

PROPOSED AMENDMENT

HB 1134 # 30

DIGEST

Dignity and nondiscrimination in education. Removes provisions regarding the tenants and concepts and provides that, in accordance with certain federal laws: (1) no student shall, on the grounds of sex, race, color, ethnicity, disability status, gender or sexual orientation, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any school corporation or qualified school in the state of Indiana; and (2) no administrator, employee, or any other staff of a school corporation or qualified school shall instruct or use curriculum or supplemental learning materials to promote discriminatory conduct that would violate the: (A) federal civil rights laws and regulations; or (B) Constitution of the United States.

- 1 Page 11, delete lines 5 through 42, begin a new paragraph and insert:
2 "SECTION 3. IC 20-23-18-3, AS AMENDED BY P.L.147-2020,
3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (c), the
5 Muncie Community School Corporation is subject to all applicable
6 federal and state laws.
7 (b) If a provision of this chapter conflicts with any other law,
8 including IC 20-23-4, the provision in this chapter controls.
9 (c) Notwithstanding subsection (a), to provide all administrative and
10 academic flexibility to implement innovative strategies, the Muncie
11 Community School Corporation is subject only to the following IC 20
12 and IC 22 provisions:
13 (1) IC 20-26-5-10 (criminal history).
14 **(2) IC 20-26-12.5 (curricular materials advisory committee).**
15 **(3) IC 20-26-21 (personal analysis, evaluations, or surveys by**
16 **third party vendors).**
17 ~~(2)~~ **(4)** IC 20-28-5-8 (conviction of certain felonies; notice and
18 hearing; permanent revocation of license; data base of school
19 employees who have been reported).
20 ~~(3)~~ **(5)** IC 20-28-10-17 (school counselor immunity).
21 ~~(4)~~ **(6)** IC 20-29 (collective bargaining) to the extent required by
22 subsection (e).
23 ~~(5)~~ **(7)** IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative

- 1 observances).
- 2 ~~(6)~~ **(8)** The following:
- 3 (A) IC 20-30-5-0.5 (display of the United States flag; Pledge
- 4 of Allegiance).
- 5 (B) IC 20-30-5-1, IC 20-30-5-2, and IC 20-30-5-3 (the
- 6 constitutions of Indiana and the United States; writings,
- 7 documents, and records of American history or heritage).
- 8 (C) IC 20-30-5-4 (system of government; American history).
- 9 (D) IC 20-30-5-5 (morals instruction).
- 10 (E) IC 20-30-5-6 (good citizenship instruction).
- 11 **(9) IC 20-30-17 (curriculum portals).**
- 12 ~~(7)~~ **(10)** IC 20-32-4, concerning graduation requirements.
- 13 ~~(8)~~ **(11)** IC 20-32-5.1, concerning the Indiana's Learning
- 14 Evaluation Assessment Readiness Network (ILEARN) program.
- 15 ~~(9)~~ **(12)** IC 20-32-8.5 (IRead3).
- 16 **(13) IC 20-33-1.5 (dignity and nondiscrimination in**
- 17 **education).**
- 18 ~~(10)~~ **(14)** IC 20-33-2 (compulsory school attendance).
- 19 ~~(11)~~ **(15)** IC 20-33-8-16 (firearms and deadly weapons).
- 20 ~~(12)~~ **(16)** IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22
- 21 (student due process and judicial review).
- 22 ~~(13)~~ **(17)** IC 20-33-7 (parental access to education records).
- 23 ~~(14)~~ **(18)** IC 20-33-9 (reporting of student violations of law).
- 24 ~~(15)~~ **(19)** IC 20-34-3 (health and safety measures).
- 25 ~~(16)~~ **(20)** IC 20-35 (concerning special education).
- 26 ~~(17)~~ **(21)** IC 20-39 (accounting and financial reporting
- 27 procedures).
- 28 ~~(18)~~ **(22)** IC 20-40 (government funds and accounts).
- 29 ~~(19)~~ **(23)** IC 20-41 (extracurricular funds and accounts).
- 30 ~~(20)~~ **(24)** IC 20-42 (fiduciary funds and accounts).
- 31 ~~(21)~~ **(25)** IC 20-42.5 (allocation of expenditures to student
- 32 instruction and learning).
- 33 ~~(22)~~ **(26)** IC 20-43 (state tuition support).
- 34 ~~(23)~~ **(27)** IC 20-44 (property tax levies).
- 35 ~~(24)~~ **(28)** IC 20-46 (levies other than general fund levies).
- 36 ~~(25)~~ **(29)** IC 20-47 (related entities; holding companies; lease
- 37 agreements).
- 38 ~~(26)~~ **(30)** IC 20-48 (borrowing and bonds).
- 39 ~~(27)~~ **(31)** IC 20-49 (state management of common school funds;

state advances and loans).

~~(28)~~ **(32)** IC 20-50 (concerning homeless children and foster care children).

~~(29)~~ **(33)** 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."

Delete page 12.

Page 18, line 37, delete "IC 20-28-10-20 or".

Page 19, line 9, delete "IC 20-28-10-20 or".

Page 19, line 25, delete "IC 20-28-10-20, IC 20-33-1.5," and insert **"IC 20-33-1.5"**.

Page 19, delete lines 26 through 42.

Page 20, delete lines 1 through 34.

Page 28, line 34, delete "IC 20-28-10-20 or".

Page 29, line 13, delete "IC 20-28-10-20 or".

Page 29, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 19. 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 20-26-21-1.

Sec. 2. In accordance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title IX of the Education Amendments of 1972, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and guidance and implementing regulations from the United States Department of Education:

(1) no student shall, on the grounds of sex, race, color, ethnicity, disability status, gender or sexual orientation, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any school corporation or qualified school in the state of Indiana; and
 (2) no administrator, employee, or any other staff of a school corporation or qualified school shall instruct or use curriculum or supplemental learning materials to promote discriminatory conduct that would violate the:

(A) federal civil rights laws and regulations; or

(B) Constitution of the United States.

Sec. 3. Nothing in this chapter shall be construed to exclude the teaching, discussion, or analysis of factual history or historical or current injustices committed against any sex, race, disability status, ethnicity, religion, gender or sexual orientation, color, or national origin, including the teaching and discussion of curriculum required under IC 20-30-5-7."

Delete pages 30 through 33.

Page 34, delete lines 1 through 6.

Page 35, delete lines 12 through 14.

Page 35, line 15, delete "(g)" and insert "(f)".

Page 35, line 23, delete "(h)" and insert "(g)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1134 as reprinted January 26, 2022.)