

SENATE BILL No. 128

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-5.1.

Synopsis: Human sexuality instruction. 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 instructs students on human sexuality, the school's governing authority must first approve and publish certain information concerning the instruction on the website of the school. Prohibits a school from using learning materials for instruction on human sexuality unless approved by the school's governing authority.

Effective: Upon passage.

Byrne, Raatz

January 8, 2024, read first time and referred to Committee on Education and Career Development.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

SENATE BILL No. 128

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 UPON PASSAGE]:
- 4 **Chapter 5.1. Transparency in Instruction on Human Sexuality**
- 5 **Sec. 1. As used in this chapter, "governing authority" refers to:**
- 6 **(1) the governing body of a school corporation; or**
- 7 **(2) the equivalent authority of a governing body as described**
- 8 **in subdivision (1) for a:**
- 9 **(A) charter school; or**
- 10 **(B) state accredited nonpublic school.**
- 11 **Sec. 2. As used in this chapter, "learning material" means any**
- 12 **material used for student instruction on human sexuality, including**
- 13 **the following:**
- 14 **(1) Textbooks and other printed materials.**
- 15 **(2) Audiovisual materials.**
- 16 **(3) Materials in electronic or digital formats, including**
- 17 **materials accessible through the Internet.**



- 1 **(4) All materials and information to be presented or provided**
 2 **to students in connection with instruction on human sexuality.**
 3 **(5) Any other curricular materials.**
- 4 **Sec. 3. As used in this chapter, "school" means the following:**
 5 **(1) A school maintained by a school corporation.**
 6 **(2) A charter school.**
 7 **(3) A state accredited nonpublic school.**
- 8 **Sec. 4. In addition to the adoption of curricular materials under**
 9 **IC 20-26-12-24, if a school provides instruction on human sexuality**
 10 **to students in grades 4 through 12, the governing authority shall,**
 11 **before July 1 of each year, approve the following:**
- 12 **(1) Each grade level, course, or class in which students will**
 13 **receive instruction on human sexuality.**
 14 **(2) If the instruction is provided by an instructor teaching**
 15 **multiple subjects to a single class, the weeks during which**
 16 **instruction on human sexuality will be taught.**
 17 **(3) Whether, for each grade level, course, or class, instruction**
 18 **on human sexuality will be taught to:**
 19 **(A) male and female students in a unified setting; or**
 20 **(B) male and female students in separate settings.**
 21 **(4) Each grade level, course, or class in which instruction on**
 22 **human sexuality will be taught and whether the instruction**
 23 **will be provided by a male or female instructor.**
 24 **(5) A short description of the topics that will be discussed**
 25 **during instruction on human sexuality.**
 26 **(6) All learning material that will be used for instruction on**
 27 **human sexuality for each grade level, course, or class.**
- 28 **Sec. 5. Before the beginning of each school year, a governing**
 29 **authority shall publish the following on the school's website:**
 30 **(1) The information approved under section 4(1) through 4(5)**
 31 **of this chapter.**
 32 **(2) A list of all learning material approved under section 4(6)**
 33 **of this chapter.**
- 34 **Sec. 6. A school or an employee of a school may not use any**
 35 **learning material that is not approved by the governing authority**
 36 **as described under section 4(6) of this chapter.**
 37 **SECTION 2. An emergency is declared for this act.**

