

SENATE BILL No. 442

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-5.1; IC 20-30-5-17.

Synopsis: Instruction concerning human sexuality. Defines "governing authority" of a school. Defines "school" as a school maintained by a school corporation, charter school, or state accredited nonpublic school. Provides that, if a school provides any instruction to students concerning human sexuality, the school's governing authority must first approve and publish certain information concerning the instruction in a conspicuous place on the website of the school, and requires the school to provide a direct link to that information in the school's written request for consent for instruction concerning human sexuality. Prohibits a school from using learning materials that concern human sexuality unless approved by the school's governing authority. Requires the governing body of a school to establish and maintain a grievance procedure for a violation of certain provisions.

Effective: July 1, 2025.

Byrne

January 13, 2025, read first time and referred to Committee on Education and Career Development.



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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

SENATE BILL No. 442

A BILL FOR AN ACT to amend the Indiana Code concerning education.

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

1 SECTION 1. IC 20-26-5.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]:

4 **Chapter 5.1. Transparency in Instruction Concerning Human**
5 **Sexuality**

6 **Sec. 1. As used in this chapter, "governing authority" refers to:**

7 (1) the governing body of a school corporation; or
8 (2) the equivalent authority of a governing body as described
9 in subdivision (1) for a:

10 (A) charter school; or

11 (B) state accredited nonpublic school.

12 **Sec. 2. As used in this chapter, "learning material" means any**
13 **material used for student instruction that concerns human**
14 **sexuality, including the following:**

15 (1) Textbooks and other printed materials.

16 (2) Audiovisual materials.

17 (3) Materials in electronic or digital formats, including



materials accessible through the Internet.

(4) All materials and information to be presented or provided to students in connection with any instruction concerning human sexuality.

(5) Any other curricular materials.

Sec. 3. As used in this chapter, "school" means the following:

(1) A school maintained by a school corporation.

(2) A charter school.

(3) A state accredited nonpublic school.

Sec. 4. In addition to the adoption of curricular materials under IC 20-26-12-24, if a school provides any instruction concerning human sexuality to students in grades 4 through 12, the governing authority shall, before July 1 of each year, approve the following:

(1) If the instruction is provided by an instructor teaching multiple subjects to a single class, the weeks during which any instruction concerning human sexuality will be taught.

(2) Whether, for each grade level, course, or class, any instruction concerning human sexuality will be taught to:

(A) male and female students in a unified setting; or

(B) male and female students in separate settings.

(3) Each grade level, course, or class in which any instruction concerning human sexuality will be taught and whether the instruction will be provided by a male or female instructor.

(4) A short description of the topics that will be discussed during any instruction that concerns human sexuality.

(5) All learning material that will be used for any instruction concerning human sexuality for each grade level, course, or class.

Sec. 5. Before the beginning of each school year, a governing authority shall publish the following in a conspicuous place on the school's website:

(1) The information approved under section 4(1) through 4(4) of this chapter.

(2) A list of all learning material approved under section 4(5) of this chapter.

Sec. 6. A school or an employee of a school may not use any learning material that is not approved by the governing authority as described under section 4(5) of this chapter.

Sec. 7. A parent of a student or a student, if the student is an adult or emancipated minor, who is enrolled in a school may submit a grievance for a violation of this chapter in accordance with section 8 of this chapter.



Sec. 8. The governing body of a school shall establish and maintain a grievance procedure for the resolution of a grievance submitted under section 7 of this chapter.

SECTION 2. IC 20-30-5-17, AS AMENDED BY P.L.154-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 17. (a) Each school corporation 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 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 school 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, **and provide a direct link to the information and material published on the school's website pursuant to IC 20-26-5.1-5.** 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 school 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 school 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 school, 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 school 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.

