 8 **U.S.C. 101 to 1332.**

9 SECTION 17. IC 20-31-3-1, AS AMENDED BY P.L.242-2017,
 10 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2022]: Sec. 1. (a) The state board shall adopt clear, concise,
 12 and jargon free state academic standards that are comparable to
 13 national and international academic standards and the college and
 14 career readiness educational standards adopted under IC 20-19-2-14.5.
 15 These academic standards must be adopted for each grade level from
 16 kindergarten through grade 12 for the following subjects:

- 17 (1) English/language arts.
- 18 (2) Mathematics.
- 19 (3) Social studies.
- 20 (4) Science.

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

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

26 SECTION 18. IC 20-31-6-1, AS ADDED BY P.L.246-2005,
 27 SECTION 175, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2022]: Sec. 1. **(a)** The department shall develop
 29 and make available to school corporations and nonpublic schools
 30 materials that assist teachers, administrators, and staff in a school in
 31 developing cultural competency for use in providing professional and
 32 staff development programs.

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

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

37 SECTION 19. IC 20-31-6-2, AS ADDED BY P.L.1-2005,
 38 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2022]: Sec. 2. (a) In developing a school's plan, the committee
 40 shall consider methods to improve the cultural competency of the
 41 school's teachers, administrators, staff, parents, and students.

42 (b) The committee shall:



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

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

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

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

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

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

Chapter 1.5. Dignity and Nondiscrimination in Education

Sec. 1. As used in this chapter, "qualified school" has the meaning set forth in IC 20-30-17-4.

Sec. 2. (a) In accordance with IC 20-33-1-1, a school corporation or qualified school shall not promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the school corporation or qualified school to use supplemental instructional materials to promote the following concepts:

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

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

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

(4) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should treat others with disrespect due to the other individual's sex, race, ethnicity, religion, color, national origin, or political affiliation.

(5) That an individual's moral character is necessarily



determined by the individual's sex, race, ethnicity, religion, color, national origin, or political affiliation.

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

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

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

(b) If a school corporation or qualified school or an employee of a school corporation or qualified school requires, makes part of a course, awards a grade or course credit, including extra credit, or otherwise incentivizes a student to engage in either:

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

(2) participation in any internship, practicum, or similar activity involving social or public policy advocacy;

the school corporation or qualified school or the employee of the school corporation or qualified school shall not require the student to adopt, affirm, affiliate, or adhere to a particular position on the issue or issues involved.

(c) It is the duty of the school corporation, qualified school, or the employee of the school corporation or qualified school to remain impartial in teaching curricular materials or conducting educational activities, including curricular material or activities described in subsections (b)(1) and (b)(2), and to ensure that students are free to express their own beliefs and viewpoints concerning curricular materials and educational activities including courses of activities described in subsection (b)(1) and (b)(2) without discrimination. However, a school corporation or qualified school may establish reasonable time, place, or manner restrictions necessary to prevent the material and substantial disruption of school activities.

(d) It is the duty of the principal and the superintendent to carry



1 out the day to day enforcement of this chapter.

2 (e) Nothing in this chapter may be construed so as to exclude the
3 teaching of historical injustices committed against any sex, race,
4 ethnicity, religion, color, national origin, or political affiliation or
5 ideals or values that conflict with the Constitution of the United
6 States or IC 20-30-5-7(a)(3).

7 (f) A school corporation or qualified school may not do the
8 following:

9 (1) Provide, contract to provide, offer, or sponsor any course
10 that promotes practices prohibited under this chapter or
11 IC 20-28-10-20. This subdivision includes programs,
12 curricular materials, instructional materials, curriculum,
13 classroom assignments, orientation, interventions, or
14 counseling offered by a state agency (as defined in
15 IC 4-13-1.4-2).

16 (2) Use money, property, assets, or resources for a purpose
17 that promotes practices prohibited under this chapter or
18 IC 20-28-10-20.

19 (3) Adopt programs or use curricular material, instructional
20 material, curriculum, classroom assignments, orientation,
21 interventions, or counseling that promote practices prohibited
22 under this chapter or IC 20-28-10-20. This subdivision
23 includes curricular materials, instructional materials,
24 curriculum, classroom assignments, orientations,
25 interventions, or counseling offered by a state agency (as
26 defined in IC 4-13-1.4-2).

27 (4) Execute a contract or agreement with an internal or
28 external entity or person to provide services, training,
29 professional development, or any other assistance that
30 promotes practices prohibited under this chapter or
31 IC 20-28-10-20. This subdivision includes contracts to provide
32 services, training, professional development, or any other
33 assistance with a state agency (as defined in IC 4-13-1.4-2).

34 (5) Receive or apply to receive money that requires, as a
35 condition of receipt of the money, the adoption of a course,
36 policy, curriculum, or any other instructional material that
37 promotes practices prohibited under this chapter or
38 IC 20-28-10-20. This subdivision includes money received
39 from a state agency (as defined in IC 4-13-1.4-2).

40 (f) The department shall develop guidance for educators
41 necessary to implement this section.

42 Sec. 3. (a) The department shall develop a complaint form, in a



manner prescribed by the department, to be used by a school employee, parent, or emancipated student to file a complaint with the principal of a qualified school for a violation of IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter. The department shall maintain a copy of the complaint form on the department's Internet web site. In addition, each school corporation and qualified school must maintain, and conspicuously display, a link to the complaint form on the school corporation's or qualified school's Internet web site. A complaint filed under this section or an appeal under section 4 of this chapter is confidential and excepted from public disclosure as provided in IC 5-14-3-4.

(b) A school employee, parent, or emancipated student may file a complaint with a principal of a qualified school, alleging a violation of IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter. The complaint must be filed within thirty (30) business days of the date the school employee, parent, or emancipated student became aware, or by the exercise of reasonable diligence should have been aware, of the occurrence giving rise to the complaint. The principal shall:

(1) investigate the complaint; and

(2) respond to the complaint by:

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

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

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

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

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

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



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

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

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

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

Sec. 4. A school employee, parent, or emancipated student may submit a request to the department to review a governing body's final order under section 3(d) of this chapter. The department shall review the request and issue findings within thirty (30) business days of receipt of the request. If the department determines that a violation of IC 20-28-10-20, IC 20-34-3-27, or section 2 of this chapter occurred, the department shall provide a description of the remedy for the violation which may include the suspension or revocation of a teacher's license under IC 20-28-5-7.

Sec. 5. (a) After receiving the department's decision under section 5 of this chapter, an individual may bring a civil action against a school corporation or qualified school pertaining to the alleged violation addressed in the final order. A court may award the following to an individual who prevails under this subsection:

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

(2) Actual damages resulting from the violation, not to exceed one thousand dollars (\$1,000).

(3) Declaratory or injunctive relief.

(b) A school employee is not responsible for any remedy awarded under subsection (a) to an individual who prevails in a civil action against a school corporation or qualified school that involves the school employee.

(c) If a court renders judgment in favor of a defendant



1 responding to an action brought under this section and the court
 2 finds that the plaintiff's suit was frivolous or brought in bad faith,
 3 the court shall order reasonable attorney's fees and court costs in
 4 favor of the defendant not to exceed ten thousand dollars (\$10,000).

5 Sec. 6. The provisions of this chapter are severable as provided
 6 in IC 1-1-1-8(b).

7 SECTION 21. IC 20-34-3-27 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2022]: Sec. 27. (a) This section does not apply
 10 to transitional services as described in 34 CFR 300.320(b) that are
 11 part of a student's individual education program.

12 (b) A licensed psychologist or school psychologist at a qualified
 13 school (as defined in IC 20-30-17-4) or an employee of the qualified
 14 school may not:

15 (1) provide a student with ongoing or recurring consultation,
 16 collaboration, or intervention services for mental,
 17 social-emotional, or psychological health issues; or

18 (2) refer a student to community resources for mental,
 19 social-emotional, or psychological health services,

20 without obtaining prior written consent in the manner described
 21 in subsection (c) from the student's parent, or the student, if the
 22 student is emancipated.

23 (c) A consent form provided to a parent of a student or a student
 24 under this section must accurately summarize the contents and
 25 nature of the services described in subsection (b) that will be
 26 provided to the student and indicate that a parent of a student or
 27 an adult or emancipated student has the right to review and inspect
 28 all materials related to the services to be provided to the student.
 29 The written consent form may be sent in an electronic format. The
 30 parent of the student or the student, if the student is an adult or an
 31 emancipated minor, may return the consent form indicating that
 32 the parent of the student or the adult or emancipated student
 33 consents to the provision or administration of services to the
 34 student. If the parent of the student or the student, if the student is
 35 emancipated, does not respond to the written request provided by
 36 the qualified school within twenty-one (21) calendar days after
 37 receiving the initial request under this subsection, the qualified
 38 school shall provide the parent of the student, or the student, if the
 39 student is emancipated, a second written notice requesting that the
 40 parent of the student, or the student, if the student is emancipated,
 41 indicate, in a manner prescribed by the qualified school, whether
 42 the parent of the student or the emancipated student consents to



the services described in subsection (b). The second notice must accurately summarize the contents and nature of services that will be provided to the student. The notice may be sent in an electronic format. If the qualified school does not receive a response within ten (10) days after the notice, the qualified school may proceed in providing the student with the services described in subsection (b) unless the parent or the adult or the emancipated student subsequently opts out of the instruction for the student.

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

(e) The governing body shall enforce this section.

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

(g) This section may not be construed to require qualified school (as defined in IC 20-30-17-4) to obtain parental consent to identify a potential health issue of a student or to provide an emergency response in a crisis situation in which an intervention or rapid response service is needed to evaluate or stabilize an immediate, medical, behavioral, or mental health condition, or without which, the student is in immediate danger of experiencing abuse or neglect.

(h) The department shall develop guidance for educators necessary to implement this section.

SECTION 22. IC 24-4-16.4-2, AS ADDED BY P.L.92-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) As used in this chapter, "sexually explicit materials" means a product or service:

(1) that is harmful to minors (as described in IC 35-49-2-2), even if the product or service is not intended to be used by or offered to a minor; or

(2) that is designed for use in, marketed primarily for, or provides for:

(A) the stimulation of the human genital organs; or

(B) masochism or a masochistic experience, sadism or a sadistic experience, sexual bondage, or sexual domination.

(b) The term does not include:

(1) birth control or contraceptive devices; or

(2) services, programs, products, or materials provided by a:

(A) communications service provider (as defined in IC 8-1-32.6-3); or

(B) physician. or



~~(C) public or nonpublic school.~~

SECTION 23. IC 35-49-3-4, AS AMENDED BY P.L.266-2019, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 4. (a) It is a defense to a prosecution under section 3 of this chapter for the defendant to show:

(1) that the matter was disseminated or that the performance was performed for legitimate scientific ~~or educational~~ purposes;

(2) that the matter was disseminated or displayed to or that the performance was performed before the recipient by a bona fide ~~school; college, university, museum, college library, or public library that qualifies for certain property tax exemptions under IC 6-1.1-10; university library~~ or by an employee of such a ~~school; college, university, museum, college library, or public library~~ university library acting within the scope of the employee's employment;

(3) that the defendant had reasonable cause to believe that the minor involved was eighteen (18) years of age or older and that the minor exhibited to the defendant a draft card, driver's license, birth certificate, or other official or apparently official document purporting to establish that the minor was eighteen (18) years of age or older; or

(4) that the defendant was a salesclerk, motion picture projectionist, usher, or ticket taker, acting within the scope of the defendant's employment and that the defendant had no financial interest in the place where the defendant was so employed.

(b) Except as provided in subsection (c), it is a defense to a prosecution under section 3 of this chapter if all the following apply:

(1) A cellular telephone, another wireless or cellular communications device, or a social networking web site was used to disseminate matter to a minor that is harmful to minors.

(2) The defendant is not more than four (4) years older or younger than the person who received the matter that is harmful to minors.

(3) The relationship between the defendant and the person who received the matter that is harmful to minors was a dating relationship or an ongoing personal relationship. For purposes of this subdivision, the term "ongoing personal relationship" does not include a family relationship.

(4) The crime was committed by a person less than twenty-two (22) years of age.

(5) The person receiving the matter expressly or implicitly acquiesced in the defendant's conduct.

(c) The defense to a prosecution described in subsection (b) does



- 1 not apply if:
- 2 (1) the image is disseminated to a person other than the person:
- 3 (A) who sent the image; or
- 4 (B) who is depicted in the image; or
- 5 (2) the dissemination of the image violates:
- 6 (A) a protective order to prevent domestic or family violence
- 7 or harassment issued under IC 34-26-5 (or, if the order
- 8 involved a family or household member, under IC 34-26-2 or
- 9 IC 34-4-5.1-5 before their repeal);
- 10 (B) an ex parte protective order issued under IC 34-26-5 (or,
- 11 if the order involved a family or household member, an
- 12 emergency order issued under IC 34-26-2 or IC 34-4-5.1
- 13 before their repeal);
- 14 (C) a workplace violence restraining order issued under
- 15 IC 34-26-6;
- 16 (D) a no contact order in a dispositional decree issued under
- 17 IC 31-34-20-1, IC 31-37-19-1, or IC 31-37-5-6 (or
- 18 IC 31-6-4-15.4 or IC 31-6-4-15.9 before their repeal) or an
- 19 order issued under IC 31-32-13 (or IC 31-6-7-14 before its
- 20 repeal) that orders the person to refrain from direct or indirect
- 21 contact with a child in need of services or a delinquent child;
- 22 (E) a no contact order issued as a condition of pretrial release,
- 23 including release on bail or personal recognizance, or pretrial
- 24 diversion, and including a no contact order issued under
- 25 IC 35-33-8-3.6;
- 26 (F) a no contact order issued as a condition of probation;
- 27 (G) a protective order to prevent domestic or family violence
- 28 issued under IC 31-15-5 (or IC 31-16-5 or IC 31-1-11.5-8.2
- 29 before their repeal);
- 30 (H) a protective order to prevent domestic or family violence
- 31 issued under IC 31-14-16-1 in a paternity action;
- 32 (I) a no contact order issued under IC 31-34-25 in a child in
- 33 need of services proceeding or under IC 31-37-25 in a juvenile
- 34 delinquency proceeding;
- 35 (J) an order issued in another state that is substantially similar
- 36 to an order described in clauses (A) through (I);
- 37 (K) an order that is substantially similar to an order described
- 38 in clauses (A) through (I) and is issued by an Indian:
- 39 (i) tribe;
- 40 (ii) band;
- 41 (iii) pueblo;
- 42 (iv) nation; or



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



COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, delete lines 32 through 34, begin a new line block indented and insert:

"(29) Records that are available for inspection to an individual who:

(A) has access to an operable curriculum portal that meets the requirements described in IC 20-30-17-4; or

(B) is provided access to an operable curriculum portal that meets the requirements described in IC 20-30-17-4, in lieu of allowing the person to inspect and copy the public record under section 3 of this chapter."

Page 10, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 3. IC 20-23-18-3, AS AMENDED BY P.L.147-2020, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c), the Muncie Community School Corporation is subject to all applicable federal and state laws.

(b) If a provision of this chapter conflicts with any other law, including IC 20-23-4, the provision in this chapter controls.

(c) Notwithstanding subsection (a), to provide all administrative and academic flexibility to implement innovative strategies, the Muncie Community School Corporation is subject only to the following IC 20 and IC 22 provisions:

(1) IC 20-26-5-10 (criminal history).

(2) IC 20-26-12.5 (curricular materials advisory committee).

(3) IC 20-26-21 (personal analysis, evaluations, or surveys by third party vendors).

~~(2)~~ **(4) IC 20-28-5-8 (conviction of certain felonies; notice and hearing; permanent revocation of license; data base of school employees who have been reported).**

~~(3)~~ **(5) IC 20-28-10-17 (school counselor immunity).**

(6) IC 20-28-10-20 (prohibited tenets).

~~(4)~~ **(7) IC 20-29 (collective bargaining) to the extent required by subsection (e).**

~~(5)~~ **(8) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).**

~~(6)~~ **(9) The following:**



- (A) IC 20-30-5-0.5 (display of the United States flag; Pledge of Allegiance).
- (B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the constitutions of Indiana and the United States; writings, documents, and records of American history or heritage).
- (C) IC 20-30-5-4 (system of government; American history).
- (D) IC 20-30-5-5 (morals instruction).
- (E) IC 20-30-5-6 (good citizenship instruction).

(10) IC 20-30-17 (curriculum portals).

- ~~(7)~~ **(11)** IC 20-32-4, concerning graduation requirements.
- ~~(8)~~ **(12)** IC 20-32-5.1, concerning the Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) program.
- ~~(9)~~ **(13)** IC 20-32-8.5 (IRead3).
- (14) IC 20-33-1.5 (dignity and nondiscrimination in education).**
- ~~(10)~~ **(15)** IC 20-33-2 (compulsory school attendance).
- ~~(11)~~ **(16)** IC 20-33-8-16 (firearms and deadly weapons).
- ~~(12)~~ **(17)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).
- ~~(13)~~ **(18)** IC 20-33-7 (parental access to education records).
- ~~(14)~~ **(19)** IC 20-33-9 (reporting of student violations of law).
- ~~(15)~~ **(20)** IC 20-34-3 (health and safety measures).
- ~~(16)~~ **(21)** IC 20-35 (concerning special education).
- ~~(17)~~ **(22)** IC 20-39 (accounting and financial reporting procedures).
- ~~(18)~~ **(23)** IC 20-40 (government funds and accounts).
- ~~(19)~~ **(24)** IC 20-41 (extracurricular funds and accounts).
- ~~(20)~~ **(25)** IC 20-42 (fiduciary funds and accounts).
- ~~(21)~~ **(26)** IC 20-42.5 (allocation of expenditures to student instruction and learning).
- ~~(22)~~ **(27)** IC 20-43 (state tuition support).
- ~~(23)~~ **(28)** IC 20-44 (property tax levies).
- ~~(24)~~ **(29)** IC 20-46 (levies other than general fund levies).
- ~~(25)~~ **(30)** IC 20-47 (related entities; holding companies; lease agreements).
- ~~(26)~~ **(31)** IC 20-48 (borrowing and bonds).
- ~~(27)~~ **(32)** IC 20-49 (state management of common school funds; state advances and loans).
- ~~(28)~~ **(33)** IC 20-50 (concerning homeless children and foster care children).
- ~~(29)~~ **(34)** IC 22-2-18, before its expiration on June 30, 2021 (limitation on employment of minors).



(d) The Muncie Community School Corporation is subject to required audits by the state board of accounts under IC 5-11-1-9.

(e) Except to the extent required under a collective bargaining agreement entered into before July 1, 2018, the Muncie Community School Corporation is not subject to IC 20-29 unless the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2. If the school corporation voluntarily recognizes an exclusive representative under IC 20-29-5-2, the school corporation may authorize a school within the corporation to opt out of bargaining allowable subjects or discussing discussion items by specifying the excluded items on the notice required under IC 20-29-5-2(b). The notice must be provided to the education employment relations board at the time the notice is posted."

Page 12, line 21, delete "lesson plan or".

Page 13, line 5, delete "review" and insert "**review, at its discretion,**".

Page 13, delete lines 18 through 25, begin a new paragraph and insert:

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

(1) Except as provided in subdivision (3), sixty percent (60%) parents of students within the school corporation. However, not more than fifty percent (50%) of the parents of students may be employees of the school corporation.

(2) Except as provided in subdivision (3), forty percent (40%) teachers, administrators, or members of the community. However, not more than fifty percent (50%) of the teachers, administrators, or community members that comprise the forty percent (40%) may be administrators.

(3) Not more than fifty percent (50%) of the members described in subdivisions (1) and (2) may be employees of the school corporation."

Page 13, line 27, after "committee." insert "**Members appointed under subsection (a) shall serve a four (4) year term. The governing body may fill a vacancy on the committee with a member who will serve a four (4) year term.**".

Page 13, line 29, delete "attempt" and insert "**make a reasonable effort**".

Page 14, line 3, delete "Except as otherwise provided by law, the" and insert "**The**".

Page 14, line 7, delete "committee." and insert "**committee, unless otherwise provided by law.**



Sec. 6. The governing body may accept, reject, or otherwise modify a recommendation made by the committee."

Page 14, line 8, delete "6." and insert "7."

Page 15, line 39, delete "licenced" and insert "**licensed**".

Page 15, line 40, delete "for a violation of" and insert "**if the individual willfully or wantonly violates**".

Page 16, line 6, delete "acting in an official capacity".

Page 16, delete lines 21 through 24, begin a new line block indented and insert:

"(4) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should treat others with disrespect due to the other individual's sex, race, ethnicity, religion, color, national origin, or political affiliation."

Page 17, line 3, after "that" insert "**violates subsection (a)(1) through (a)(8).**".

Page 17, delete lines 4 through 6.

Page 17, between lines 10 and 11, begin a new paragraph and insert:
"SECTION 11. IC 20-30-5-6, AS AMENDED BY P.L.246-2005, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 6. (a) This section applies only to public schools.

(b) As used in this section, "good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:

- (1) Being honest and truthful.
- (2) Respecting authority.
- (3) Respecting the property of others.
- (4) Always doing the student's personal best.
- (5) Not stealing.
- (6) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
- (7) Taking personal responsibility for obligations to family and community.
- (8) Taking personal responsibility for earning a livelihood.
- (9) Treating others the way the student would want to be treated.
- (10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
- (11) Respecting the student's parents and home.
- (12) Respecting the student's self.
- (13) Respecting the rights of others to have their own views and religious beliefs.



(14) The ideals and values expressed or enumerated in the Constitution of the United States compared to forms of government that conflict with and are incompatible with the principles of western political thought upon which the United States was founded.

(15) Individual rights, freedoms, and political suffrage.

(16) The economic and political institutions which have best contributed toward human advancement, prosperity, scientific inquiry, and well-being.

(c) The department shall:

(1) identify; and

(2) make available;

models of conflict resolution instruction to school corporations. The instruction may consist of a teacher education program that applies the techniques to the students in the classroom to assist school corporations in complying with this section."

Page 20, line 2, delete "laboratory" and insert **"qualified school (as defined in IC 20-30-17-3)"**.

Page 20, line 3, delete "school established under IC 20-24.5-2,".

Page 21, line 18, delete "qualified" and insert **"qualified"**.

Page 22, line 27, after "(b)" delete "Not" and insert **"Except as otherwise provided in section 8 of this chapter, not"**.

Page 22, line 36, delete "qualified" and insert **"qualified"**.

Page 24, between lines 3 and 4, begin a new paragraph and insert:

"Sec. 8. A qualified school at which parents of enrolled students or emancipated students have access to an electronic or virtual school platform that provides access to all curriculum and educational activities for the applicable student to the parent and an individual involved in the student's education who is designated by the parent (not to exceed four (4) individuals) satisfies the requirements described in section 4(b) of this chapter."

Page 25, line 17, delete "include or".

Page 25, line 20, delete ", acting in their official capacity,".

Page 25, line 21, delete "include or".

Page 25, delete lines 35 through 38, begin a new line block indented and insert:

"(4) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should treat others with disrespect due to the other individual's sex, race, ethnicity, religion, color, national origin, or political affiliation."

Page 27, line 2, delete "affiliation." and insert **"affiliation or ideals or values that conflict with the Constitution of the United States."**



Page 27, line 39, after "chapter." insert **"The complaint must be filed within thirty (30) business days of the date the school employee, parent, or emancipated student became aware, or by the exercise of reasonable diligence should have been aware, of the occurrence giving rise to the complaint."**

Page 28, line 6, after "(5)" insert **"business"**.

Page 28, line 32, after "(30)" insert **"business"**.

Page 28, line 42, after "(30)" insert **"business"**.

Page 29, line 19, after "(a)" insert **"This section does not apply to transitional services as described in 34 CFR 300.32(b) that are part of a student's individual education program.**

(b)".

Page 29, line 19, after "A" insert **"licensed psychologist or school psychologist at a"**.

Page 29, line 20, after "IC 20-30-17-3)" insert **"or an employee of the qualified school"**.

Page 29, line 27, delete "(b)" and insert **"(c)"**.

Page 29, line 29, delete "(b)" and insert **"(c)"**.

Page 29, line 31, delete "(a)" and insert **"(b)"**.

Page 29, line 40, after "IC 20-30-17-3)" insert **"or an employee of the qualified school"**.

Page 29, line 41, delete "(a)" and insert **"(b)"**.

Page 30, line 2, delete "(c)" and insert **"(d)"**.

Page 30, line 4, delete "(d)" and insert **"(e)"**.

Page 30, line 5, delete "(e)" and insert **"(f)"**.

Page 30, line 8, delete "(f)" and insert **"(g)"**.

Page 30, line 11, delete "situation." and insert **"situation in which an intervention or rapid response service is needed to evaluate or stabilize an immediate, medical, behavioral, or mental health condition, or without which, the student is in immediate danger of experiencing abuse or neglect."**

Page 30, line 18, delete "include or".

Page 30, line 21, delete ", acting in their official capacity,".

Page 30, line 22, delete "include or".

Page 30, delete lines 36 through 39, begin a new line block indented and insert:

"(4) That members of any sex, race, ethnicity, religion, color, national origin, or political affiliation should treat others with disrespect due to the other individual's sex, race, ethnicity, religion, color, national origin, or political affiliation."

Page 31, line 24, after "political" insert **"affiliation or ideals or values that conflict with the Constitution of the United States."**



Page 31, delete line 25.
 Renumber all SECTIONS consecutively.
 and when so amended that said bill do pass.

(Reference is to HB 1134 as introduced.)

BEHNING

Committee Vote: yeas 8, nays 5.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1134 be amended to read as follows:

Page 9, line 35, delete "IC 20-30-17-4;" and insert "**IC 20-30-17-5;**".

Page 9, line 37, delete "IC 20-30-17-4," and insert "**IC 20-30-17-5,**".

Page 14, delete lines 28 through 33, begin a new paragraph and insert:

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

- (1) organized or facilitated by a public school or school employees, including activities conducted by individuals or organizations that are not associated with the public school; and**
- (2) assigned, distributed, presented, or otherwise made available to students."**

Page 15, delete lines 20 through 38, begin a new paragraph and insert:

"Sec. 4. (a) The curricular materials advisory committee shall be comprised according to the following requirements:

- (1) The governing body as a whole shall appoint members to the advisory committee in accordance to the following parameters:**
 - (A) Except as provided in clause (C), sixty percent (60%) parents of students within the school corporation. However, not more than fifty percent (50%) of the parents of students may be employees of the school corporation.**
 - (B) Except as provided in clause (C), forty percent (40%)**



teachers, administrators, or members of the community. However, not more than fifty percent (50%) of the teachers, administrators, or community members that comprise the forty percent (40%) may be administrators. (C) Not more than fifty percent (50%) of the members described in clauses (A) and (B) may be employees of the school corporation.

(2) Each member of the governing body shall appoint one (1) individual who is a parent of a student within the school corporation who should be included in the parameter described in subdivision (1)(A). Nothing in this subdivision shall be construed to prohibit the governing body as a whole from appointing additional individuals under subdivision (1)(A).

(b) Members appointed under subsection (a) shall serve a four (4) year term. The:

(1) governing body, except as provided in subdivision (2), may fill a vacancy for a member appointed under subsection (a)(1); and

(2) applicable governing body member may fill a vacancy for an individual described in subsection (a)(2);

with a member who will serve a four (4) year term."

Page 16, line 9, delete "shall" and insert "may, at its discretion, review or evaluate any of".

Page 16, line 10, delete "review and evaluate".

Page 16, delete lines 14 through 20, begin a new paragraph and insert:

"(b) Before July 1, 2023, the advisory committee shall submit to the governing body written recommendations for a policy or policies that meet or exceed the requirements described in IC 20-30-17 and establish the extent and manner in which curricular materials and educational activities shall be accessible to parents, individuals involved in a student's education who are designated by the student's parent, and other interested community members. The proposed policy or policies must be considered by the governing body at a public meeting.

Sec. 6. (a) The governing body may accept, reject, or otherwise modify a recommendation made by the advisory committee. However, prior to the 2023-2024 school year, the governing body, in consultation with the advisory committee, shall adopt a policy that must meet or exceed the requirements described in IC 20-30-17 and this chapter outlining the extent in which



curricular materials and educational activities shall be accessible to parents, individuals involved in a student's education who are designated by the student's parent, and other interested community members. In developing the policy or policies, the governing body shall consider:

- (1) the advisory committee's recommendations;
- (2) how best to maximize the convenience for parents to access curricular materials and educational activities in order to engage the parent in the student's learning; and
- (3) the feasibility and resources required to provide maximum access to parents, individuals involved in the student's education who are designated by the student's parent, and other interested community members.

(b) The school corporation's policy adopted under subsection (a) shall allow a student's parent who requests either:

- (1) curricular material; or
- (2) available information relating to an educational activity; that is not available on the school corporation's portal established under IC 20-30-17, to access the material or information as soon as practicable but not later than thirty (30) days after the request is made. The parent's request must identify with reasonable particularity the curricular material or available information relating to an educational activity being requested."

Page 16, line 33, delete "IC 20-30-17-3." and insert "IC 20-33-17-4."

Page 17, between lines 1 and 2, begin a new paragraph and insert: "(c) The department shall develop guidance for educators necessary to implement this section."

Page 17, line 2, after "3." insert "(a)".

Page 17, line 8, delete "violation." and insert "violation, not to exceed one thousand dollars (\$1,000)."

Page 17, between lines 9 and 10, begin a new paragraph and insert: "(b) If a court renders judgment in favor of a defendant responding to an action brought under this section and the court finds that the plaintiff's suit was frivolous or brought in bad faith, the court shall order reasonable attorney's fees and court costs in favor of the defendant not to exceed ten thousand dollars (\$10,000)."

Page 18, line 16, delete "state agency (as defined in IC 4-13-1.4-2)."

Page 18, line 17, delete "corporation," and insert "corporation".

Page 18, line 17, delete "IC 20-30-17-3)" and insert "IC



20-30-17-4)".

Page 18, line 18, delete "state agency, school corporation," and insert **"school corporation"**.

Page 19, line 13, delete "state agency, school corporation," and insert **"school corporation"**.

Page 19, between lines 18 and 19, begin a new paragraph and insert:
"(d) The department shall develop guidance for educators necessary to implement this section."

Page 19, line 19, delete "(d)" and insert "(e)".

Page 20, line 5, after "States" insert **"and the economic and political institutions of the United States are better suited to contribute toward human advancement, prosperity, scientific inquiry, and well-being"**.

Page 23, line 12, delete "IC 20-30-17-3)" and insert **"IC 20-30-17-4)"**.

Page 23, line 38, delete "The consent".

Page 23, delete lines 39 through 40.

Page 23, line 41, delete "manner described in IC 20-30-17-4(e)".

Page 24, line 3, delete "IC 20-30-17-3)" and insert **"IC 20-30-17-4)"**.

Page 24, line 20, delete "IC 20-30-17-3)" and insert **"IC 20-30-17-4)"**.

Page 24, line 27, delete "IC 20-30-17-3)" and insert **"IC 20-30-17-4)"**.

Page 24, line 32, delete "IC 20-30-17-3)," and insert **"IC 20-30-17-4),"**.

Page 24, line 42, delete "IC 20-30-17-3)" and insert **"IC 20-30-17-4)"**.

Page 25, between lines 13 and 14, begin a new paragraph and insert:
"Sec. 2. As used in this chapter, "curriculum portal" means the qualified school's:

(1) Internet web site;

(2) learning management system; or

(3) other web page or electronic modality."

Page 25, line 14, delete "2." and insert **"3."**

Page 25, line 16, delete "3." and insert **"4."**

Page 25, line 25, delete "4." and insert **"5."**

Page 25, line 27, delete "or otherwise presented to:" and insert
"presented, or otherwise made available to:"

Page 25, line 36, delete "8" and insert **"9"**.

Page 25, line 37, delete "June 30, 2023, and not later than June 30" and insert **"August 1, 2023, and not later than August 1"**.



Page 25, line 39, delete "Internet web site," and insert **"curriculum portal,"**.

Page 25, line 39, delete "accessible to parents of students who" and insert **"that:**

- (1) is disaggregated by grade level, teacher, and subject area;**
- (2) is accessible to parents, or individuals involved in the student's education who are designated by the parent; or**
- (3) shows bibliographic or other information necessary to:**
 - (A) identify specific textbooks, audiovisual, electronic, digital, library, or other learning materials, including the title and the author, organization, or Internet address;**
 - (B) provide either the full text or copy of student surveys; and**
 - (C) provide course or grade syllabi."**

Page 25, delete lines 40 through 42.

Page 26, delete lines 1 through 19.

Page 26, line 20, delete "(d)" and insert **"(c)"**.

Page 26, line 21, delete "Internet web" and insert **"curriculum portal"**.

Page 26, line 22, delete "site".

Page 26, line 23, delete "In the event that a qualified school is unable to post".

Page 26, delete lines 24 through 40.

Page 26, line 42, delete "4" and insert **"5"**.

Page 27, line 8, delete "4" and insert **"5"**.

Page 27, line 13, delete "4" and insert **"5"**.

Page 27, between lines 13 and 14, begin a new paragraph and insert:
"Sec. 8. Nothing in this chapter shall be construed to require a qualified school to post or distribute a learning material or educational activity in a manner that would constitute an infringement of copyright under the federal Copyright Act, 1017 U.S.C. 101 to 1332."

Page 27, delete lines 14 through 20.

Page 28, line 31, delete "IC 20-30-17-3." and insert **"IC 20-30-17-4."**

Page 28, line 32, delete "state agency (as".

Page 28, line 33, delete "defined in IC 4-13-1.4-2), school corporation," and insert **"school corporation"**.

Page 28, line 37, delete "that" and insert **"to"**.

Page 29, line 30, delete "state agency (as defined in IC 4-13-1.4-2),".

Page 29, line 31, delete "corporation," and insert **"corporation"**.



Page 29, line 31, delete "state agency,".

Page 29, line 32, delete "corporation," and insert "**corporation**".

Page 29, line 40, delete "state agency (as defined in IC 4-13-1.4-2),".

Page 29, line 40, delete "corporation," and insert "**corporation**".

Page 29, line 41, delete "state agency,".

Page 29, line 42, delete "corporation," and insert "**corporation**".

Page 30, line 1, delete "or take any action that would result in" and insert "**or adhere to a particular position on the issue or issues involved.**".

Page 30, delete line 2.

Page 30, line 3, delete "state agency,".

Page 30, line 4, delete "state agency (as defined in)".

Page 30, line 5, delete "IC 4-13-1.4-2, school corporation," and insert "**school corporation**".

Page 30, between lines 15 and 16, begin a new paragraph and insert:

"(d) It is the duty of the principal and the superintendent to carry out the day to day enforcement of this chapter."

Page 30, line 16, delete "(d)" and insert "(e)".

Page 30, line 20, delete "States." and insert "**States or IC 20-30-5-7(a)(3).**".

Page 30, line 21, delete "(e)" and insert "(f)".

Page 30, line 24, delete "includes, incorporates, or is based on" and insert "**promotes**".

Page 30, line 25, after "IC 20-28-10-20." insert "**This subdivision includes programs, curricular materials, instructional materials, curriculum, classroom assignments, orientation, interventions, or counseling offered by a state agency (as defined in IC 4-13-1.4-2).**".

Page 30, line 27, delete "includes, incorporates, or is based on" and insert "**promotes**".

Page 30, line 31, delete "include, incorporate, or are" and insert "**promote**".

Page 30, line 32, delete "based on".

Page 30, line 33, after "IC 20-28-10-20." insert "**This subdivision includes curricular materials, instructional materials, curriculum, classroom assignments, orientations, interventions, or counseling offered by a state agency (as defined in IC 4-13-1.4-2).**".

Page 30, line 37, delete "includes or incorporates" and insert "**promotes**".

Page 30, line 38, after "IC 20-28-10-20." insert "**This subdivision includes contracts to provide services, training, professional development, or any other assistance with a state agency (as**



defined in IC 4-13-1.4-2).".

Page 30, line 42, delete "includes, incorporates, or is based on" and insert "**promotes**".

Page 31, line 1, after "IC 20-28-10-20." insert "**This subdivision includes money received from a state agency (as defined in IC 4-13-1.4-2).**".

Page 31, between lines 1 and 2, begin a new paragraph and insert: "**(f) The department shall develop guidance for educators necessary to implement this section.**".

Page 31, line 11, after "site." insert "**A complaint filed under this section or an appeal under section 4 of this chapter is confidential and excepted from public disclosure as provided in IC 5-14-3-4.**".

Page 32, line 22, delete "chapter," and insert "**chapter.**".

Page 32, line 29, after "5." insert "**(a)**".

Page 32, line 31, delete "state agency,".

Page 32, line 31, delete "corporation," and insert "**corporation**".

Page 32, line 36, delete "violation." and insert "**violation, not to exceed one thousand dollars (\$1,000).**".

Page 32, between lines 37 and 38, begin a new paragraph and insert:

"(b) A school employee is not responsible for any remedy awarded under subsection (a) to an individual who prevails in a civil action against a school corporation or qualified school that involves the school employee.

(c) If a court renders judgment in favor of a defendant responding to an action brought under this section and the court finds that the plaintiff's suit was frivolous or brought in bad faith, the court shall order reasonable attorney's fees and court costs in favor of the defendant not to exceed ten thousand dollars (\$10,000).".

Page 33, line 1, delete "300.32(b)" and insert "**300.320(b)**".

Page 33, line 4, delete "IC 20-30-17-3)" and insert "**IC 20-30-17-4)**".

Page 33, line 25, delete "The qualified school (as defined in IC 20-30-17-3) or an" and insert "**If the parent of the student or the student, if the student is emancipated, does not respond to the written request provided by the qualified school within twenty-one (21) calendar days after receiving the initial request under this subsection, the qualified school shall provide the parent of the student, or the student, if the student is emancipated, a second written notice requesting that the parent of the student, or the student, if the student is emancipated, indicate, in a manner prescribed by the qualified school, whether the parent of the**



student or the emancipated student consents to the services described in subsection (b). The second notice must accurately summarize the contents and nature of services that will be provided to the student. The notice may be sent in an electronic format. If the qualified school does not receive a response within ten (10) days after the notice, the qualified school may proceed in providing the student with the services described in subsection (b) unless the parent or the adult or the emancipated student subsequently opts out of the instruction for the student."

Page 33, delete lines 26 through 29.

Page 33, line 37, delete "IC 20-30-17-3)" and insert "IC 20-30-17-4)".

Page 34, between lines 1 and 2, begin a new paragraph and insert: "(h) The department shall develop guidance for educators necessary to implement this section."

Page 34, delete lines 2 through 42.

Page 35, delete lines 1 through 27.

Renumber all SECTIONS consecutively.

(Reference is to HB 1134 as printed January 13, 2022.)

COOK

