



February 7, 2025

SENATE BILL No. 442

DIGEST OF SB 442 (Updated February 5, 2025 5:26 pm - DI 152)

Citations Affected: IC 20-26; IC 20-30.

Synopsis: Instruction concerning human sexuality. Defines "governing authority" of a school. Defines "school" as a school maintained by a school corporation or a charter 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. Replaces references to "sexually transmitted diseases" with "sexually transmitted infections".

Effective: July 1, 2025.

Byrne, Raatz, Schmitt

January 13, 2025, read first time and referred to Committee on Education and Career Development.
February 6, 2025, amended, reported favorably — Do Pass.

SB 442—LS 6910/DI 152



February 7, 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. 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 **the governing body of a school corporation or the equivalent**
8 **authority for a charter school.**
9 **Sec. 2. As used in this chapter, "learning material" means any**
10 **material used for student instruction that concerns human**
11 **sexuality, including the following:**
12 **(1) Textbooks and other printed materials.**
13 **(2) Audiovisual materials.**
14 **(3) Materials in electronic or digital formats, including**
15 **materials accessible through the Internet.**
16 **(4) All materials and information to be presented or provided**
17 **to students in connection with any instruction concerning**

SB 442—LS 6910/DI 152



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

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.

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 20-30-5-13, AS AMENDED BY P.L.92-2020,



1 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2025]: Sec. 13. Throughout instruction on human sexuality or
3 sexually transmitted ~~diseases~~, **infections**, a state accredited school
4 shall:

5 (1) require a teacher to teach abstinence from sexual activity
6 outside of marriage as the expected standard for all school age
7 children;

8 (2) include in the instruction that abstinence from sexual activity
9 is the only certain way to avoid out-of-wedlock pregnancy,
10 sexually transmitted ~~diseases~~, **infections**, and other associated
11 health problems; and

12 (3) include in the instruction that the best way to avoid sexually
13 transmitted ~~diseases~~ **infections** and other associated health
14 problems is to establish a mutually faithful monogamous
15 relationship in the context of marriage.

16 SECTION 3. IC 20-30-5-17, AS AMENDED BY P.L.154-2018,
17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2025]: Sec. 17. (a) Each school corporation shall make
19 available for inspection by the parent of a student any instructional
20 materials, including teachers' manuals, curricular materials, films or
21 other video materials, tapes, and other materials, used in connection
22 with:

23 (1) a personal analysis, an evaluation, or a survey described in
24 subsection (b); or

25 (2) instruction on human sexuality.

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

30 (1) political affiliations;

31 (2) religious beliefs or practices;

32 (3) mental or psychological conditions that may embarrass the
33 student or the student's family;

34 (4) sexual behavior or attitudes;

35 (5) illegal, antisocial, self-incriminating, or demeaning behavior;

36 (6) critical appraisals of other individuals with whom the student
37 has a close family relationship;

38 (7) legally recognized privileged or confidential relationships,
39 including a relationship with a lawyer, minister, or physician; or

40 (8) income (except as required by law to determine eligibility for
41 participation in a program or for receiving financial assistance
42 under a program);



1 without the prior consent of the student if the student is an adult or an
 2 emancipated minor or the prior written consent of the student's parent
 3 if the student is an unemancipated minor. A parental consent form for
 4 a personal analysis, an evaluation, or a survey described in this
 5 subsection shall accurately reflect the contents and nature of the
 6 personal analysis, evaluation, or survey.

7 (c) Before a school may provide a student with instruction on human
 8 sexuality, the school must provide the parent of the student or the
 9 student, if the student is an adult or an emancipated minor, with a
 10 written request for consent of instruction. A consent form provided to
 11 a parent of a student or a student under this subsection must accurately
 12 summarize the contents and nature of the instruction on human
 13 sexuality that will be provided to the student, ~~and~~ indicate that a parent
 14 of a student or an adult or emancipated minor student has the right to
 15 review and inspect all materials related to the instruction on human
 16 sexuality, **and provide a direct link to the information and material**
 17 **published on the school's website pursuant to IC 20-26-5.1-5.** The
 18 written consent form may be sent in an electronic format. The parent
 19 of the student or the student, if the student is an adult or an
 20 emancipated minor, may return the consent form indicating that the
 21 parent of the student or the adult or emancipated student:

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

24 If a student does not participate in the instruction on human sexuality,
 25 the school shall provide the student with alternative academic
 26 instruction during the same time frame that the instruction on human
 27 sexuality is provided.

28 (d) If the parent of the student or the student, if the student is an
 29 adult or an emancipated minor, does not respond to the written request
 30 provided by the school under subsection (c) within twenty-one (21)
 31 calendar days after receiving the request under subsection (c), the
 32 school shall provide the parent of the student, or the student, if the
 33 student is an adult or an emancipated minor, a written notice requesting
 34 that the parent of the student, or the student, if the student is an adult
 35 or an emancipated minor, indicate, in a manner prescribed by the
 36 school, whether the parent of the student or the adult or emancipated
 37 student:

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

40 A notice provided to a parent of a student or a student under this
 41 subsection must accurately summarize the contents and nature of the
 42 instruction on human sexuality that will be provided to the student and



- 1 indicate that a parent of a student or an adult or emancipated minor
2 student has the right to review and inspect all materials related to the
3 instruction on human sexuality. The notice may be sent in an electronic
4 format. If the school does not receive a response within ten (10) days
5 after the notice, the student will receive the instruction on human
6 sexuality unless the parent or the adult or emancipated student
7 subsequently opts out of the instruction for the student.
8 (e) The department and the governing body shall give parents and
9 students notice of their rights under this section.
10 (f) The governing body shall enforce this section.



COMMITTEE REPORT

Mr. President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 442, 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 1, delete lines 6 through 11, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "governing authority" refers to the governing body of a school corporation or the equivalent authority for a charter school."

Page 2, delete line 9.

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

"SECTION 2. IC 20-30-5-13, AS AMENDED BY P.L.92-2020, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 13. Throughout instruction on human sexuality or sexually transmitted ~~diseases~~, **infections**, a state accredited school shall:

- (1) require a teacher to teach abstinence from sexual activity outside of marriage as the expected standard for all school age children;
- (2) include in the instruction that abstinence from sexual activity is the only certain way to avoid out-of-wedlock pregnancy, sexually transmitted ~~diseases~~, **infections**, and other associated health problems; and
- (3) include in the instruction that the best way to avoid sexually transmitted ~~diseases~~ **infections** and other associated health problems is to establish a mutually faithful monogamous relationship in the context of marriage."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 442 as introduced.)

RAATZ, Chairperson

Committee Vote: Yeas 9, Nays 4.

SB 442—LS 6910/DI 152

