

Inclusivity - Legislative Brief

October 2020

State leaders and school administrators have a responsibility to foster an inclusive school community and learning environment demonstrating respect for people of all races, color, gender, gender identity or expression, sexual orientation, national origin, religion, or ancestry. The Indiana Department of Education (IDOE) strongly encourages the General Assembly to pass legislation that fosters an inclusive, respectful K-12 environment for all Hoosier students and school employees, in any type of school setting.

Efforts to close achievement gaps are outlined in Indiana's Every Student Succeeds Act Plan and have been a priority for IDOE. The state must continue to address achievement gaps by creating anti-discrimination legislation aimed at vulnerable populations.

Left unchanged, Indiana will continue to face the following issues:

1. Indiana ranks third out of 36 states in the percentage of students who seriously considered attempting suicide.
2. Students who identify as lesbian, gay, or bisexual are at least 4.5 times more likely to be threatened or injured with a weapon on school property than their heterosexual peers.
3. Data shows 25.9 percent of Hoosier high school students did not feel safe at school.
4. One out of three high school students reported feeling sad or hopeless in 2018.
5. Black students are four times more likely to receive out of school suspension than their white peers.¹
6. A 30 percent achievement gap exists between white and black students in both math and language arts.

Proposed legislative remedies to foster a more inclusive K-12 atmosphere:

1. *Modify IC 20-24-2-2*

A charter school is subject to all federal and state laws and constitutional provisions that prohibit discrimination on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.

¹ Source: [Indiana Youth Institute Kids Count Data Book \(2020\)](#) (items 1-5)

- (4) Gender.
- (5) Gender identity or expression.**
- (6) Sexual orientation.**
- (7) Marital status.**
- (8) National origin.
- (9) Religion.
- (10) Ancestry.

2. *Add to IC 20-24-4-1*

This subdivision applies to a charter established or renewed after June 30, 2021. The charter must include a provision specifying that the school will not discriminate against staff members on the basis of the following:

- (A) Disability.**
- (B) Race.**
- (C) Color.**
- (D) Gender.**
- (E) Gender identity or expression.**
- (F) Sexual orientation.**
- (G) Marital status.**
- (H) National origin.**
- (I) Religion.**
- (J) Ancestry.**

3. *Modify IC 20-24-5-5(f)*

A charter school may not suspend or expel a charter school student or otherwise request a charter school student to transfer to another school on the basis of the following:

- (1) Disability.
- (2) Race.
- (3) Color.
- (4) Gender.
- (5) Gender identity or expression.**
- (6) Sexual orientation.**
- (7) Marital status.**
- (8) National origin.
- (9) Religion.
- (10) Ancestry.

4. *Modify IC 20-20-24.5-3-5*

- (a) A student who applies for admission to the academy must:
- (1) be eligible to attend a public school in Indiana;
 - (2) demonstrate exceptional intellectual ability; and
 - (3) demonstrate a commitment to scholarship.
- (b) A student shall be admitted without regard to sex, **sexual orientation, gender identity or expression**, marital status, race, religion, creed, national origin, or household income.

5. *Modify IC 20-33-1-1*

The following is the public policy of the state:

- (1) To provide:
- (A) equal;
 - (B) nonsegregated; and
 - (C) nondiscriminatory;

educational opportunities and facilities for all, regardless of race, creed, national origin, color, or sex, **sexual orientation, gender identity or expression, or marital status**.

- (2) To provide and furnish public schools open equally to all, and prohibited and denied to none because of race, creed, color, **sex, sexual orientation, gender identity or expression, marital status, or national origin**.

6. *Modify IC 20-51-1-4.7*

"Eligible school" refers to a public or nonpublic elementary school or high school that:

- (1) is located in Indiana;
- (2) requires an eligible choice scholarship student to pay tuition or transfer tuition to attend;
- (3) voluntarily agrees to enroll an eligible choice scholarship student;
- (4) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board;
- (5) administers the statewide assessment program;
- (6) is not a charter school or the school corporation in which an eligible choice scholarship student has legal settlement under IC 20-26-11; and
- (7) submits to the department only the student performance data required for a category designation under IC 20-31-8-3; **and**
- (8) **complies with IC 20-51-4-1(h)**.

7. *Add to IC 20-51-4-1*

(h) An eligible school may not discriminate against a member of the eligible school's staff on the basis of any of the following:

- (1) Disability.**
- (2) Race.**
- (3) Color.**
- (4) Gender.**
- (5) Gender identity or expression.**
- (6) Sexual orientation.**
- (7) Marital status.**
- (8) National origin.**
- (9) Religion.**
- (10) Ancestry.**

8. *Modify IC 20-51-4-3*

(a) An eligible school may not discriminate on the basis of race, color, **sexual orientation, gender identity or expression, marital status, disability, ancestry, or national origin.**

The Indiana General Assembly should enact legislation similar to [SB 250 \(2020\)](#). This common sense legislation will stifle wrongful acts of discrimination based on disability, race, color, gender, gender identity or expression, sexual orientation, marital status, national origin, religion, or ancestry.

The statistics noted above will not improve or go away unless action is taken by the General Assembly. Additionally, tax dollars should not be allocated to education institutions that discriminate against students and staff. Reversing these draconian practices will evidence the fact that Indiana cares about the safety and well-being of all students. Schools should be a safe place for students and staff to learn from one another, grow alongside one another, and achieve to the students' fullest potential.

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