

IC 20-26-5

Chapter 5. General Powers and Duties

IC 20-26-5-0.3

Repealed

(As added by P.L.220-2011, SEC.326. Repealed by P.L.233-2015, SEC.96.)

IC 20-26-5-1

Power and purpose to conduct various education programs

Sec. 1. (a) A school corporation shall conduct an educational program for all children who reside within the school corporation in kindergarten and in grades 1 through 12.

(b) A school corporation may:

- (1) conduct an educational program for adults and children at least fourteen (14) years of age who do not attend a program described in subsection (a);
- (2) provide instruction in vocational, industrial, or manual training;
- (3) provide libraries for the schools of the school corporation;
- (4) provide public libraries open and free for the use and benefit of the residents and taxpayers of the school corporation where permitted by law;
- (5) provide vacation school and recreational programs;
- (6) conduct other educational or other activities as are permitted or required to be performed by law by any school corporation; and
- (7) provide a school age child care program that operates during periods when school is in session for students who are enrolled in a half-day kindergarten program.

(c) A school corporation shall develop a written policy that provides for:

- (1) the implementation of a school age child care program for children who attend kindergarten through grade 6 that, at a minimum, operates after the school day and may include periods before school is in session or periods when school is not otherwise in session (commonly referred to as a latch key program) and is offered by the school corporation; or
- (2) the availability of the school corporation's buildings or parts of the school corporation's buildings to conduct the type of program described in subdivision (1) by a nonprofit organization or a for-profit organization.

(d) The written policy required under subsection (c) must address compliance with certain standards of reasonable care for children served by a child care program offered under subsection (c), including:

- (1) requiring the offering entity to acquire a particular amount of liability insurance; and

- (2) establishing maximum adult to child ratios governing the overall supervision of the children served.

If a school corporation implements a child care program as described in subsection (c)(1) or enters into a contract with an entity described in subsection (c)(2) to provide a child care program, the school corporation may not assess a fee for the use of the building, and the contract between the school corporation and the entity providing the program must be in writing. However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other costs directly attributable to the use of the building for the program. In addition, if a school corporation offers a child care program as described in subsection (c)(1), the school corporation may assess a fee to cover costs attributable to implementing the program.

(e) The powers under this section are purposes as well as powers. *As added by P.L.1-2005, SEC.10. Amended by P.L.233-2015, SEC.97.*

IC 20-26-5-2

Latch key programs; waiver from state board

Sec. 2. (a) Notwithstanding section 1 of this chapter, except as provided in subsection (c), a school corporation shall do one (1) of the following:

- (1) Conduct a school age child care program (commonly referred to as a latch key program) for children who attend kindergarten through grade 6 that, at a minimum:
 - (A) operates after the school day and may include periods before school is in session or periods when school is not otherwise in session and is offered by the school corporation; and
 - (B) is available to all children in the applicable grade levels within the school corporation.
- (2) Contract with a nonprofit or for-profit organization to:
 - (A) conduct the type of program described in subdivision (1); and
 - (B) use school buildings or parts of school buildings in conducting the program.

A contract entered into under this subdivision must be in writing.

However, a school corporation is not required to conduct the school corporation's child care program or to contract for a child care program for kindergarten students at times when grades 1 through 6 are in session.

(b) A school corporation shall develop a written policy that addresses compliance with certain standards of reasonable care for children served by a child care program required under subsection (a), including the following:

- (1) Requiring the offering entity to acquire a particular amount

of liability insurance.

(2) Establishing maximum adult to child ratios governing the overall supervision of the children served.

A school corporation may not assess a fee for the use of a building for a child care program required under subsection (a). However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other costs directly attributable to the use of a building for a child care program. If a school corporation conducts a child care program under subsection (a)(1), the school corporation may assess a fee to cover costs attributable to implementing the program.

(c) A school corporation shall receive a waiver from the state board of the requirement under subsection (a) if the school corporation believes that the school corporation would experience an undue hardship due to a low number of eligible children intending to use a child care program, regardless of whether the child care program is conducted by the school corporation or under a contractual agreement. To receive a waiver, the school corporation must include a detailed description of the school corporation's attempt to implement a child care program, including the following:

(1) A description of the steps taken to:

(A) conduct a child care program described in subsection (a)(1); or

(B) actively solicit nonprofit organizations or for-profit organizations to implement a child care program as provided in subsection (a)(2).

(2) Evidence that a request in writing was made to each parent to contact the school corporation to indicate the parent's willingness to use a child care program and documentation of the results received from parents.

As added by P.L.1-2005, SEC.10.

IC 20-26-5-3

Latch key programs; required compliance

Sec. 3. (a) This section applies to a school age child care program (commonly referred to as a latch key program) operated by a nonprofit or for-profit organization under section 1 or 2 of this chapter.

(b) Before awarding a contract to operate a child care program described in subsection (a), a school corporation must comply with IC 5-22-9.

(c) In a request for proposals prepared under subsection (b), a school corporation must require each responding organization to specify the fee schedule the organization proposes to charge parents for the use of the child care program.

(d) An organization that operates a child care program described in subsection (a) must comply with the guidelines developed by the department and the school corporation for child care programs

described in subsection (a).
As added by P.L.1-2005, SEC.10.

IC 20-26-5-4 Version a

Specific powers

Note: This version of section effective until 7-1-2016. See also following version of this section, effective 7-1-2016.

Sec. 4. (a) In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's ADM of the previous year (as defined in IC 20-43-1-7) to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To do the following:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or

purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this

subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To do the following:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision that are consistent with IC 20-28-9-1.5.

(C) Classify persons or services described in this subdivision and to adopt a compensation plan with a salary range that is consistent with IC 20-28-9-1.5.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers.

(9) Notwithstanding the appropriation limitation in subdivision

(3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) Subject to IC 20-27-13, to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase curricular materials, to furnish curricular materials without cost or to rent curricular materials to students, to participate in a curricular materials aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the

establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. In accordance with IC 20-26-17, to:

(A) participate in a state employee health plan under IC 5-10-8-6.6 or IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance; to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated

in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

(b) A superintendent hired under subsection (a)(8):

(1) is not required to hold a teacher's license under IC 20-28-5; and

(2) is required to have obtained at least a master's degree from an accredited postsecondary educational institution.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.117; P.L.168-2006, SEC.1; P.L.182-2009(ss), SEC.316; P.L.69-2011, SEC.1; P.L.90-2011, SEC.11; P.L.200-2011, SEC.1; P.L.6-2012, SEC.131; P.L.145-2012, SEC.22; P.L.167-2013, SEC.5; P.L.205-2013, SEC.240; P.L.286-2013, SEC.57; P.L.2-2014, SEC.83; P.L.213-2015, SEC.165; P.L.233-2015, SEC.98; P.L.118-2016, SEC.5.

IC 20-26-5-4 Version b

Specific powers

Note: This version of section effective 7-1-2016. See also preceding version of this section, effective until 7-1-2016.

Sec. 4. (a) In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law. However, a governing body may not use funds received from the state to bring or join in an action against the state, unless the governing body is challenging an adverse decision by a state agency, board, or commission.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's ADM of the previous year (as defined in IC 20-43-1-7) to promote the best interests of the school corporation through:

- (A) the purchase of meals, decorations, memorabilia, or awards;
 - (B) provision for expenses incurred in interviewing job applicants; or
 - (C) developing relations with other governmental units.
- (4) To do the following:
- (A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.
 - (B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.
 - (C) Provide for conservation measures through utility efficiency programs or under a guaranteed savings contract as described in IC 36-1-12.5.
- (5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to

purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To do the following:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body

considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision that are consistent with IC 20-28-9-1.5.

(C) Classify persons or services described in this subdivision and to adopt a compensation plan with a salary range that is consistent with IC 20-28-9-1.5.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) Subject to IC 20-27-13, to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase curricular materials, to furnish curricular materials without cost or to rent curricular materials to students,

and to participate in a curricular materials aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. In accordance with IC 20-26-17, to:

(A) participate in a state employee health plan under IC 5-10-8-6.7;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance; to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the

member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law.

(b) A superintendent hired under subsection (a)(8):

(1) is not required to hold a teacher's license under IC 20-28-5; and

(2) is required to have obtained at least a master's degree from an accredited postsecondary educational institution.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.117; P.L.168-2006, SEC.1; P.L.182-2009(ss), SEC.316; P.L.69-2011, SEC.1; P.L.90-2011, SEC.11; P.L.200-2011, SEC.1; P.L.6-2012, SEC.131; P.L.145-2012, SEC.22; P.L.167-2013, SEC.5; P.L.205-2013, SEC.240; P.L.286-2013, SEC.57; P.L.2-2014, SEC.83; P.L.213-2015, SEC.165; P.L.233-2015, SEC.98; P.L.118-2016, SEC.5; P.L.121-2016, SEC.25.

IC 20-26-5-4.3

Superintendent contract; public meeting; Internet posting

Sec. 4.3. (a) At least seven (7) days before a contract for employment is entered into by a governing body and a school superintendent, the governing body shall hold a public meeting on

the proposed contract at which public comment is heard. The governing body is not required to disclose the identity of the candidate for superintendent at the public meeting.

(b) Notice of the meeting on the proposed contract shall be given in accordance with IC 5-3-1 and posted on the school corporation's Internet web site.

(c) The notice provided in subsection (b) must:

(1) state that on a given day, time, and place the governing body will meet to discuss and hear objections to and support for the proposed contract; and

(2) set forth the details of the proposed contract, including the actual monetary value of the contract, benefits, and any additional forms of compensation for each year of the contract.

(d) A governing body shall post the provisions of an employment contract that the governing body enters into with a superintendent of the school corporation on the school corporation's Internet web site.

As added by P.L.148-2012, SEC.2.

IC 20-26-5-4.5

Superintendent and principal; personnel responsibilities

Sec. 4.5. (a) The superintendent is responsible for selecting and discharging principals, central office administrators, business managers, superintendents of building and grounds, janitors, physicians, dentists, nurses, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), and any other employees necessary to the operation of the school corporation, subject to the approval of the governing body.

(b) Subject to IC 20-28-7.5, the superintendent and principal are responsible for selecting and discharging teachers, teachers aides, assistant principals, building administrative staff, librarians, and any other employees necessary to the operation of the school, subject to the approval of the governing body.

As added by P.L.90-2011, SEC.12.

IC 20-26-5-4.7

Internet posting of contract provisions for certain employees

Sec. 4.7. (a) This section does not apply to a:

(1) superintendent of a school corporation; or

(2) certificated employee (as defined in IC 20-29-2-4) that is represented by an exclusive representative (as defined in IC 20-29-2-9) under IC 20-29.

(b) The superintendent shall post the provisions of an employment contract that the school corporation enters into with a certificated employee on the school corporation's Internet web site.

As added by P.L.148-2012, SEC.3.

IC 20-26-5-5

Repealed

(As added by P.L.1-2005, SEC.10. Repealed by P.L.233-2015, SEC.99.)

IC 20-26-5-6

Applicability of laws governing state agencies

Sec. 6. All powers delegated to the governing body of a school corporation under section 1 or 4 of this chapter are subject to all laws subjecting the school corporation to regulation by a state agency, including the state superintendent, state board of accounts, state police department, fire prevention and building safety commission, department of local government finance, environmental rules board, state school bus committee, state department of health, and any local governmental agency to which the state has been delegated a specific authority in matters other than educational matters and other than finance, including plan commissions, zoning boards, and boards concerned with health and safety.

As added by P.L.1-2005, SEC.10. Amended by P.L.113-2014, SEC.111.

IC 20-26-5-7

Representation of governing body on public boards or commissions

Sec. 7. Notwithstanding any other statute, the governing body of a school corporation may, by resolution, appoint:

- (1) the school corporation's superintendent of schools; or
- (2) a person residing within the school corporation's boundaries; to serve on a public board, commission, or public body, including park boards, library boards, tax adjustment boards, or city or county plan commissions, if legislation requires or allows representation on the public board, commission, or body by a member of the governing body, the school corporation's superintendent, or a designated educator.

As added by P.L.1-2005, SEC.10.

IC 20-26-5-8

Membership in state and national associations of educational nature; participation through representatives

Sec. 8. (a) The governing body of a school corporation may appropriate necessary funds to provide for membership of the school corporation in state and national associations of an educational nature that have as the associations' purpose the improvement of school governmental operations.

(b) A school corporation may participate through designated representatives in the meetings and activities of the associations. The governing body of the school corporation may appropriate the necessary funds to defray the expenses of the representatives in connection with the meetings and activities.

As added by P.L.1-2005, SEC.10.

IC 20-26-5-9

Classes or services between state educational institutions and school corporations

Sec. 9. (a) A school corporation may provide programs, classes, or services to a state educational institution.

(b) A state educational institution may provide programs, classes, or services to a school corporation.

(c) The terms and conditions under which programs, classes, or services are to be provided must be specified in a contract between the state educational institution and the governing body of the school corporation.

As added by P.L.1-2005, SEC.10.

IC 20-26-5-10

Criminal history information policy; adoption; administration; requirements; costs

Sec. 10. (a) This section applies to a:

- (1) school corporation;
- (2) charter school; or
- (3) a nonpublic school that employs one (1) or more employees.

(b) A school corporation, including a charter school and a nonpublic school, shall adopt a policy concerning criminal history information for individuals who:

- (1) apply for:
 - (A) employment with the school corporation, charter school, or nonpublic school; or
 - (B) employment with an entity with which the school corporation, charter school, or nonpublic school contracts for services;
- (2) seek to enter into a contract to provide services to the school corporation, charter school, or nonpublic school; or
- (3) are employed by an entity that seeks to enter into a contract to provide services to the school corporation, charter school, or nonpublic school;

if the individuals are likely to have direct, ongoing contact with children within the scope of the individuals' employment.

(c) A school corporation, including a charter school and a nonpublic school, shall administer a policy adopted under this section uniformly for all individuals to whom the policy applies. A policy adopted under this section must require that the school corporation, charter school, or nonpublic school conduct an expanded criminal history check and an expanded child protection index check concerning each applicant for noncertificated employment or certificated employment before or not later than three (3) months after the applicant's employment by the school corporation, charter school, or nonpublic school. Each individual hired for noncertificated employment or certificated employment may be required to provide a written consent for the school

corporation, charter school, or nonpublic school to request an expanded criminal history check and an expanded child protection index check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation or school. The school corporation, charter school, or nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history check and expanded child protection index check. Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's expanded criminal history check and expanded child protection index check. The failure to answer honestly questions asked under this subsection is grounds for termination of the employee's employment. The applicant is responsible for all costs associated with obtaining the expanded criminal history check and expanded child protection index check. An applicant may not be required by a school corporation, charter school, or nonpublic school to obtain an expanded criminal history check or an expanded child protection index check more than one (1) time during a five (5) year period.

(d) Information obtained under this section must be used in accordance with law.

As added by P.L.1-2005, SEC.10. Amended by P.L.121-2009, SEC.8; P.L.106-2016, SEC.4.

IC 20-26-5-11 Version a

Use of information; notice of conviction of certain offenses

Note: This version of section amended by P.L.65-2016, SEC.10. See also following version of this section amended by P.L.106-2016, SEC.5.

Sec. 11. (a) This section applies to:

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:
 - (A) with which the school corporation contracts for services; and
 - (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).

- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (7) Aggravated battery (IC 35-42-2-1.5).
 - (8) Kidnapping (IC 35-42-3-2).
 - (9) Criminal confinement (IC 35-42-3-3).
 - (10) A sex offense under IC 35-42-4.
 - (11) Carjacking (IC 35-42-5-2) (repealed).
 - (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (13) Incest (IC 35-46-1-3).
 - (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (15) Child selling (IC 35-46-1-4(d)).
 - (16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
 - (21) Domestic battery (IC 35-42-2-1.3), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is latest.
 - (22) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.
- (c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the

individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

As added by P.L.1-2005, SEC.10. Amended by P.L.158-2013, SEC.249; P.L.233-2015, SEC.100; P.L.65-2016, SEC.10.

IC 20-26-5-11 Version b

Use of information; notice of conviction of certain offenses

Note: This version of section amended by P.L.106-2016, SEC.5. See also preceding version of this section amended by P.L.65-2016, SEC.10.

Sec. 11. (a) This section applies to:

- (1) a school corporation;
- (2) a charter school; and
- (3) an entity:
 - (A) with which the school corporation contracts for services; and
 - (B) that has employees who are likely to have direct, ongoing contact with children within the scope of the employees' employment.

(b) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual's conviction for one (1) of the following offenses as grounds to not employ or contract with the individual:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery (IC 35-42-2-1) unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2) (repealed).
- (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (15) Child selling (IC 35-46-1-4(d)).
- (16) Contributing to the delinquency of a minor (IC 35-46-1-8),

unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.

(21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of conviction was entered under the law of any other jurisdiction.

(c) An individual employed by a school corporation, charter school, or an entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is convicted in Indiana or another jurisdiction of an offense described in subsection (b).

(d) A school corporation, charter school, or entity may use information obtained under section 10 of this chapter concerning an individual being the subject of a substantiated report of child abuse or neglect as grounds to not employ or contract with the individual.

(e) An individual employed by a school corporation, charter school, or entity described in subsection (a) shall notify the governing body of the school corporation, if during the course of the individual's employment, the individual is the subject of a substantiated report of child abuse or neglect.

As added by P.L.1-2005, SEC.10. Amended by P.L.158-2013, SEC.249; P.L.233-2015, SEC.100; P.L.106-2016, SEC.5.

IC 20-26-5-11.5

Confidentiality agreements void as to substantiated reports of abuse or neglect

Sec. 11.5. (a) As used in this section, "school" includes:

- (1) a charter school, as defined in IC 20-24-1-4;
- (2) a nonpublic school, as defined in IC 20-18-2-12, that employs one (1) or more employees;
- (3) a public school, as defined in IC 20-18-2-15(1); and
- (4) an entity in another state that carries out a function similar

to an entity described in subdivisions (1) through (3).

(b) Notwithstanding any confidentiality agreement entered into by a school and an employee of the school, a school that receives a request for an employment reference, from another school, for a current or former employee, shall disclose to the requesting school any incident known by the school in which the employee committed an act resulting in a substantiated report of abuse or neglect under IC 31-6 (before its repeal) or IC 31-33.

(c) A school may not disclose information under this section that:

(1) identifies a student; or

(2) is confidential student information under the federal Family Education Rights and Privacy Act (20 U.S.C. 1232g et seq.).

(d) A confidentiality agreement entered into or amended after June 30, 2016, by a school and an employee is not enforceable against the school if the employee committed an act resulting in a substantiated report of abuse or neglect under IC 31-6 (before its repeal) or IC 31-33.

As added by P.L.106-2016, SEC.6.

IC 20-26-5-12

Construction of certain provisions

Sec. 12. Except for IC 20-26-4-1, IC 20-26-4-4, and IC 20-26-4-5, the powers given each school corporation in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 and the limitations on those powers set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 may not be construed to limit the authority of the governing body given by any other statute or rule.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.118.

IC 20-26-5-13

Supplemental effect of certain provisions

Sec. 13. Except as provided in section 12 of this chapter, IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 are supplemental to all other statutes and rules. The powers given to any school corporation under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 are in addition to those given by any other statute or rule and are not subject to any limitations set out in those statutes or to comply with those statutes, except to the extent provided in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific reference to a designated statute or the statute or rule relating to a given subject.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.119.

IC 20-26-5-14

Liberal construction

Sec. 14. IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 shall be liberally construed to permit the governing

body of a school corporation to conduct its affairs in a manner consistent with sound business practice to the ends that the authority of the governing body is clarified and that it is permitted to operate with the maximum efficiency consistent with accountability.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.120.

IC 20-26-5-15

Repealed

(As added by P.L.1-2005, SEC.10. Repealed by P.L.2-2006, SEC.199.)

IC 20-26-5-16

Repealed

(As added by P.L.1-2005, SEC.10. Repealed by P.L.2-2006, SEC.199.)

IC 20-26-5-17

Repealed

(As added by P.L.1-2005, SEC.10. Repealed by P.L.2-2006, SEC.199.)

IC 20-26-5-18

Authority to join regional school study councils

Sec. 18. For purposes of section 1 of this chapter and under the powers of section 4(a)(20) of this chapter, the governing body of any school corporation may join and associate with groups of other school corporations within Indiana in regional school study councils to examine common school problems and exchange educational information of mutual benefit, and dues to the study councils shall be paid by the school corporation from the general fund.

As added by P.L.1-2005, SEC.10. Amended by P.L.233-2015, SEC.101; P.L.118-2016, SEC.6.

IC 20-26-5-19

Distribution of payroll based on contractual and salary schedule commitments

Sec. 19. A governing body under its powers to fix and pay the salaries and compensation of employees of the school corporation and to contract for services under section 4(a)(8) of this chapter may distribute payroll based on contractual and compensation plan commitments instead of payroll estimates approved in advance by the governing body.

As added by P.L.1-2005, SEC.10. Amended by P.L.213-2015, SEC.166; P.L.233-2015, SEC.102; P.L.118-2016, SEC.7.

IC 20-26-5-20

Use of school facilities; fees

Sec. 20. The governing body of any school corporation may:

(1) permit any of its facilities to be used by any person in situations and at times that do not interfere with use of the facility for school purposes, including:

- (A) use of a swimming pool or other athletic facility; or
- (B) use of classrooms or other space in a school for purposes of school age childcare; and

(2) incur any necessary expense in the use or operation of the facility.

The governing body may set up and charge a schedule of fees for admission to or use of any facility outside the school corporation's regular school program. Fees shall be deposited in the general fund or the extracurricular account of the school corporation.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.121.

IC 20-26-5-21

Repealed

(As added by P.L.1-2005, SEC.10. Repealed by P.L.2-2006, SEC.199.)

IC 20-26-5-22

Repealed

(As added by P.L.1-2005, SEC.10. Repealed by P.L.2-2006, SEC.199.)

IC 20-26-5-22.5

Public school foundations

Sec. 22.5. (a) A school corporation may participate in the establishment of a public school foundation.

(b) The governing body of a school corporation may receive the proceeds of a grant, a restricted gift, an unrestricted gift, a donation, an endowment, a bequest, a trust, an agreement to share tax revenue received by a city or county under IC 4-33-12-6 or IC 4-33-13, or other funds not generated from taxes levied by the school corporation to create a foundation under the following conditions:

(1) The foundation is:

- (A) exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
- (B) organized as an Indiana nonprofit corporation for the purposes of providing educational funds for scholarships, teacher education, capital programs, and special programs for school corporations.

(2) Except as provided in subdivision (3), the foundation retains all rights to a donation, including investment powers. The foundation may hold a donation as a permanent endowment.

(3) The foundation agrees to do the following:

- (A) Distribute the income from a donation only to the school corporation.
- (B) Return a donation to the general fund of the school

corporation if the foundation:

- (i) loses the foundation's status as a foundation exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;
- (ii) is liquidated; or
- (iii) violates any condition set forth in this subdivision.

(c) A school corporation may use the proceeds received under this section from a foundation only for educational purposes of the school corporation described in subsection (b)(1)(B).

(d) The governing body of the school corporation may appoint members to the foundation.

(e) The treasurer of the governing body of the school corporation may serve as the treasurer of the foundation.

As added by P.L.214-2005, SEC.64.

IC 20-26-5-23

Authorization to enter into agreements concerning student teacher training

Sec. 23. Public school corporations may enter into agreements with postsecondary educational institutions to provide teaching experience for students of the institutions preparing for the educational profession and for the services of persons working jointly for the school corporation and an institution.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2007, SEC.210.

IC 20-26-5-24

Contents of student teacher training agreement

Sec. 24. (a) An agreement under section 23 of this chapter must set out the responsibilities and rights of the public school corporations, the institutions, and the students or persons who supervise the students and who are working jointly for a school corporation and an institution.

(b) An agreement must contain:

- (1) a provision for the payment of an honorarium for consulting services by the postsecondary educational institution directly to the supervisor;
- (2) a provision that, if the sum paid by the institution to the supervisor should ever be lawfully determined to be a wage rather than an honorarium by an instrumentality of the United States, then the postsecondary educational institution shall be considered under the agreement to be the supervisor's part-time employer; and
- (3) a provision requiring a student to be supervised by a certificated employee who has been rated as either highly effective or effective on the certificated employee's latest annual performance evaluation under IC 20-28-11.5.

(c) The provision required by subsection (b)(3) must be included in an agreement entered into or renewed under this chapter after June

30, 2015. Public school corporations and postsecondary educational institutions shall revise agreements in effect on July 1, 2015, to include the provisions required by subsection (b).

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2007, SEC.211; P.L.37-2015, SEC.1; P.L.233-2015, SEC.103; P.L.118-2016, SEC.8.

IC 20-26-5-25

Repealed

(As added by P.L.1-2005, SEC.10. Repealed by P.L.2-2006, SEC.199.)

IC 20-26-5-26

Repealed

(As added by P.L.1-2005, SEC.10. Repealed by P.L.2-2006, SEC.199.)

IC 20-26-5-27

Repealed

(As added by P.L.1-2005, SEC.10. Repealed by P.L.2-2006, SEC.199.)

IC 20-26-5-28

Authority to establish and maintain nursery schools

Sec. 28. A governing body may establish and maintain nursery schools for the instruction of children less than six (6) years of age. Expenses of operating the nursery schools shall be paid in the same manner as other expenses of the school corporation.

As added by P.L.1-2005, SEC.10.

IC 20-26-5-29

Funding; state or federal aid

Sec. 29. A school corporation may establish and maintain nursery schools from the same revenue in the same manner as other grades and departments in the common schools of the school corporation are provided for and may apply for and receive from any state or federal governmental agency any funds as may be made available through the agencies for that purpose.

As added by P.L.1-2005, SEC.10.

IC 20-26-5-30

Maintenance and support of nursery school operated by incorporated association

Sec. 30. A school corporation may use funds under IC 36-12-15-4 for the aid, maintenance, and support of nursery schools conducted by an association incorporated to operate a nursery school.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.122; P.L.1-2009, SEC.122.

IC 20-26-5-31**School corporation police; autism and Asperger's syndrome training**

Sec. 31. (a) If a school corporation, including a school city (as defined in IC 20-25-2-12), establishes a school corporation police department, the governing body of the school corporation shall adopt a policy that requires every individual appointed as a school corporation police officer to complete training and education, approved by the state board, that will enable the school corporation police officer to appropriately deal with individuals with autism and Asperger's syndrome.

(b) This subsection applies to a regular or special police officer who is assigned as a security police officer for a school corporation under IC 36-8-3-7. The governing body of the school corporation to which the police officer is assigned shall ensure that the police officer receives training and education, approved by the state board, that will enable the police officer to appropriately deal with individuals with autism and Asperger's syndrome.

As added by P.L.122-2007, SEC.1.

IC 20-26-5-32**Development of plan to improve student behavior and discipline**

Sec. 32. The governing body of each school corporation shall work with parents to:

- (1) develop; and
- (2) review periodically;

an evidence based plan for improving student behavior and discipline in the school corporation after receiving a model plan developed by the department.

As added by P.L.66-2009, SEC.1.

IC 20-26-5-32.2**Employee wage payment arrangements**

Sec. 32.2. (a) Notwithstanding IC 22-2-5-1, a school corporation or charter school and:

- (1) an employee if there is no representative described under subdivision (2) or (3) for that employee;
- (2) the exclusive representative of its certificated employees with respect to those employees; or
- (3) a labor organization representing its noncertificated employees with respect to those employees;

may agree in writing to a wage payment arrangement.

(b) A wage payment arrangement under subsection (a) may provide that compensation earned during a school year may be paid:

- (1) using equal installments or any other method; and
- (2) over:
 - (A) all or part of that school year; or
 - (B) any other period that begins not earlier than the first day

of that school year and ends not later than thirteen (13) months after the wage payment arrangement period begins. Such an arrangement may provide that compensation earned in a calendar year is paid in the next calendar year, so long as all the compensation is paid within the thirteen (13) month period beginning with the first day of the school year.

(c) A wage payment arrangement under subsection (a) must be structured in such a manner so that it is not considered:

- (1) a nonqualified deferred compensation plan for purposes of Section 409A of the Internal Revenue Code; or
- (2) deferred compensation for purposes of Section 457(f) of the Internal Revenue Code.

(d) Absent an agreement under subsection (a), a school corporation or charter school remains subject to IC 22-2-5-1.

(e) Wage payments required under a wage payment arrangement entered into under subsection (a) are enforceable under IC 22-2-5-2.

(f) If an employee leaves employment for any reason, either permanently or temporarily, the amount due the employee under IC 22-2-5-1 and IC 22-2-9-2 is the total amount of wages earned and unpaid. If the employment relationship ends at the conclusion of a school year, the school corporation or charter school may pay the employee the remaining wages owed as provided in the written wage payment arrangement.

(g) Employment with a school corporation or charter school may not be conditioned upon the acceptance of a wage payment arrangement under subsection (a).

(h) An employee may revoke a wage payment arrangement under subsection (a) at the beginning of each school year.

(i) A wage payment arrangement under this chapter may not contain any terms beyond those permitted to be bargained under IC 20-29-6-4.

As added by P.L.41-2009, SEC.6. Amended by P.L.48-2011, SEC.2; P.L.91-2011, SEC.26; P.L.6-2012, SEC.132.

IC 20-26-5-32.4

Autism information distribution to noncertificated employees

Sec. 32.4. The Department of Education shall create a document explaining aspects of autism including behaviors that students with autism may exhibit. Said document is to be distributed to school corporations for distribution to noncertificated employees (as defined in IC 20-29-2-11).

As added by P.L.93-2009, SEC.2.

IC 20-26-5-33

Programs concerning consequences of sharing sexually suggestive or explicit materials through digital media

Sec. 33. A school corporation may offer classes, instruction, or programs regarding the potential risks and consequences of creating

and sharing sexually suggestive or explicit materials through cellular telephones, social networking web sites, computer networks, and other digital media.

As added by P.L.180-2011, SEC.1.

IC 20-26-5-34

Repealed

(As added by P.L.23-2013, SEC.1. Repealed by P.L.233-2015, SEC.104.)

IC 20-26-5-34.2

Bullying prevention; training for employees and volunteers

Sec. 34.2. A school corporation shall provide training to the school corporation's employees and volunteers who have direct, ongoing contact with students concerning the school's bullying prevention and reporting policy adopted under IC 20-33-8-13.5.

As added by P.L.285-2013, SEC.3.

IC 20-26-5-35

Repealed

(As added by P.L.286-2013, SEC.58. Repealed by P.L.233-2015, SEC.105.)

IC 20-26-5-36

Annual spending for remediation programs; procedures to adopt a remediation program; public hearing; requirement to file an adopted plan with the department

Sec. 36. (a) Each school year, the governing body of a school corporation may spend an amount for remediation programs for students enrolled in kindergarten through grade 12 not to exceed one percent (1%) of the state tuition support that the school corporation receives for the school year.

(b) A remediation program for any subset of students enrolled in kindergarten through grade 12 must be in writing and adopted at a public hearing of the governing body of the school corporation before the governing body may spend money for the remediation program.

(c) After the governing body of a school corporation adopts a remediation program under subsection (b), the school corporation shall promptly file the adopted plan with the department. The department shall review a plan for a remediation program adopted by the governing body of a school corporation and may comment on the plan.

As added by P.L.213-2015, SEC.167.

IC 20-26-5-37

Types of diplomas offered; students with disabilities not required to complete local credit requirements to receive diplomas

Sec. 37. (a) A high school operated by a school corporation shall offer the high school's students the opportunity to earn any type of state diploma approved by the state board.

(b) Notwithstanding IC 20-32-4-1, IC 20-32-4-4(5), and IC 20-32-4-5(b)(2)(E), a school corporation shall not require a student with a disability to complete locally required credits that exceed state credit requirements to receive a diploma unless otherwise required as part of the student's individualized education program under IC 20-35.

As added by P.L.162-2016, SEC.1.

IC 20-26-5-37.2

School corporation delinquencies on FICA taxes

Sec. 37.2. (a) This section applies to school corporations and charter schools that are required to do any of the following:

(1) Pay to the Internal Revenue Service employer and employee taxes imposed after June 30, 2016, under FICA.

(2) Pay to the department of state revenue amounts that are deducted and withheld as taxes after June 30, 2016, under IC 6-3-4-8.

(b) As used in this section, "delinquency" or "delinquent" refers to either of the following:

(1) Failing to pay FICA taxes within thirty (30) days after the taxes are due.

(2) Failing to pay to the department of state revenue amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, (including any known accrued interest and penalties on those taxes) within thirty (30) days after the payment of those withheld taxes is due.

(c) As used in this section, "due date" refers to:

(1) the date by which employer and employee taxes owed by a school corporation or a charter school under FICA must be paid to the Internal Revenue Service; or

(2) the date by which amounts that are deducted and withheld as taxes under IC 6-3-4-8 must be paid to the department of state revenue;

as applicable.

(d) As used in this section, "FICA" refers to the Federal Insurance Contributions Act.

(e) As used in this section, "FICA taxes" refers to employer and employee taxes imposed after June 30, 2016, under FICA. The term includes any known accrued interest and penalties.

(f) If a school corporation or a charter school:

(1) fails to pay FICA taxes in full to the Internal Revenue Service within thirty (30) days after the due date; or

(2) fails to pay amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, (including any known accrued interest and penalties on those taxes) within thirty (30)

days after the due date;
the school business official or school financial officer responsible for ensuring that a school corporation's or charter school's tax payments are made shall report the school corporation's or charter school's delinquency to the governing body of the school corporation or charter school not later than forty-five (45) days after the due date. The school official or school financial officer shall make a report under this subsection each time the school corporation or charter school fails to pay FICA taxes within thirty (30) days after the due date or fails to pay amounts that are deducted and withheld as taxes under IC 6-3-4-8 (including any known accrued interest and penalties on those taxes) within thirty (30) days after the due date.

(g) Not later than thirty (30) days after receiving a report under subsection (f), the governing body of the school corporation or charter school shall hold a public meeting at which:

(1) the governing body shall provide a report on the school corporation's or charter school's failure to pay:

(A) FICA taxes; or

(B) amounts that are deducted and withheld as taxes under IC 6-3-4-8;

as applicable; and

(2) interested parties are permitted to testify regarding the school corporation's or charter school's failure to pay FICA taxes or amounts that are deducted and withheld as taxes under IC 6-3-4-8 (as applicable).

(h) This subsection applies if, within a three hundred sixty-five (365) day period, a school corporation or charter school is:

(1) delinquent in paying FICA taxes two (2) or more times; or

(2) delinquent in paying amounts that are deducted and withheld as taxes under IC 6-3-4-8 after June 30, 2016, two (2) or more times.

Not later than forty-five (45) days after a school corporation or charter school is delinquent for the second or subsequent time, the school corporation or charter school shall notify the department, the budget agency, and the distressed unit appeal board of the delinquency.

As added by P.L.127-2016, SEC.16.

IC 20-26-5-37.3

Department of workforce development reporting of career and technical courses

Sec. 37.3. (a) Before November 1 of each year, the department and the department of workforce development shall prepare a report containing the following information for each high school and each school corporation for the immediately preceding school year:

(1) Career and technical education courses available to the students attending the high school.

(2) The number of students enrolled in each course, by grade

level.

(3) The number of students successfully completing each course.

(4) The number of students who:

(A) successfully completed a career and technical education course sequence; and

(B) obtained employment in the career or technical field for which the student successfully completed a course sequence.

(b) The report under subsection (a) must be submitted in the format agreed to by the department and the department of workforce development.

(c) This section expires July 1, 2020.

As added by P.L.141-2016, SEC.4.