HOUSE BILL No. 1041

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-14-10; IC 20-33-13; IC 21-18-13.5; IC 34-30-2.

Synopsis: Participation in school sports. Requires, for purposes of interscholastic athletic events, school corporations, public schools, nonpublic schools, state educational institutions, private postsecondary educational institutions, and certain athletic associations to expressly designate an athletic team or sport as one of the following: (1) A male, men's, or boys' team or sport. (2) A female, women's, or girls' team or sport. (3) A coeducational or mixed team or sport. Prohibits a male, based on the student's biological sex at birth in accordance with the student's genetics and reproductive biology, from participating on an athletic team or sport designated as being a female, women's, or girls' athletic team or sport. Requires school corporations, public schools, certain nonpublic schools, state educational institutions, certain private postsecondary educational institutions, and certain athletic associations to establish grievance procedures for a violation of these provisions. Establishes a civil action for a violation of these provisions. Provides that school corporations, public schools, certain nonpublic schools, state educational institutions, certain private postsecondary educational institutions, and certain athletic associations are not subject to liability in a civil, administrative, disciplinary, or criminal action for acting in compliance with these provisions.

Effective: July 1, 2022.

Davis, Jeter, King, Heaton

January 4, 2022, read first time and referred to Committee on Education.

Introduced

Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1041

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

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

SECTION 1. IC 20-26-14-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 10. An association is subject to IC 20-33-13.**

SECTION 2. IC 20-33-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 13. Athletic Teams and Sports

Sec. 1. This chapter applies to the following:

(1) An athletic team or sport that is organized, sanctioned, or sponsored by a school corporation or public school in which the students participating on the athletic team or in the sport compete against students participating on an athletic team or in a sport that is organized, sanctioned, or sponsored by another school corporation, public school, or nonpublic school.

(2) An athletic team or sport that is organized, sanctioned, or

sponsored by a nonpublic school that voluntarily competes against an athletic team or sport that is organized, sanctioned, or sponsored by a school corporation or public school.

(3) An athletic team or sport approved or sanctioned by an association for purposes of participation in a high school interscholastic athletic event.

Sec. 2. As used in this chapter, "association" has the meaning set forth in IC 20-26-14-1.

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

(1) A school maintained by a school corporation.

(2) A charter school.

Sec. 4. (a) A school corporation, public school, nonpublic school, or association that organizes, sanctions, or sponsors an athletic team or sport described in section 1 of this chapter shall expressly designate the athletic team or sport as one (1) of the following:

(1) A male, men's, or boys' team or sport.

(2) A female, women's, or girls' team or sport.

(3) A coeducational or mixed team or sport.

(b) A male, based on a student's biological sex at birth in accordance with the student's genetics and reproductive biology, may not participate on an athletic team or sport designated under this section as being a female, women's, or girls' athletic team or sport.

Sec. 5. (a) A student or parent of a student may submit a grievance to a school corporation, public school, nonpublic school, or association for a violation of section 4 of this chapter.

(b) Each school corporation, public school, nonpublic school, and association described in section 4 of this chapter shall establish and maintain a grievance procedure for the resolution of a grievance submitted under this section.

Sec. 6. (a) If a school corporation, public school, nonpublic school, or association violates this chapter, a student who is:

(1) deprived of an athletic opportunity; or

(2) otherwise directly or indirectly injured;

as a result of the violation may bring a civil action against the school corporation, public school, nonpublic school, or association.

(b) A school corporation, public school, nonpublic school, or association may not retaliate or otherwise take any adverse action against a student for reporting a violation or bringing a civil action for a violation of this chapter.

Sec. 7. The court may award to a student who prevails in an

action under section 6 of this chapter any of the following:

(1) Injunctive relief.

(2) The greater of:

(A) actual and consequential damages resulting from the violation; or

(B) liquidated damages of not more than one thousand dollars ($1,000).

(3) Costs and reasonable attorney's fees.

(4) Any other appropriate relief determined by the court.

Sec. 8. A school corporation, a public school, a nonpublic school, and an association are not subject to liability in:

(1) a civil;

(2) an administrative;

(3) a disciplinary; or

(4) a criminal;

action for acting in good faith in compliance with this chapter.

SECTION 3. IC 21-18-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 13.5. Athletic Teams and Sports

Sec. 1. This chapter applies to the following:

(1) An athletic team or sport that is organized, sanctioned, or sponsored by a state educational institution in which the students participating on the athletic team or in the sport compete against students participating on an athletic team or in a sport that is organized, sanctioned, or sponsored by another state educational institution or a private postsecondary educational institution.

(2) An athletic team or sport that is organized, sanctioned, or sponsored by a private postsecondary educational institution that voluntarily competes against an athletic team or sport that is organized, sanctioned, or sponsored by a state educational institution.

(3) An athletic team or sport approved or sanctioned by an association for purposes of participation in a postsecondary educational institution interscholastic athletic event.

Sec. 2. As used in this chapter, "association" has the meaning set forth in IC 21-18-13-2.

Sec. 3. (a) A state educational institution, private postsecondary educational institution, or association that organizes, sanctions, or sponsors an athletic team or sport described in section 1 of this chapter shall expressly designate the athletic team or sport as one

(1) of the following:

(1) A male, men's, or boys' team or sport.

(2) A female, women's, or girls' team or sport.

(3) A coeducational or mixed team or sport.

(b) A male, based on a student's biological sex at birth in accordance with the student's genetics and reproductive biology, may not participate on an athletic team or sport designated under this section as being a female, women's, or girls' athletic team or sport.

Sec. 4. (a) A student or parent of a student may submit a grievance to a state educational institution, private postsecondary educational institution, or association for a violation of section 3 of this chapter.

(b) Each state educational institution, private postsecondary educational institution, and association described in section 3 of this chapter shall establish and maintain a grievance procedure for the resolution of a grievance submitted under this section.

Sec. 5. (a) If a state educational institution, private postsecondary educational institution, or association violates this chapter, a student who is:

(1) deprived of an athletic opportunity; or

(2) otherwise directly or indirectly injured;

as a result of the violation may bring a civil action against the state educational institution, private postsecondary educational institution, or association.

(b) A state educational institution, private postsecondary educational institution, or association may not retaliate or otherwise take any adverse action against a student for reporting a violation or bringing a civil action for a violation of this chapter.

Sec. 6. The court may award to a student who prevails in an action under section 5 of this chapter any of the following:

(1) Injunctive relief.

(2) The greater of:

(A) actual and consequential damages resulting from the violation; or

(B) liquidated damages of not more than one thousand dollars ($1,000).

(3) Costs and reasonable attorney's fees.

(4) Any other appropriate relief determined by the court.

Sec. 7. A state educational institution, a private postsecondary educational institution, and an association are not subject to liability in:

(1) a civil;

(2) an administrative;

(3) a disciplinary; or

(4) a criminal;

action for acting in good faith in compliance with this chapter.

SECTION 4. IC 34-30-2-86.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 86.8. IC 20-33-13-8 (Concerning school corporations, public schools, nonpublic schools, and athletic associations that comply with requirements regarding athletic teams and sports).**

SECTION 5. IC 34-30-2-86.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 86.9. IC 21-18-13.5-7 (Concerning state educational institutions, private postsecondary educational institutions, and athletic associations that comply with requirements regarding athletic teams and sports).**