



January 24, 2025

SENATE BILL No. 289

DIGEST OF SB 289 (Updated January 22, 2025 4:42 pm - DI 149)

Citations Affected: IC 5-14; IC 20-26; IC 22-5.

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

Effective: July 1, 2025.

Byrne, Johnson T, Tomes, Young M

January 13, 2025, read first time and referred to Committee on Judiciary.
January 23, 2025, amended, reported favorably — Do Pass.

SB 289—LS 6851/DI 141



January 24, 2025

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

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

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

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

SENATE BILL No. 289

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

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

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

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

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

6 (A) Nondiscrimination.

7 (B) Diversity.

8 (C) Equity.

9 (D) Inclusion.

10 (E) Race.

11 (F) Ethnicity.

12 (G) Sex.

13 (H) Bias.

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

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

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

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

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

27 (2) A brief description of the material.

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

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

36 (1) Nondiscrimination.

37 (2) Diversity.

38 (3) Equity.

39 (4) Inclusion.

40 (5) Race.

41 (6) Ethnicity.

42 (7) Sex.



- 1 **(8) Bias.**
- 2 **(9) Any combination of the concepts described in subdivisions**
- 3 **(1) through (8) with other concepts.**
- 4 **(b) A state agency or political subdivision is not required to post**
- 5 **training material that is confidential under IC 5-14-3-4.**
- 6 **Sec. 8. This chapter may not be construed to require the digital**
- 7 **reproduction or posting of copies of material if the reproduction or**
- 8 **posting would infringe on copyrighted material. However, if**
- 9 **reproduction or posting would infringe on copyrighted material,**
- 10 **the original materials must be:**
- 11 **(1) linked, if possible; or**
- 12 **(2) provided upon request.**
- 13 **SECTION 2. IC 20-26-22.5 IS ADDED TO THE INDIANA CODE**
- 14 **AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE**
- 15 **JULY 1, 2025]:**
- 16 **Chapter 22.5. Nondiscrimination in Education**
- 17 **Sec. 1. As used in this chapter, "stereotypes" means character**
- 18 **traits ascribed to:**
- 19 **(1) a particular race, sex, ethnicity, religion, or national**
- 20 **origin; or**
- 21 **(2) an individual because of the individual's race, sex,**
- 22 **ethnicity, religion, or national origin.**
- 23 **Sec. 2. (a) A school corporation or charter school may not:**
- 24 **(1) require or otherwise compel a student, teacher,**
- 25 **administrator, or other employee to affirm, adopt, or adhere**
- 26 **to any belief or concept that:**
- 27 **(A) one (1) race, sex, ethnicity, religion, or national origin**
- 28 **is inherently superior or inferior to another race, sex,**
- 29 **ethnicity, religion, or national origin;**
- 30 **(B) an individual, by virtue of the individual's race, sex,**
- 31 **ethnicity, religion, or national origin should be blamed for**
- 32 **actions committed in the past by other members of the**
- 33 **same race, sex, ethnicity, religion, or national origin; or**
- 34 **(C) an individual's moral character is necessarily**
- 35 **determined, in whole or in part, by the individual's race,**
- 36 **sex, ethnicity, religion, or national origin; or**
- 37 **(2) use public funds to contract with, hire, or otherwise**
- 38 **engage consultants, trainers, or other persons to:**
- 39 **(A) direct or otherwise compel a student, teacher,**
- 40 **administrator, or other employee to affirm, adopt, or**
- 41 **adhere to any belief or concept described in subdivision**
- 42 **(1);**



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



1 or national origin; or

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

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

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

17 (1) investigate the complaint; and

18 (2) respond to the complaint by:

19 (A) acknowledging a violation of this chapter;

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

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

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

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

34 (1) acknowledging a violation of this chapter;

35 (2) denying a violation of this chapter; or

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

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

39 (d) An employee, a parent, or an emancipated student may
40 submit a request to review the decision of the superintendent, or
41 the equivalent authority for a charter school, under subsection (c)
42 to the governing body of the school corporation or the equivalent



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

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

19 **Sec. 6.** The attorney general may file an action for mandate to
 20 compel a school corporation or charter school to comply with this
 21 chapter.

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

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

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

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

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

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

36 (1) a particular race, sex, ethnicity, religion, or national
 37 origin; or

38 (2) an individual because of the individual's race, sex,
 39 ethnicity, religion, or national origin.

40 **Sec. 5. (a)** A state agency or political subdivision may not:

41 (1) require or otherwise compel an employee to affirm, adopt,
 42 or adhere to any belief or concept that:



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



1 **employment:**

- 2 (1) a state agency;
 3 (2) a political subdivision; or
 4 (3) an employee of a state agency or political subdivision;
 5 may not promote, embrace, or endorse stereotypes.

6 (b) This section may not be construed to prohibit the discussion
 7 of:

- 8 (1) how stereotypes have been or are wrongfully embraced or
 9 used to discriminate on the basis of race, sex, ethnicity,
 10 religion, or national origin; or
 11 (2) data or scientific studies that:
 12 (A) categorize people based on race, sex, ethnicity, religion,
 13 or national origin; or
 14 (B) reveal disparities between different groups within any
 15 of the categories described in clause (A).

16 **Sec. 7. (a) The department shall develop a complaint form, in a**
 17 **manner prescribed by the department, to be used by an employee**
 18 **of a state agency or political subdivision to file a complaint with the**
 19 **state agency or political subdivision for a violation of this chapter.**
 20 **The department shall maintain a copy of the complaint form on the**
 21 **department's website. In addition, each state agency and political**
 22 **subdivision must maintain, and conspicuously display, a link to the**
 23 **complaint form on the state agency's or political subdivision's**
 24 **website.**

25 (b) An employee of a state agency or political subdivision may
 26 file a complaint with the state agency or political subdivision
 27 alleging a violation of this chapter. The state agency or political
 28 subdivision shall:

- 29 (1) investigate the complaint; and
 30 (2) respond to the complaint by:
 31 (A) acknowledging a violation of this chapter;
 32 (B) denying a violation of this chapter; or
 33 (C) determining that the evidence obtained during the
 34 investigation of the complaint was inconclusive;

35 within five (5) days of receiving the complaint. If the state agency
 36 or political subdivision acknowledges a violation of this chapter,
 37 the response must include a description of how the state agency or
 38 political subdivision will remedy the violation.

39 **Sec. 8. The attorney general may file an action for mandate to**
 40 **compel a state agency or political subdivision to comply with this**
 41 **chapter.**



COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 289, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 31 through 32.

Page 6, delete lines 21 through 28, begin a new paragraph and insert:

"Sec. 6. The attorney general may file an action for mandate to compel a school corporation or charter school to comply with this chapter."

Page 9, delete lines 4 through 12, begin a new paragraph and insert:

"Sec. 8. The attorney general may file an action for mandate to compel a state agency or political subdivision to comply with this chapter."

and when so amended that said bill do pass.

(Reference is to SB 289 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 7, Nays 3.

