IC 20

TITLE 20. EDUCATION

IC 20-1

ARTICLE 1. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 2. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 3. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 3.1. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 4. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 5. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

IC 20-5.5

ARTICLE 5.5. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 6. REPEALED

(*Repealed by Acts 1976, P.L.100, SEC.4.)*

IC 20-6.1

ARTICLE 6.1. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 7. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

IC 20-7.5

ARTICLE 7.5. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 8. REPEALED

(*Repealed by Acts 1973, P.L.218, SEC.4.)*

IC 20-8.1

ARTICLE 8.1. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 9. REPEALED

(*Repealed by Acts 1973, P.L.218, SEC.4.)*

IC 20-9.1

ARTICLE 9.1. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 10. REPEALED

(*Repealed by Acts 1975, P.L.240, SEC.8.)*

IC 20-10.1

ARTICLE 10.1. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

IC 20-10.2

ARTICLE 10.2. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 11. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 12. REPEALED

(*Repealed by P.L.2-2007, SEC.390.)*

ARTICLE 13. REPEALED

(*Repealed by P.L.224-1983, SEC.2.)*

ARTICLE 14. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

Revisor's Note: P.L.169-2011, SECTION 17 added a new section IC 20-14-4-2.5 to the Indiana Code. This citation contained a typographical error. The citation of the added section should have been IC 21-14-4-2.5 and can be found at that location in the Indiana Code.

ARTICLE 15. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

ARTICLE 16. REPEALED

(*Repealed by P.L.1-2005, SEC.240.)*

IC 20-17

ARTICLE 17. EFFECT OF RECODIFICATION OF TITLE 20

IC 20-17-1

Chapter 1. Effect of Recodification by the Act of the 2005 Regular Session of the General Assembly

IC 20-17-1-1

"Prior law"

Sec. 1. As used in this chapter, "prior law" refers to the statutes concerning education that are repealed or amended in the recodification act of the 2005 regular session of the general assembly as the statutes existed before the effective date of the applicable or corresponding provision of the recodification act of the 2005 regular session of the general assembly.

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

IC 20-17-1-2

Purpose of recodification

Sec. 2. The purpose of the recodification act of the 2005 regular session of the general assembly is to recodify prior law in a style that is clear, concise, and easy to interpret and apply. Except to the extent that:

(1) the recodification act of the 2005 regular session of the general assembly is amended to reflect the changes made in a provision of another bill that adds to, amends, or repeals a provision in the recodification act of the 2005 regular session of the general assembly; or

(2) the minutes of meetings of the code revision commission during 2004 expressly indicate a different purpose;

the substantive operation and effect of the prior law continue uninterrupted as if the recodification act of the 2005 regular session of the general assembly had not been enacted.

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

IC 20-17-1-3

Statutory construction of recodification

Sec. 3. Subject to section 2 of this chapter, sections 4 through 9 of this chapter shall be applied to the statutory construction of the recodification act of the 2005 regular session of the general assembly.

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

IC 20-17-1-4

Effect of recodification

Sec. 4. (a) The recodification act of the 2005 regular session of the general assembly does not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;
(4) any proceedings begun;
(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
(6) any tax levies made or authorized;
(7) any funds established;
(8) any patents issued;
(9) the validity, continuation, or termination of any contracts, easements, or leases executed;
(10) the validity, continuation, scope, termination, suspension, or revocation of:
(A) permits;
(B) licenses;
(C) certificates of registration;
(D) grants of authority; or
(E) limitations of authority; or
(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2005 regular session of the general assembly (July 1, 2005). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be imposed and enforced under prior law as if the recodification act of the 2005 regular session of the general assembly had not been enacted.

(b) The recodification act of the 2005 regular session of the general assembly does not:

(1) extend or cause to expire a permit, license, certificate of registration, or other grant or limitation of authority; or
(2) in any way affect the validity, scope, or status of a license, permit, certificate of registration, or other grant or limitation of authority;

issued under the prior law.

(c) The recodification act of the 2005 regular session of the general assembly does not affect the revocation, limitation, or suspension of a permit, license, certificate of registration, or other grant or limitation of authority based in whole or in part on violations of the prior law or the rules adopted under the prior law.

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

IC 20-17-1-5

Recodification of prior law

Sec. 5. The recodification act of the 2005 regular session of the general assembly shall be construed as a recodification of prior law. Except as provided in section 2(1) and 2(2) of this chapter, if the literal meaning of the recodification act of the 2005 regular session of the general assembly (including a literal application of an erroneous change to an internal reference) would result in a

substantive change in the prior law, the difference shall be construed as a typographical, spelling, or other clerical error that must be corrected by:

(1) inserting, deleting, or substituting words, punctuation, or other matters of style in the recodification act of the 2005 regular session of the general assembly; or

(2) using any other rule of statutory construction;

as necessary or appropriate to apply the recodification act of the 2005 regular session of the general assembly in a manner that does not result in a substantive change in the law. The principle of statutory construction that a court must apply the literal meaning of an act if the literal meaning of the act is unambiguous does not apply to the recodification act of the 2005 regular session of the general assembly to the extent that the recodification act of the 2005 regular session of the general assembly is not substantively identical to the prior law.

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

IC 20-17-1-6

References to repealed statutes

Sec. 6. Subject to section 9 of this chapter, a reference in a statute or rule to a statute that is repealed and replaced in the same or a different form in the recodification act of the 2005 regular session of the general assembly shall be treated after the effective date of the new provision as a reference to the new provision.

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

IC 20-17-1-7

References to citations

Sec. 7. A citation reference in the recodification act of the 2005 regular session of the general assembly to another provision of the recodification act of the 2005 regular session of the general assembly shall be treated as including a reference to the provision of prior law that is substantively equivalent to the provision of the recodification act of the 2005 regular session of the general assembly that is referred to by the citation reference.

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

IC 20-17-1-8

References to prior rules

Sec. 8. (a) As used in the recodification act of the 2005 regular session of the general assembly, a reference to rules adopted under any provision of this title or under any other provision of the recodification act of the 2005 regular session of the general assembly refers to either:

(1) rules adopted under the recodification act of the 2005 regular session of the general assembly; or

(2) rules adopted under the prior law until those rules have been amended, repealed, or superseded.

(b) Rules adopted under the prior law continue in effect after June

30, 2005, until the rules are amended, repealed, or suspended.
As added by P.L.1-2005, SEC.1.

IC 20-17-1-9
References to prior law

Sec. 9. (a) A reference in the recodification act of the 2005 regular session of the general assembly to a citation in the prior law before its repeal is added in certain sections of the recodification act of the 2005 regular session of the general assembly only as an aid to the reader.

(b) The inclusion or omission in the recodification act of the 2005 regular session of the general assembly of a reference to a citation in the prior law before its repeal does not affect:

(1) any rights or liabilities accrued;
(2) any penalties incurred;
(3) any violations committed;
(4) any proceedings begun;
(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
(6) any tax levies made or authorized;
(7) any funds established;
(8) any patents issued;
(9) the validity, continuation, or termination of contracts, easements, or leases executed;
(10) the validity, continuation, scope, termination, suspension, or revocation of:
(A) permits;
(B) licenses;
(C) certificates of registration;
(D) grants of authority; or
(E) limitations of authority; or
(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2005 regular session of the general assembly (July 1, 2005). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be imposed and enforced under prior law as if the recodification act of the 2005 regular session of the general assembly had not been enacted.

(c) The inclusion or omission in the recodification act of the 2005 regular session of the general assembly of a citation to a provision in the prior law does not affect the use of a prior conviction, violation, or noncompliance under the prior law as the basis for revocation of a license, permit, certificate of registration, or other grant of authority under the recodification act of the 2005 regular session of the general assembly, as necessary or appropriate to apply the recodification act of the 2005 regular session of the general assembly

in a manner that does not result in a substantive change in the law.
As added by P.L.1-2005, SEC.1.

IC 20-17-2

Chapter 2. Effect of Recodification by the Act of the 2006 Regular Session of the General Assembly

IC 20-17-2-1

"Prior law"

Sec. 1. As used in this chapter, "prior law" refers to the statutes concerning education finance, including provisions related to the Indiana state teachers' retirement fund and public school corporation property tax controls, that are repealed or amended in the recodification act of the 2006 regular session of the general assembly as the statutes existed before the effective date of the applicable or corresponding provision of the recodification act of the 2006 regular session of the general assembly.

As added by P.L.2-2006, SEC.71.

IC 20-17-2-2

Purpose of recodification

Sec. 2. The purpose of the recodification act of the 2006 regular session of the general assembly is to recodify prior law in a style that is clear, concise, and easy to interpret and apply. Except to the extent that:

(1) the recodification act of the 2006 regular session of the general assembly is amended to reflect the changes made in a provision of another bill that adds to, amends, or repeals a provision in the recodification act of the 2006 regular session of the general assembly; or

(2) the minutes of meetings of the code revision commission during 2005 expressly indicate a different purpose;

the substantive operation and effect of the prior law continue uninterrupted as if the recodification act of the 2006 regular session of the general assembly had not been enacted.

As added by P.L.2-2006, SEC.71.

IC 20-17-2-3

Statutory construction of recodification

Sec. 3. Subject to section 2 of this chapter, sections 4 through 9 of this chapter shall be applied to the statutory construction of the recodification act of the 2006 regular session of the general assembly.

As added by P.L.2-2006, SEC.71.

IC 20-17-2-4

Effect of recodification

Sec. 4. (a) The recodification act of the 2006 regular session of the general assembly does not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;

(4) any proceedings begun;

(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;
(6) any tax levies made or authorized;
(7) any funds established;
(8) any patents issued;
(9) the validity, continuation, or termination of any contracts, easements, or leases executed;
(10) the validity, continuation, scope, termination, suspension, or revocation of:
(A) permits;
(B) licenses;
(C) certificates of registration;
(D) grants of authority; or
(E) limitations of authority; or
(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2006 regular session of the general assembly (July 1, 2006). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be imposed and enforced under prior law as if the recodification act of the 2006 regular session of the general assembly had not been enacted.

(b) The recodification act of the 2006 regular session of the general assembly does not:

(1) extend or cause to expire a permit, license, certificate of registration, or other grant or limitation of authority; or
(2) in any way affect the validity, scope, or status of a license, permit, certificate of registration, or other grant or limitation of authority;

issued under the prior law.

(c) The recodification act of the 2006 regular session of the general assembly does not affect the revocation, limitation, or suspension of a permit, license, certificate of registration, or other grant or limitation of authority based in whole or in part on violations of the prior law or the rules adopted under the prior law.

As added by P.L.2-2006, SEC.71.

IC 20-17-2-5

Recodification of prior law

Sec. 5. The recodification act of the 2006 regular session of the general assembly shall be construed as a recodification of prior law. Except as provided in section 2(1) and 2(2) of this chapter, if the literal meaning of the recodification act of the 2006 regular session of the general assembly (including a literal application of an erroneous change to an internal reference) would result in a substantive change in the prior law, the difference shall be construed as a typographical, spelling, or other clerical error that must be

corrected by:

(1) inserting, deleting, or substituting words, punctuation, or other matters of style in the recodification act of the 2006 regular session of the general assembly; or

(2) using any other rule of statutory construction;

as necessary or appropriate to apply the recodification act of the 2006 regular session of the general assembly in a manner that does not result in a substantive change in the law. The principle of statutory construction, which states that a court must apply the literal meaning of an act if the literal meaning of the act is unambiguous, does not apply to the recodification act of the 2006 regular session of the general assembly to the extent that the recodification act of the 2006 regular session of the general assembly is not substantively identical to the prior law.

As added by P.L.2-2006, SEC.71.

IC 20-17-2-6

References to repealed statutes

Sec. 6. Subject to section 9 of this chapter, a reference in a statute or rule to a statute that is repealed and replaced in the same or a different form in the recodification act of the 2006 regular session of the general assembly shall be treated after the effective date of the new provision as a reference to the new provision.

As added by P.L.2-2006, SEC.71.

IC 20-17-2-7

References to citations

Sec. 7. A citation reference in the recodification act of the 2006 regular session of the general assembly to another provision of the recodification act of the 2006 regular session of the general assembly shall be treated as including a reference to the provision of prior law that is substantively equivalent to the provision of the recodification act of the 2006 regular session of the general assembly that is referred to by the citation reference.

As added by P.L.2-2006, SEC.71.

IC 20-17-2-8

References to prior rules

Sec. 8. (a) As used in the recodification act of the 2006 regular session of the general assembly, a reference to rules adopted under any provision of this title or under any other provision of the recodification act of the 2006 regular session of the general assembly refers to either:

(1) rules adopted under the recodification act of the 2006 regular session of the general assembly; or

(2) rules adopted under the prior law until those rules have been amended, repealed, or superseded.

(b) Rules adopted under the prior law continue in effect after June 30, 2006, until the rules are amended, repealed, or suspended.

As added by P.L.2-2006, SEC.71.

IC 20-17-2-9

References to prior law

Sec. 9. (a) A reference in the recodification act of the 2006 regular session of the general assembly to a citation in the prior law before its repeal is added in certain sections of the recodification act of the 2006 regular session of the general assembly only as an aid to the reader.

(b) The inclusion or omission in the recodification act of the 2006 regular session of the general assembly of a reference to a citation in the prior law before its repeal does not affect:

(1) any rights or liabilities accrued;

(2) any penalties incurred;

(3) any violations committed;

(4) any proceedings begun;

(5) any bonds, notes, loans, or other forms of indebtedness issued, incurred, or made;

(6) any tax levies made or authorized;

(7) any funds established;

(8) any patents issued;

(9) the validity, continuation, or termination of contracts, easements, or leases executed;

(10) the validity, continuation, scope, termination, suspension, or revocation of:

(A) permits;

(B) licenses;

(C) certificates of registration;

(D) grants of authority; or

(E) limitations of authority; or

(11) the validity of court decisions entered regarding the constitutionality of any provision of the prior law;

before the effective date of the recodification act of the 2006 regular session of the general assembly (July 1, 2006). Those rights, liabilities, penalties, violations, proceedings, bonds, notes, loans, other forms of indebtedness, tax levies, funds, patents, contracts, easements, leases, permits, licenses, certificates of registration, grants of authority, and limitations of authority continue and shall be imposed and enforced under prior law as if the recodification act of the 2006 regular session of the general assembly had not been enacted.

(c) The inclusion or omission in the recodification act of the 2006 regular session of the general assembly of a citation to a provision in the prior law does not affect the use of a prior conviction, violation, or noncompliance under the prior law as the basis for revocation of a license, permit, certificate of registration, or other grant of authority under the recodification act of the 2006 regular session of the general assembly, as necessary or appropriate to apply the recodification act of the 2006 regular session of the general assembly in a manner that does not result in a substantive change in the law.

As added by P.L.2-2006, SEC.71.

IC 20-18

ARTICLE 18. GENERAL PROVISIONS

IC 20-18-1

Chapter 1. Applicability

IC 20-18-1-1

Applicability of title

Sec. 1. Except as otherwise provided, this title applies to public school corporations.

As added by P.L.1-2005, SEC.2.

IC 20-18-2

Chapter 2. Definitions

IC 20-18-2-1

Application

Sec. 1. The definitions in this chapter apply throughout this title.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-1.5

"ADA"

Sec. 1.5. (a) "ADA", for purposes of this title (except IC 20-23-4-19 and IC 20-45-7), means the average number of pupils in daily attendance in the school corporation, determined in accordance with the rules established by the state board.

(b) "ADA", for purposes of IC 20-23-4-19, has the meaning set forth in IC 20-23-4-19.

(c) "ADA", for purposes of IC 20-45-7, has the meaning set forth in IC 20-45-7-3.

As added by P.L.2-2006, SEC.72.

IC 20-18-2-2

"Average daily membership"

Sec. 2. "ADM" has the meaning set forth in IC 20-43-1-6.

As added by P.L.1-2005, SEC.2. Amended by P.L.2-2006, SEC.73.

IC 20-18-2-2.5

"Charter school"

Sec. 2.5. "Charter school" has the meaning set forth in IC 20-24-1-4.

As added by P.L.2-2006, SEC.74.

IC 20-18-2-3

"Department"

Sec. 3. "Department" refers to the department of education established by IC 20-19-3-1.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-4

"Elementary school"

Sec. 4. "Elementary school" means any combination of kindergarten and grades 1, 2, 3, 4, 5, 6, 7, or 8.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-5

"Governing body"

Sec. 5. "Governing body" means:

(1) a township trustee and the township board of a school township;

(2) a county board of education;

(3) a board of school commissioners;

(4) a metropolitan board of education;
(5) a board of trustees; or
(6) any other board or commission charged by law with the responsibility of administering the affairs of a school corporation.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-6
"Graduation examination"

Sec. 6. "Graduation examination" means the test designated by the board under the ISTEP program.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-7
"High school"

Sec. 7. "High school" means any combination of grades 9, 10, 11, or 12.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-8
"Indiana physician"

Sec. 8. "Indiana physician" means an individual who holds an unlimited license to practice medicine in Indiana.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-9
"Individualized education program"

Sec. 9. "Individualized education program" means a written statement developed for a child by a group that includes:

(1) a representative of the school corporation or public agency responsible for educating the child;
(2) the child's teacher;
(3) the child's parent, guardian, or custodian;
(4) if appropriate, the child; and
(5) if the provision of services for a child with a serious emotional disability is considered, a mental health professional provided by:
    (A) the community mental health center (as described in IC 12-29); or
    (B) a managed care provider (as defined in IC 12-7-2-127(b));
serving the community in which the child resides;

and that describes the special education to be provided to the child.

As added by P.L.1-2005, SEC.2. Amended by P.L.99-2007, SEC.161.

IC 20-18-2-10
"ISTEP program"

Sec. 10. "ISTEP program" refers to the Indiana statewide testing for educational progress program developed and administered under IC 20-32-5.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-11
"Legal settlement"

Sec. 11. "Legal settlement" of a student means the student's status with respect to the school corporation that has the responsibility to allow the student to attend its local public schools without the payment of tuition, or to pay transfer tuition under IC 20-26-11 if the student attends school in a local public school of another school corporation.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-12
"Nonpublic school"

Sec. 12. (a) "Nonpublic school" means a school that is not maintained by a school corporation.

(b) The term includes a private school or parochial school.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-13
"Parent"

Sec. 13. "Parent" means:

(1) the natural father or mother of a child;

(2) in the case of adoption, the adopting father or mother of a child;

(3) if custody of the child has been awarded in a court proceeding to someone other than the mother or father, the court appointed guardian or custodian of the child; or

(4) if the parents of a child are divorced, the parent to whom the divorce decree or modification awards custody or control with respect to a right or obligation under this title.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-13.5
"Political subdivision"

Sec. 13.5. "Political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.2-2006, SEC.75.

IC 20-18-2-14
"Principal"

Sec. 14. "Principal" refers to the chief administrative officer of a school.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-14.3
"Property tax"

Sec. 14.3. "Property tax" refers to an ad valorem property tax.

As added by P.L.2-2006, SEC.76.

IC 20-18-2-15
"Public school"

Sec. 15. "Public school":

(1) for purposes of this title (other than IC 20-33-1), means a school maintained by a school corporation; and

(2) for purposes of IC 20-33-1, means:

(A) a school maintained by a school corporation; or

(B) a preschool, an elementary school, or a high school maintained by a state educational institution under IC 20-24.5 or another law.

As added by P.L.1-2005, SEC.2. Amended by P.L.2-2007, SEC.198.

IC 20-18-2-16
"School corporation"

Sec. 16. (a) "School corporation", for purposes of this title (except IC 20-20-33, IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-30-8, and IC 20-43), means a public school corporation established by Indiana law. The term includes a:

(1) school city;

(2) school town;

(3) school township;

(4) consolidated school corporation;

(5) metropolitan school district;

(6) township school corporation;

(7) county school corporation;

(8) united school corporation; or

(9) community school corporation.

(b) "School corporation", for purposes of IC 20-26-1 through IC 20-26-5 and IC 20-26-7, has the meaning set forth in IC 20-26-2-4.

(c) "School corporation", for purposes of IC 20-20-33 and IC 20-30-8, includes a charter school (as defined in IC 20-24-1-4).

(d) "School corporation", for purposes of IC 20-43, has the meaning set forth in IC 20-43-1-23.

(e) "School corporation", for purposes of IC 20-28-11.5, has the meaning set forth in IC 20-28-11.5-3.

As added by P.L.1-2005, SEC.2. Amended by P.L.2-2006, SEC.77; P.L.90-2011, SEC.3.

IC 20-18-2-17
"School year"

Sec. 17. "School year" means the period:

(1) beginning after June 30 of each year; and

(2) ending before July 1 of the following year;

except when a different period is specified for a particular purpose.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-18
"Secondary school"

Sec. 18. "Secondary school" means a high school.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-19
"State board"

Sec. 19. "State board" refers to the Indiana state board of education established by IC 20-19-2-2.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-20
"State superintendent"

Sec. 20. "State superintendent" refers to the state superintendent of public instruction.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-20.3
"State tuition support"

Sec. 20.3. "State tuition support" has the meaning set forth in IC 20-43-1-25.

As added by P.L.2-2006, SEC.78.

IC 20-18-2-21
"Superintendent"

Sec. 21. "Superintendent" means:

(1) the chief administrative officer of a school corporation; or
(2) in the case of a township school, the county superintendent of schools.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-21.5
Repealed

(*Repealed by P.L.182-2009(ss), SEC.467.)*

IC 20-18-2-22
"Teacher"

Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain educational preparation and licensing and whose primary responsibility is the instruction of students.

(b) For purposes of IC 20-28, the term includes the following:

(1) A superintendent.
(2) A principal.
(3) A teacher.
(4) A librarian.

As added by P.L.1-2005, SEC.2. Amended by P.L.246-2005, SEC.126; P.L.90-2011, SEC.4.

IC 20-18-2-23
"Textbook"

Sec. 23. "Textbook" means systematically organized material designed to provide a specific level of instruction in a subject matter

category, including:

(1) books;

(2) hardware that will be consumed, accessed, or used by a single student during a semester or school year;

(3) computer software; and

(4) digital content.

As added by P.L.1-2005, SEC.2. Amended by P.L.73-2011, SEC.2.

IC 20-18-2-24

"Transfer"

Sec. 24. "Transfer" with respect to a student refers to the situation in which the student, for all or part of the student's education, attends school in a public school of a school corporation other than the school corporation in which the student has legal settlement.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-25

"Transferor corporation"; "transferee corporation"

Sec. 25. "Transferor corporation" and "transferee corporation" refer, respectively, in transfer situations to the school corporation of a student's legal settlement and the school corporation where the student attends school.

As added by P.L.1-2005, SEC.2.

IC 20-18-2-26

"Transferred student"

Sec. 26. (a) "Transferred student" means a student attending school in a school corporation in which the student does not have legal settlement.

(b) For purposes of subsection (a), a student is considered attending school in a school corporation when:

(1) the student is confined by a disability to a place outside the school corporation's facilities and receives instruction from school corporation personnel;

(2) the student attends a special education school or career and technical education school in which the school corporation of the student's legal settlement provides cooperatively a portion of the cost; or

(3) the student is in another similar situation.

As added by P.L.1-2005, SEC.2. Amended by P.L.234-2007, SEC.86.

IC 20-19

ARTICLE 19. STATE ADMINISTRATION OF ELEMENTARY AND SECONDARY EDUCATION

IC 20-19-1

Chapter 1. State Superintendent of Public Instruction

IC 20-19-1-1

Election of superintendent; term of office

Sec. 1. (a) The state superintendent shall be elected under IC 3-10-2-6 by the voters of Indiana.

(b) The term of office of the state superintendent is four (4) years:

(1) beginning on the second Monday in January after election; and

(2) continuing until a successor is elected and qualified.

As added by P.L.1-2005, SEC.3.

IC 20-19-1-2

Distribution of surplus agricultural commodities

Sec. 2. The state superintendent is designated to, and may cooperate with, the Agricultural Marketing Service of the United States Department of Agriculture and with other federal relief agencies in the distribution of surplus agricultural commodities to the following:

(1) School corporations.

(2) Nonprofit nonpublic schools.

(3) Township and county relief agencies.

(4) Other nonprofit public and private institutions to which by law the commodities may be distributed.

As added by P.L.1-2005, SEC.3.

IC 20-19-1-3

Duties and authority concerning school lunch programs

Sec. 3. The state superintendent has administrative duties and authority concerning the school lunch programs under IC 20-26-9.

As added by P.L.1-2005, SEC.3.

IC 20-19-2

Chapter 2. State Board of Education

IC 20-19-2-1

Repealed

(*Repealed by P.L.73-2011, SEC.22.)*

IC 20-19-2-2

State board of education

Sec. 2. (a) The Indiana state board of education is established. The state board consists of:

(1) the state superintendent; and

(2) ten (10) members appointed by the governor.

(b) The following provisions apply to members of the state board appointed by the governor:

(1) At least four (4) of the members must be actively employed in the schools in Indiana and hold a valid teaching license.

(2) At least one (1) member must be appointed from each congressional district in Indiana.

(3) Not more than six (6) members of the state board may be appointed from the membership of any one (1) political party.

(4) The term of office of a member begins on July 1. Except as provided in subdivision (5), the term of office of a member is four (4) years.

(5) The governor may dismiss a member for just cause.

(6) The governor may appoint a member to fill a vacancy occurring on the state board. A member appointed under this subdivision serves for the remainder of the unexpired term.

(c) A quorum consists of six (6) members of the state board. An action of the state board is not official unless the action is authorized by at least six (6) members.

(d) The state superintendent serves as chairperson of the state board.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-3

Repealed

(*Repealed by P.L.73-2011, SEC.22.)*

IC 20-19-2-4

Repealed

(*Repealed by P.L.73-2011, SEC.22.)*

IC 20-19-2-4.5

Advisory committee on career and technical education

Sec. 4.5. (a) The advisory committee on career and technical education is established to advise the state board on policy matters concerning career and technical education. The advisory committee on career and technical education consists of:

(1) the state superintendent or the state superintendent's

designee; and

(2) seven (7) members appointed by the state superintendent.

(b) The following provisions apply to members of the advisory committee on career and technical education:

(1) At least four (4) of the members must be actively employed as area career and technical education directors in schools in Indiana and hold a valid career and technical education director license.

(2) Not more than one (1) member may be from any secondary area district in Indiana.

(3) Members serve at the pleasure of the state superintendent.

(c) The state superintendent or the state superintendent's designee serves as the chairperson of the advisory committee on career and technical education.

As added by P.L.7-2011, SEC.4.

IC 20-19-2-5

Hearing examiners

Sec. 5. If the state board is required to conduct hearings under IC 4-21.5-3, the state board may use hearing examiners who are not members of the state board to conduct the hearings.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-6

Secretary; powers and duties; seal

Sec. 6. (a) The state board shall elect one (1) member to serve as secretary. The secretary shall:

(1) maintain custody of the state board's records, papers, and effects; and

(2) keep minutes of the state board's proceedings.

The records, papers, effects, and minutes of all meetings and actions of the state board shall be kept at the office of the state superintendent and are public records.

(b) The state board shall adopt and use a seal that contains the words "Indiana State Board of Education". A written description of the seal shall be recorded in the minutes of the state board and filed in the office of the secretary of state. The seal shall be used for the authentication of the acts of the state board and the important acts of the department.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-7

Compensation of board members

Sec. 7. (a) Each member of the state board who is not an officer or employee of the state is entitled to an annual salary of two thousand dollars ($2,000).

(b) Each member of the state board is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of

administration and approved by the budget agency. The compensation of members employed in the public schools may not be decreased because of regular service on the state board.
As added by P.L.1-2005, SEC.3. Amended by P.L.73-2011, SEC.3.

IC 20-19-2-8
Adoption of administrative rules by state board

Sec. 8. (a) In addition to any other powers and duties prescribed by law, the state board shall adopt rules under IC 4-22-2 concerning, but not limited to, the following matters:

(1) The designation and employment of the employees and consultants necessary for the department. The state board shall fix the compensation of employees of the department, subject to the approval of the budget committee and the governor under IC 4-12-2.

(2) The establishment and maintenance of standards and guidelines for media centers, libraries, instructional materials centers, or any other area or system of areas in a school where a full range of information sources, associated equipment, and services from professional media staff are accessible to the school community. With regard to library automation systems, the state board may only adopt rules that meet the standards established by the state library board for library automation systems under IC 4-23-7.1-11(b).

(3) The establishment and maintenance of standards for student personnel and guidance services.

(4) This subdivision expires December 31, 2011. The establishment and maintenance of minimum standards for driver education programs (including classroom instruction and practice driving) and equipment. Classroom instruction standards established under this subdivision must include instruction about:

(A) railroad-highway grade crossing safety; and

(B) the procedure for participation in the human organ donor program;

and must provide, effective July 1, 2010, that the classroom instruction may not be provided to a child less than fifteen (15) years and one hundred eighty (180) days of age.

(5) The inspection of all public schools in Indiana to determine the condition of the schools. The state board shall establish standards governing the accreditation of public schools. Observance of:

(A) IC 20-31-4;

(B) IC 20-28-5-2;

(C) IC 20-28-6-3 through IC 20-28-6-7;

(D) IC 20-28-11.5; and

(E) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, and IC 20-32-8;

is a prerequisite to the accreditation of a school. Local public school officials shall make the reports required of them and

otherwise cooperate with the state board regarding required inspections. Nonpublic schools may also request the inspection for classification purposes. Compliance with the building and site guidelines adopted by the state board is not a prerequisite of accreditation.

(6) The distribution of funds and revenues appropriated for the support of schools in the state.

(7) The state board may not establish an accreditation system for nonpublic schools that is less stringent than the accreditation system for public schools.

(8) A separate system for recognizing nonpublic schools under IC 20-19-2-10. Recognition of nonpublic schools under this subdivision constitutes the system of regulatory standards that apply to nonpublic schools that seek to qualify for the system of recognition.

(9) The establishment and enforcement of standards and guidelines concerning the safety of students participating in cheerleading activities.

(10) Subject to IC 20-28-2, the preparation and licensing of teachers.

(b) Before final adoption of any rule, the state board shall make a finding on the estimated fiscal impact that the rule will have on school corporations.

As added by P.L.1-2005, SEC.3. Amended by P.L.65-2005, SEC.2; P.L.146-2008, SEC.450; P.L.101-2009, SEC.14; P.L.73-2011, SEC.4; P.L.90-2011, SEC.5; P.L.145-2011, SEC.25.

IC 20-19-2-9

Repealed

(*Repealed by P.L.73-2011, SEC.22.)*

IC 20-19-2-10

Recognition of educational programs of nonpublic schools; accreditation

Sec. 10. (a) It is the policy of the state that the state:

(1) recognizes that nonpublic schools provide education to children in Indiana;

(2) has an interest in ensuring that all Indiana children are well educated in both curricular and extracurricular programs; and

(3) should facilitate the transferability of comparable academic credit between appropriate nonpublic schools and state supported educational institutions.

(b) The state board shall implement a system of recognition of the educational programs of nonpublic schools to fulfill the policy set forth in subsection (a).

(c) The system of recognition described under subsection (b) must:

(1) be voluntary in nature with respect to the nonpublic school;

(2) recognize the characteristics that distinguish nonpublic schools from public schools; and

(3) be a recognition system that is separate from the accreditation standards required of public schools and available to nonpublic schools under section 8(a)(5) of this chapter.

(d) This section does not prohibit a nonpublic school from seeking accreditation under section 8(a)(5) of this chapter.

(e) The state board shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-11

School improvement and achievement plans; rules

Sec. 11. (a) As used in this section, "plan" refers to a strategic and continuous school improvement and achievement plan developed under IC 20-31-5.

(b) A plan must:

(1) conform to the requirements of IC 20-31-5; and

(2) include a professional development program that conforms to IC 20-20-31.

(c) The governing body may do the following for a school that participates in a plan:

(1) Invoke a waiver of a rule adopted by the state board under IC 20-31-5-5(b).

(2) Develop a plan for the admission of students who do not reside in the school's attendance area but have legal settlement in the school corporation.

(d) In approving a school corporation's actions under this section, the state board shall consider whether the governing body has done the following:

(1) Approved a school's plan.

(2) Demonstrated the support of the exclusive representative only for the professional development program component of the plan.

(e) The state board may waive any statute or rule relating to curriculum in accordance with IC 20-31-5-5.

(f) As part of the plan, the governing body may develop and implement a policy to do the following:

(1) Allow the transfer of a student who resides in the school's attendance area but whose parent requests that the student attend another school in the school corporation of legal settlement.

(2) Inform parents of their rights under this section.

(g) The state board shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.1-2005, SEC.3. Amended by P.L.73-2011, SEC.5.

IC 20-19-2-12

Guidelines on selection of school sites and construction, repair, or alteration of school buildings and facilities; consideration of guidelines; department review of plans; department recommendation

Sec. 12. (a) The state board shall, in the manner provided by IC 4-22-2, adopt rules setting forth nonbinding guidelines for the selection of school sites and the construction, alteration, and repair of school buildings, athletic facilities, and other categories of facilities related to the operation and administration of school corporations. The nonbinding guidelines must include:

(1) preferred location and building practices for school corporations, including standards for enhancing health, student safety, accessibility, energy efficiency, operating efficiency, and instructional efficacy;

(2) guidelines concerning minimum acreage, cost per square foot or cost per ADM (as defined in IC 20-18-2-2), technology infrastructure, building materials, per student square footage, and other general space requirements, including space for academics, administration and staff support, arts education and auditoriums, libraries, cafeterias, athletics and physical education, transportation facilities, and maintenance and repair facilities; and

(3) additional guidelines that the state board considers necessary for efficient and cost effective construction of school facilities.

The building law compliance officer appointed under IC 10-19-7-4, the office of management and budget, and the department of local government finance shall, upon request of the board, provide technical assistance as necessary for the development of the guidelines.

(b) The state board shall annually compile, in a document capable of easy revision, the:

(1) guidelines described in subsection (a); and

(2) rules of the:

(A) fire prevention and building safety commission; and

(B) state department of health;

that govern site selection and the construction, alteration, and repair of school buildings.

(c) A school corporation shall consider the guidelines adopted under subsection (a) when developing plans and specifications for a facility described in subsection (a). Before submitting completed written plans and specifications for the selection of a school building site or the construction or alteration of a school building to the division of fire and building safety for issuance of a design release under IC 22-15-3, a school corporation shall do the following:

(1) Submit the proposed plans and specifications to the department. Within thirty (30) days after the department receives the plans and specifications, the department shall:

(A) review the plans and specifications to determine whether they comply with the guidelines adopted under subsection (a); and

(B) provide written recommendations concerning the plans and specifications to the school corporation, which must include findings as to any material differences between the

plans and specifications and the guidelines adopted under subsection (a).

(2) After the earlier of:

(A) receipt of the recommendations provided under subdivision (1)(B); or

(B) the date that is thirty (30) days after the date the department received the plans and specifications under subdivision (1)(A);

issue a public document that describes the recommendations, if any, and any material differences between the plans and specifications prepared by the school corporation and the guidelines adopted under subsection (a), as determined under the guidelines adopted by the state board.

(3) After publishing a notice of the public hearing under IC 5-3-1, conduct a public hearing to receive public comment concerning the school corporation's plans and specifications.

After the public hearing and without conducting another public hearing under this subsection, the governing body may revise the plans and specifications or submit the plans and specifications to the division of fire and building safety without making changes. The school corporation shall revise the public document described in subdivision (2) to identify any changes in the plans and specifications after the public document's initial preparation.

As added by P.L.1-2005, SEC.3. Amended by P.L.1-2006, SEC.313; P.L.146-2008, SEC.451.

IC 20-19-2-13

Limitation of state board authority concerning construction, alteration, or repair of school buildings

Sec. 13. The state board may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

(1) The terms of a federal grant or a federal law.

(2) IC 20-35-4-2 concerning the authorization of a special school for children with disabilities.

However, the state board shall adopt guidelines concerning plans and specifications as required by section 12 of this chapter.

As added by P.L.1-2005, SEC.3. Amended by P.L.146-2008, SEC.452.

IC 20-19-2-14

Duties of state board

Sec. 14. The state board shall do the following:

(1) Establish the educational goals of the state, developing standards and objectives for local school corporations.

(2) Assess the attainment of the established goals.

(3) Assure compliance with established standards and objectives.

(4) Coordinate with the commission for higher education (IC 21-18-1) and the department of workforce development (IC

22-4.1-2) to develop entrepreneurship education programs for elementary and secondary education, higher education, and individuals in the work force.

(5) Make recommendations to the governor and general assembly concerning the educational needs of the state, including financial needs.

As added by P.L.1-2005, SEC.3. Amended by P.L.172-2011, SEC.120.

IC 20-19-2-15

Freeway school corporation and freeway school

Sec. 15. The state board shall comply with IC 20-26-15 to establish a freeway school corporation and a freeway school.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-16

Federal aid concerning children with disabilities

Sec. 16. (a) The state accepts the provisions and benefits of laws enacted by the Congress of the United States that provide for aid to children with disabilities.

(b) The state board is designated as the proper authority and may accept any federal funds appropriated to aid in the education of children with disabilities. The state board shall comply with all the requirements of:

(1) federal law concerning any federal funds relating to special educational activities; and

(2) any amendments to those laws or rules and regulations issued under and in conformity with those laws and not inconsistent with this chapter.

As added by P.L.1-2005, SEC.3.

IC 20-19-2-17

Federal aid concerning career and technical education

Sec. 17. The provisions of an act of Congress entitled "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of career and technical education subjects; and to appropriate money and regulate its expenditure," are accepted by the state as to the following:

(1) Appropriations for the salaries of:

(A) teachers;

(B) supervisors; or

(C) directors;

of agricultural subjects.

(2) Appropriations for salaries for teachers of trade and industrial subjects.

(3) Appropriations for the training of teachers of career and technical education subjects.

As added by P.L.1-2005, SEC.3. Amended by P.L.234-2007, SEC.87.

IC 20-19-2-18

State treasurer as custodian for career and technical education funds

Sec. 18. (a) The treasurer of state is designated as the custodian for career and technical education.

(b) The treasurer of state shall do the following:

(1) Receive money paid to the state from the United States treasury under the act of Congress described in section 17 of this chapter.

(2) Pay the money described in subdivision (1), upon the warrant of the auditor of state, when the money is certified by the state board.

As added by P.L.1-2005, SEC.3. Amended by P.L.234-2007, SEC.88.

IC 20-19-2-19

Federal funds for career and technical education; use of funds subject to allocation by general assembly

Sec. 19. (a) The state board shall receive, distribute, and account for all funds received for career and technical education under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.).

(b) The state board may not expend or distribute funds received under subsection (a) unless those funds have been allocated by the general assembly.

As added by P.L.1-2005, SEC.3. Amended by P.L.234-2007, SEC.89; P.L.7-2011, SEC.5.

IC 20-19-2-20

Fast track to college diploma design by the state board

Sec. 20. The state board shall design a high school diploma to be granted to individuals who successfully complete a high school fast track to college program under IC 21-43-6, IC 21-43-7, or IC 21-43-8.

As added by P.L.185-2006, SEC.6. Amended by P.L.1-2007, SEC.141; P.L.2-2007, SEC.199; P.L.3-2008, SEC.114.

IC 20-19-3

Chapter 3. Department of Education

IC 20-19-3-1

Establishment

Sec. 1. The department of education is established.

As added by P.L.1-2005, SEC.3.

IC 20-19-3-2

Director

Sec. 2. The state superintendent is the director of the department.

As added by P.L.1-2005, SEC.3.

IC 20-19-3-3

Hiring personnel

Sec. 3. The state superintendent:

(1) subject to IC 20-19-2-8(a)(1); and

(2) with the approval of the budget agency;

may hire the personnel necessary to perform the duties of the department under this title.

As added by P.L.1-2005, SEC.3.

IC 20-19-3-4

Duties of department; suspension and expulsion statistics

Sec. 4. (a) The department shall:

(1) perform the duties required by statute;

(2) implement the policies and procedures established by the state board;

(3) conduct analytical research to assist the state board in determining the state's educational policy;

(4) compile statistics concerning the ethnicity, gender, and disability status of students in Indiana schools, including statistics for all information that the department receives from school corporations on enrollment, number of suspensions, and number of expulsions; and

(5) provide technical assistance to school corporations.

(b) In compiling statistics by gender, ethnicity, and disability status under subsection (a)(4), the department shall also categorize suspensions and expulsions by cause as follows:

(1) Alcohol.

(2) Drugs.

(3) Deadly weapons (other than firearms).

(4) Handguns.

(5) Rifles or shotguns.

(6) Other firearms.

(7) Tobacco.

(8) Attendance.

(9) Destruction of property.

(10) Legal settlement (under IC 20-33-8-17).

(11) Fighting (incident does not rise to the level of battery).

(12) Battery (IC 35-42-2-1).
(13) Intimidation (IC 35-45-2-1).
(14) Verbal aggression or profanity.
(15) Defiance.
(16) Other.

(c) The department shall develop guidelines necessary to implement this section.

As added by P.L.1-2005, SEC.3. Amended by P.L.242-2005, SEC.10.

IC 20-19-3-5

Powers of department

Sec. 5. The department may:

(1) exercise the powers granted by statute;
(2) with the approval of the budget agency, employ experts and consultants to assist the department in carrying out its functions;
(3) with the consent of other state agencies, use the services and facilities of other state agencies without reimbursements;
(4) accept in the name of the department, for use in carrying out the functions of the department, money received by gift, grant, bequest, or otherwise;
(5) accept voluntary and uncompensated services; and
(6) expend funds made available to the department according to policies established by the budget agency.

As added by P.L.1-2005, SEC.3.

IC 20-19-3-6

Education consultant for health and physical education

Sec. 6. (a) The department shall:

(1) establish a program in health and physical education to encourage children in kindergarten through grade 12 to develop:
    (A) healthful living habits;
    (B) an interest in lifetime health and physical fitness; and
    (C) decision making skills in the areas of health and physical fitness;
(2) establish the position of education consultant for health and physical education; and
(3) hire an individual to perform the duties of education consultant for health and physical education.

(b) The education consultant for health and physical education shall:

(1) plan and develop curricula for health and physical education for grades kindergarten through 12; and
(2) perform other duties designated by the department.

(c) The program in health and physical education must include the following:

(1) Local school program development.
(2) Technical and inservice training assistance for local schools.
(3) Local school initiatives in writing curricula in the areas of health and physical education.

(4) Cardiopulmonary resuscitation training using a training program approved by the American Heart Association or an equivalent nationally recognized training program.

(d) The department may give grants to or enter into contracts with individuals or school corporations to carry out the purposes of the program in health and physical education.

As added by P.L.1-2005, SEC.3.

IC 20-19-3-7

Federal grants; restrictions on acceptance or distribution; withdrawal from grant program

Sec. 7. (a) The department may not accept or distribute to school corporations grants from the federal government under Title III of P.L.103-227 (repealed), if the state superintendent determines that acceptance or distribution of grant money does at least one (1) of the following:

(1) Authorizes an officer or employee of the federal government to mandate, direct, or control at least one (1) of the following:

(A) The department.

(B) A school corporation.

(C) A school curriculum or program of instruction.

(D) Allocation of a state or local government resource.

(2) Requires the department, a school corporation, or a school to spend money or incur an expense not paid under Title III of P.L.103-227 (repealed).

(3) Requires a school corporation, as a condition of participation, to increase the access of students to at least one (1) of the following:

(A) Social services.

(B) Health care.

(C) Nutrition.

(D) Services related to the services listed in clauses (A) through (C).

(E) Child care services.

(4) Requires a school corporation, as a condition of participation, to implement an outcome based education program.

(5) Requires a school corporation, as a condition of participation, to adopt:

(A) a national curriculum; or

(B) national assessment standards.

(6) Requires federal government certification of:

(A) a state curriculum; or

(B) state assessment standards.

(b) The governing body of a school corporation that receives a grant under this section may withdraw from participation in the grant program at the following times:

(1) At the end of a school year.

(2) At any time during a school year, if money received for participation in the grant program is returned to the department.

The amount that a school corporation must return to the department is the amount received for expenditure during the time after the school corporation has ceased to participate in the program.

As added by P.L.1-2005, SEC.3.

IC 20-19-3-8

Limitation on department approval of certain plans; central clearinghouse for prototype designs

Sec. 8. (a) The department may not approve or disapprove plans and specifications for the construction, alteration, or repair of school buildings, except as necessary under the following:

(1) The terms of a federal grant or a federal law.

(2) IC 20-35-4-2 concerning the authorization of a special school for children with disabilities.

(b) Notwithstanding subsection (a), the department shall do the following:

(1) Receive and review plans and specifications as required by IC 20-19-2-12.

(2) Establish a central clearinghouse for access by school corporations that may want to use a prototype design in the construction of school facilities. The department shall compile necessary publications and may establish a computer data base to distribute information on prototype designs to school corporations. Architects and engineers registered to practice in Indiana may submit plans and specifications for a prototype design to the clearinghouse. The plans and specifications may be accessed by any person. However, the following provisions apply to a prototype design submitted to the clearinghouse:

(A) The original architect of record or engineer of record retains ownership of and liability for a prototype design.

(B) A school corporation or other person may not use a prototype design without the site-specific, written permission of the original architect of record or engineer of record.

(C) An architect's or engineer's liability under clause (A) is subject to the requirements of clause (B).

The state board may adopt rules under IC 4-22-2 to implement this subdivision.

As added by P.L.1-2005, SEC.3. Amended by P.L.146-2008, SEC.453.

IC 20-19-3-9

Repealed

(*Repealed by P.L.1-2010, SEC.156.)*

IC 20-19-3-9.2

Duty of the department to establish and maintain an employee data base

Sec. 9.2. The department shall establish and maintain a searchable

data base of information concerning employees and former employees who have been reported to the department under IC 20-28-5-8. The department shall make the data base available to the public.
As added by P.L.1-2010, SEC.74.

IC 20-19-3-9.4
Disclosure of student test number information

Sec. 9.4. Beginning January 1, 2010, the department may obtain and maintain student test number information in a manner and form that permits any person who is authorized to review the information to:

(1) access the information at any time; and
(2) accurately determine:
(A) where each student is enrolled and attending classes; and
(B) the number of students enrolled in a school corporation or charter school and residing in the area served by a school corporation;
as of any date after December 31, 2009, occurring before two
(2) regular instructional days before the date of the inquiry.

Each school corporation and charter school shall provide the information to the department in the form and on a schedule that permits the department to comply with this section. The department shall provide technical assistance to school corporations and charter schools to assist school corporations and charter schools in complying with this section.
As added by P.L.1-2010, SEC.75.

IC 20-19-3-10
Dating violence educational materials

Sec. 10. (a) The department, in collaboration with organizations that have expertise in dating violence, domestic violence, and sexual abuse, shall identify or develop:

(1) model dating violence educational materials; and
(2) a model for dating violence response policies and reporting.

Not later than July 1, 2011, the department shall make the models developed or identified under this section available to assist schools with the implementation of dating violence education programs in grades 6 through 12 and dating violence response policies.

(b) The model dating violence policy identified or developed under subsection (a) may include the following topics:

(1) Warning signs of dating violence.
(2) The basic principles of dating violence prevention.
(3) Methods of parental education and outreach.

As added by P.L.83-2010, SEC.1.

IC 20-19-4

Chapter 4. Education Roundtable

IC 20-19-4-1

"Roundtable"

Sec. 1. As used in this chapter, "roundtable" refers to the education roundtable established by section 2 of this chapter.

As added by P.L.1-2005, SEC.3.

IC 20-19-4-2

Establishment

Sec. 2. The education roundtable is established.

As added by P.L.1-2005, SEC.3.

IC 20-19-4-3

Membership

Sec. 3. The roundtable consists of the following members:

(1) A number of members appointed jointly by the governor and the state superintendent. These members must be representatives of:

(A) business and community leaders;

(B) elementary and secondary education, including programs for exceptional learners (as defined in IC 20-31-2-6); and

(C) higher education.

The number of members appointed under clause (A) must be equal to the number of members appointed under clauses (B) and (C).

(2) Two (2) members appointed by the president pro tempore of the senate from different political parties.

(3) Two (2) members appointed by the speaker of the house of representatives from different political parties.

As added by P.L.1-2005, SEC.3.

IC 20-19-4-4

Compensation and expenses of members

Sec. 4. (a) A member of the roundtable is not entitled to a salary per diem.

(b) A member of the roundtable is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.1-2005, SEC.3.

IC 20-19-4-5

Cochairpersons; quorum

Sec. 5. (a) The governor and the state superintendent shall jointly serve as cochairpersons of the roundtable. The roundtable shall meet upon the call of the cochairpersons.

(b) A quorum of the roundtable must be present to conduct

business. A quorum consists of a majority of the voting members appointed to the roundtable. The roundtable may not take an official action unless the official action has been approved by at least a majority of the voting members appointed to serve on the roundtable.
As added by P.L.1-2005, SEC.3.

IC 20-19-4-6
Permanence of roundtable

Sec. 6. The roundtable is a permanent body and working group.
As added by P.L.1-2005, SEC.3.

IC 20-19-4-7
Recommendations concerning matters related to education

Sec. 7. (a) The roundtable shall provide recommendations on subjects related to education to the following:

(1) The governor.
(2) The state superintendent.
(3) The general assembly.
(4) The state board.

(b) The recommendations to the general assembly must be in an electronic format under IC 5-14-6.
As added by P.L.1-2005, SEC.3.

IC 20-19-4-8
Recommendations; determination of total estimated fiscal impact by roundtable and legislative services agency

Sec. 8. (a) As used in this section, "total estimated fiscal impact" means the annual fiscal impact of a recommendation on all affected entities after the recommendation is fully implemented under subsection (e).

(b) Subject to subsection (d), before providing a recommendation under section 7 of this chapter, the roundtable shall prepare an analysis of the total estimated fiscal impact that the recommendation will have on the state, political subdivisions, and all private schools affected by the recommendation. In preparing an analysis under this subsection, the roundtable shall consider any applicable information submitted by entities affected by the recommendation. The analysis prepared under this subsection must be submitted with the recommendation under section 7 of this chapter.

(c) If the roundtable provides a recommendation under section 7 of this chapter and the total estimated fiscal impact analysis prepared under subsection (b) indicates that the impact of the recommendation will be at least five hundred thousand dollars ($500,000), the roundtable shall submit a copy of the recommendation and the fiscal analysis prepared under subsection (b) to the legislative services agency for review. This recommendation must be in an electronic format under IC 5-14-6. Not more than forty-five (45) days after receiving a copy of the recommendation and fiscal impact analysis, the legislative services agency shall prepare a fiscal impact statement concerning the effect that compliance with the recommendation will

have on:

(1) the state; and

(2) all:

(A) political subdivisions; and

(B) nonpublic schools;

affected by the proposed recommendation.

The fiscal impact statement must contain the direct total estimated fiscal impact of the recommendation and a determination concerning the extent to which the recommendation creates an unfunded mandate on the state, a political subdivision, or a nonpublic school affected by the proposed recommendation. The fiscal impact statement is a public document. The legislative services agency shall make the fiscal impact statement available to interested parties upon request. The roundtable shall provide the legislative services agency with the information necessary to prepare the fiscal impact statement. The legislative services agency may also receive and consider applicable information from the entities affected by the recommendation in preparation of the fiscal impact statement. The legislative services agency shall provide copies of its fiscal impact statement to each of the persons described in section 7 of this chapter.

(d) In determining whether a recommendation under this section has a total estimated fiscal impact of at least five hundred thousand dollars ($500,000) on the affected entities, the roundtable shall consider the impact of the recommendation on any entity that already complies with the standards imposed by the recommendation on a voluntary basis, if applicable.

(e) For purposes of this section, a recommendation is fully implemented after:

(1) the conclusion of any phase-in period during which:

(A) the recommendation is gradually made to apply to certain affected entities; or

(B) the costs of the recommendation are gradually implemented; and

(2) the recommendation applies to all affected entities that will be affected by the recommendation.

In determining the total estimated fiscal impact of a recommendation under this section, the roundtable shall consider the annual fiscal impact on all affected entities beginning with the first twelve (12) month period or first school year after the recommendation is fully implemented, whichever applies. The roundtable may use actual or forecasted data and may consider the actual and anticipated effects of inflation and deflation. The roundtable shall describe any assumptions made and any data used in determining the total estimated fiscal impact of a recommendation under this section.

As added by P.L.1-2005, SEC.3. Amended by P.L.226-2005, SEC.3; P.L.1-2006, SEC.314.

IC 20-19-4-9

Recommendations for improving academic standards

Sec. 9. The roundtable shall make recommendations to the state board for improving the academic standards under IC 20-31-3.
As added by P.L.1-2005, SEC.3.

IC 20-19-4-10
Review and recommendation of academic standards and ISTEP program

Sec. 10. The roundtable shall review and recommend to the state board for the state board's approval the following:

(1) The academic standards under IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6 for all grade levels from kindergarten through grade 12.

(2) The content and format of the ISTEP program, including the following:

(A) The graduation examination.

(B) The passing scores required at the various grade levels tested under the ISTEP program.

As added by P.L.1-2005, SEC.3.

IC 20-19-4-11
Considerations in making recommendations

Sec. 11. In making recommendations under section 10 of this chapter, the roundtable shall consider:

(1) a variety of available national and international assessments and tests;

(2) the development of an assessment or test unique to Indiana; and

(3) any combination of assessments or tests described under subdivisions (1) and (2).

As added by P.L.1-2005, SEC.3.

IC 20-19-4-12
Recommendations to state board

Sec. 12. In making recommendations under section 10 of this chapter, the roundtable shall recommend to the state board only state tests that when appropriate:

(1) present the content of each test in an interdisciplinary manner; and

(2) provide each student with the opportunity to meet the academic standards in an applied manner.

As added by P.L.1-2005, SEC.3.

IC 20-19-4-13
Rules

Sec. 13. The state board may adopt rules under IC 4-22-2 to implement this chapter.
As added by P.L.1-2005, SEC.3.

IC 20-19-5

Chapter 5. Children's Social, Emotional, and Behavioral Health Plan

IC 20-19-5-1

Department duties

Sec. 1. The department of education, in cooperation with the department of child services, the department of correction, and the division of mental health and addiction, shall:

(1) develop and coordinate the children's social, emotional, and behavioral health plan that is to provide recommendations concerning:

(A) comprehensive mental health services;

(B) early intervention; and

(C) treatment services;

for individuals from birth through twenty-two (22) years of age;

(2) make recommendations to the state board, which shall adopt rules under IC 4-22-2 concerning the children's social, emotional, and behavioral health plan; and

(3) conduct hearings on the implementation of the plan before adopting rules under this chapter.

As added by P.L.234-2005, SEC.79.

IC 20-19-5-2

Plan recommendations

Sec. 2. The children's social, emotional, and behavioral health plan shall recommend:

(1) procedures for the identification and assessment of social, emotional, and mental health issues;

(2) procedures to assist a child and the child's family in obtaining necessary services to treat social, emotional, and mental health issues;

(3) procedures to coordinate provider services and interagency referral networks for an individual from birth through twenty-two (22) years of age;

(4) guidelines for incorporating social, emotional, and behavioral development into school learning standards and education programs;

(5) that social, emotional, and mental health screening be included as a part of routine examinations in schools and by health care providers;

(6) procedures concerning the positive development of children, including:

(A) social, emotional, and behavioral development;

(B) learning; and

(C) behavioral health;

(7) plans for creating a children's social, emotional, and behavioral health system with shared accountability among state agencies that will:

(A) conduct ongoing needs assessments;

(B) use outcome indicators and benchmarks to measure progress; and

(C) implement quality data tracking and reporting systems;

(8) a state budget for children's social, emotional, and mental health prevention and treatment;

(9) how state agencies and local entities can obtain federal funding and other sources of funding to implement a children's social, emotional, and behavioral health plan;

(10) how to maintain and expand the workforce to provide mental health services for individuals from birth through twenty-two (22) years of age and families;

(11) how employers of mental health professionals may:

(A) improve employee job satisfaction; and

(B) retain employees;

(12) how to facilitate research on best practices and model programs for children's social, emotional, and behavioral health;

(13) how to disseminate research and provide training and educational materials concerning the children's social, emotional, and behavioral health program to:

(A) policymakers;

(B) practitioners; and

(C) the general public; and

(14) how to implement a public awareness campaign to:

(A) reduce the stigma of mental illness; and

(B) educate individuals:

(i) about the benefits of children's social, emotional, and behavioral development; and

(ii) how to access children's social, emotional, and behavioral development services.

As added by P.L.234-2005, SEC.79.

IC 20-20

ARTICLE 20. PROGRAMS ADMINISTERED BY THE STATE

IC 20-20-1

Chapter 1. Educational Service Centers

IC 20-20-1-1

"Board"

Sec. 1. As used in this chapter, "board" refers to the local governing board of an educational service center.

As added by P.L.1-2005, SEC.4.

IC 20-20-1-2

"Educational service center"

Sec. 2. (a) As used in this chapter, "educational service center" means an extended agency of school corporations that:

(1) operates under rules established by the state board;

(2) is the administrative and operational unit that serves a definitive geographical boundary; and

(3) allows school corporations to voluntarily cooperate and share programs and services that the school corporations cannot individually provide but collectively may implement.

(b) Programs and services collectively implemented through an educational service center may include, but are not limited to, the following:

(1) Curriculum development.

(2) Pupil personnel and special education services.

(3) In-service education.

(4) State-federal liaison services.

(5) Instructional materials and multimedia services.

(6) Career and technical education.

(7) Purchasing and financial management.

(8) Needs assessment.

(9) Computer use.

(10) Research and development.

As added by P.L.1-2005, SEC.4. Amended by P.L.234-2007, SEC.90.

IC 20-20-1-3

Establishment and procedures for operation of educational service centers

Sec. 3. The state board may provide for the establishment of and procedures for the operation of educational service centers.

As added by P.L.1-2005, SEC.4.

IC 20-20-1-4

Comprehensive plan for implementation of chapter; adoption

Sec. 4. (a) The state board shall do the following:

(1) Adopt a comprehensive plan to implement this chapter.

(2) Determine the areas in Indiana that will be served by an

educational service center.

(b) In determining the geographic area to be served by an educational service center, the state board shall consider the following:

(1) Physical factors.

(2) Socio-economic factors.

(3) Educational factors.

(4) Existing cooperative efforts and agreements.

As added by P.L.1-2005, SEC.4.

IC 20-20-1-5

Establishment of centers under state board rules

Sec. 5. An educational service center must be established under rules adopted by the state board to develop, provide, and make available to participating schools those services requested by the participating school corporations and approved by the state board.

As added by P.L.1-2005, SEC.4.

IC 20-20-1-6

Location of centers

Sec. 6. Educational service centers shall be located throughout Indiana to allow each school corporation to have an opportunity to:

(1) be served by; and

(2) participate in;

an approved center on a voluntary basis by resolution of the governing body.

As added by P.L.1-2005, SEC.4.

IC 20-20-1-7

Educational service center board

Sec. 7. An educational service center shall be governed in its local administration by a board selected by an assembly comprised of the superintendent or the superintendent's designee from each participating school corporation.

As added by P.L.1-2005, SEC.4.

IC 20-20-1-8

Membership of board; vacancies; compensation

Sec. 8. (a) The state board shall adopt uniform rules to provide for the local selection, appointment, and continuity of membership for boards.

(b) Vacancies on a board shall be filled by appointment by the remaining members of the board.

(c) Members of a board serve without compensation.

As added by P.L.1-2005, SEC.4.

IC 20-20-1-9

Executive director; personnel

Sec. 9. A board may employ the following:

(1) An executive director for the educational service center.

(2) Other personnel the board considers necessary to:
(A) carry out the functions of the educational service center; and
(B) do and perform all things the board considers proper for successful operation of the center.

As added by P.L.1-2005, SEC.4.

IC 20-20-1-10

Advisory council; recommendations

Sec. 10. (a) The state board shall provide for the selection of an advisory council to each board. The state board shall provide for the representation of:

(1) teachers;
(2) elementary principals;
(3) secondary principals;
(4) members of the governing body; and
(5) parents of students;

of the school corporations that are within the geographic area served by the educational service center.

(b) The advisory council shall make recommendations to the board on budgetary and program matters.

As added by P.L.1-2005, SEC.4.

IC 20-20-1-11

Funds for establishment and operation of centers

Sec. 11. (a) Any funds, including donated funds and funds from federal or other local sources, shall be used to pay for the costs of establishing or operating an educational service center.

(b) An educational service center may administer programs and funds from any of the sources described in subsection (a). All activities funded from federal sources must follow all applicable federal guidelines, rules, and regulations.

As added by P.L.1-2005, SEC.4.

IC 20-20-1-12

Federal matching funds

Sec. 12. This chapter does not prohibit an educational service center from receiving and using matching funds from federal sources in any amount for which the educational service center may be eligible.

As added by P.L.1-2005, SEC.4.

IC 20-20-2

Chapter 2. Principal Leadership Academy

IC 20-20-2-1

"Academy"

Sec. 1. As used in this chapter, "academy" refers to the principal leadership academy established by section 3 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-2-2

"Advisory board"

Sec. 2. As used in this chapter, "advisory board" refers to the advisory board for the principal leadership academy established by this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-2-3

Establishment

Sec. 3. The principal leadership academy is established within the department to achieve excellence in teacher and student performance by strengthening leadership and management skills of practicing Indiana public school principals.

As added by P.L.1-2005, SEC.4.

IC 20-20-2-4

Appointment of director and staff; annual report

Sec. 4. (a) The state superintendent shall:

(1) appoint a full-time director to administer the academy;

(2) employ staff necessary to implement this chapter;

(3) appoint members of the advisory board; and

(4) submit to the general assembly an annual report before July 1 of each year.

(b) The annual report of the state superintendent must be in an electronic format under IC 5-14-6 and must include the following:

(1) A summary of the activities of the academy.

(2) Data on the number of persons trained.

(3) An analysis of the extent to which the purposes of the academy have been accomplished.

(4) A proposal for a program and budget for the two (2) years following the year that is the subject of the report.

As added by P.L.1-2005, SEC.4.

IC 20-20-2-5

Advisory board; members; duties; appointments; expenses and per diem

Sec. 5. (a) There is established an advisory board for the academy to advise and assist the director appointed under section 4 of this chapter.

(b) The advisory board consists of nine (9) members appointed by the state superintendent. Each of the following groups must be

represented by at least one (1) member of the advisory board:

(1) Practicing public school principals.

(2) Members of the general assembly.

(3) Experts in administration, supervision, curriculum development, or evaluation who are members of the faculty of a state supported university.

(4) Practicing school superintendents.

(5) Practicing public school teachers.

(6) Members of the business or industry community.

(7) Parents of public school age children.

(c) The advisory board shall:

(1) annually elect a chairperson;

(2) advise the director about the curriculum of the academy;

(3) review the plan developed by the director under section 6 of this chapter;

(4) approve an evaluation plan for the academy;

(5) review the director's plan for continuing education;

(6) review the academy budget and make recommendations to the director;

(7) set criteria for the selection of academy participants;

(8) review the operation of the academy and make recommendations to the director;

(9) assist the director in compiling an annual report for submission to the state superintendent;

(10) consider coordinating the programs and curriculum offered at the academy with the programs and curriculum required in principal certification programs offered at postsecondary educational institutions in Indiana; and

(11) complete other tasks requested of the advisory board by the state superintendent.

(d) Each member of the advisory board serves a four (4) year term beginning on May 1 in the year the member is appointed.

(e) The state superintendent shall fill a vacancy on the advisory board:

(1) for the unexpired part of the term; and

(2) in a manner that preserves the composition of the advisory board under subsection (b).

(f) Each member of the advisory board who is not a member of the general assembly is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the advisory board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

As added by P.L.1-2005, SEC.4. Amended by P.L.2-2007, SEC.200.

IC 20-20-2-6

Plan for development of skills and performance

Sec. 6. (a) The director of the academy shall, with staff support, develop a plan to accomplish the goals of the academy. The plan must be approved by the advisory board and must include procedures to teach principals the following:

(1) How to develop the leadership skills and management techniques necessary for providing quality education in Indiana schools.

(2) How to improve teacher and student performance.

(3) How to strengthen communication and leadership skills required for the establishment of a broad based support for public education.

(4) Management skills for use in improving curriculum and instruction.

(5) How to improve the school environment.

(b) The director of the academy shall, with staff support, and subject to approval by the advisory board, develop a plan for continuing education by the academy of public school principals who have completed initial training at the academy.

As added by P.L.1-2005, SEC.4.

IC 20-20-2-7

Admission to academy

Sec. 7. To be eligible for admission to the academy, a participant must be a practicing public school principal for a public school located in Indiana. Admission preference must be given to those school principals who have at least three (3) years of administrative experience in Indiana public schools and intend to continue as public school principals.

As added by P.L.1-2005, SEC.4.

IC 20-20-3

Chapter 3. Teacher Referral System

IC 20-20-3-1

"Referral system"

Sec. 1. As used in this chapter, "referral system" refers to the teacher employment opportunities referral system established by section 2 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-3-2

Establishment of referral system

Sec. 2. The department shall establish and keep current a computerized teacher employment opportunities referral system.

As added by P.L.1-2005, SEC.4.

IC 20-20-3-3

Requisites of referral system

Sec. 3. The referral system must:

(1) be capable of identifying the available public school teaching positions within Indiana;

(2) provide the pertinent information on individuals who are seeking employment as teachers; and

(3) be accessible to school corporations, teachers, prospective teachers, and state educational institutions.

As added by P.L.1-2005, SEC.4.

IC 20-20-3-4

Information dissemination

Sec. 4. The department shall disseminate the necessary information to school corporations and state educational institutions to provide awareness of the availability of the referral system to the pertinent parties.

As added by P.L.1-2005, SEC.4.

IC 20-20-4

Chapter 4. Ambassador for Education

IC 20-20-4-1

Goals of ambassador

Sec. 1. The following are the goals of the ambassador for education program:

(1) Enhance the stature of teachers and the teaching profession.

(2) Inspire and attract talented young people to become teachers.

(3) Promote the teaching profession within community and business groups.

(4) Support the activities of the Future Teachers of America clubs.

(5) Represent Indiana teachers at business, education, and teacher leadership conferences and meetings.

(6) Reward the teacher of the year for the teacher's outstanding contributions to the teaching profession.

(7) Reward the teacher of the year for the teacher's contributions to the teacher's classroom and school.

As added by P.L.1-2005, SEC.4.

IC 20-20-4-2

"Ambassador"

Sec. 2. As used in this chapter, "ambassador" refers to the ambassador for education established by section 4 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-4-3

"School"

Sec. 3. As used in this chapter, "school" means a school corporation or an accredited nonpublic school.

As added by P.L.1-2005, SEC.4.

IC 20-20-4-4

Establishment of position

Sec. 4. The position of ambassador for education is established to act as an education liaison to Indiana schools.

As added by P.L.1-2005, SEC.4.

IC 20-20-4-5

Teacher of the year as ambassador

Sec. 5. A teacher in a school who:

(1) is selected by the state superintendent as teacher of the year; and

(2) agrees to be ambassador;

is ambassador for a one (1) year term beginning July 1 after selection as teacher of the year and ending the following June 30.

As added by P.L.1-2005, SEC.4.

IC 20-20-4-6

Professional leave for service as ambassador; reimbursement of costs

Sec. 6. (a) The school where an ambassador is regularly employed shall do the following:

(1) Grant the ambassador a one (1) year professional leave to serve as ambassador during the ambassador's term.

(2) Allow the ambassador to return to the school from the professional leave:

(A) to the same or a comparable position as the ambassador held before the professional leave; and

(B) without loss of accrued benefits or seniority.

(3) Continue to provide the ambassador all benefits of employment with the school other than salary.

(b) The department shall reimburse a school for the cost of benefits provided by the school to an ambassador under subsection (a)(3).

As added by P.L.1-2005, SEC.4.

IC 20-20-4-7

Election regarding service of professional leave

Sec. 7. An ambassador may elect to serve the one (1) year professional leave at:

(1) an Indiana postsecondary educational institution; or

(2) the department.

As added by P.L.1-2005, SEC.4. Amended by P.L.2-2007, SEC.201.

IC 20-20-4-8

Service with department

Sec. 8. If an ambassador elects to serve a one (1) year professional leave with the department, the following apply:

(1) The state coordinator of the ambassador for education program, as designated by the state superintendent, shall establish the ambassador's duties.

(2) The ambassador is entitled to receive from the department the following:

(A) A salary in place of compensation from the school where the ambassador is regularly employed that equals the salary that the ambassador, if not serving as ambassador, would receive during the school year of the ambassador's term from the school where the ambassador is regularly employed.

(B) Actual expenses of the ambassador incurred as a result of the performance of duties under this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-4-9

Service with postsecondary educational institution

Sec. 9. If an ambassador elects to serve a one (1) year professional leave with an Indiana postsecondary educational institution, the following apply:

(1) The dean of the institution's school of education or the equivalent officer shall establish the ambassador's duties.

(2) The ambassador is entitled to receive from the institution the amount of compensation that the institution offers the ambassador.

(3) The ambassador is entitled to receive from the department compensation in an amount that when added to the amount provided under subdivision (2) equals the salary that the ambassador, if not serving as ambassador, would receive during the school year of the ambassador's term from the school where the ambassador is regularly employed.

As added by P.L.1-2005, SEC.4. Amended by P.L.2-2007, SEC.202.

IC 20-20-4-10

Ambassador's duties

Sec. 10. The ambassador's duties must match the relative skills and education background of the ambassador and reflect the goals of the ambassador for education program. However, duties may include the following:

(1) Providing professional development seminars and workshops in the subject matter areas in which the ambassador has expertise.

(2) Accompanying the state superintendent in the exercise of the state superintendent's duties throughout Indiana.

As added by P.L.1-2005, SEC.4.

IC 20-20-5
Repealed

(*Repealed by P.L.73-2011, SEC.22.)*

IC 20-20-5.5

Chapter 5.5. Curricular Materials

IC 20-20-5.5-1

"Curricular materials"

Sec. 1. As used in this chapter, "curricular materials" means:

(1) textbooks; and

(2) material used to supplement or replace textbooks, including:

(A) books and other printed material;

(B) computer software; and

(C) digital content.

As added by P.L.73-2011, SEC.6.

IC 20-20-5.5-2

Departmental evaluation; alignment with state standards; publisher's information

Sec. 2. (a) The department shall evaluate curricular materials. The evaluation must include an evaluation of:

(1) the curricular materials' alignment to the academic standards adopted by the state board under IC 20-31-3-1; and

(2) the appropriateness of the reading level of the curricular materials.

(b) The department shall publish a report that describes the method used to conduct the evaluation required under subsection (a) and that contains the results of the evaluation. The report must:

(1) provide a list of each curricular material evaluated and a summary of the evaluation for each curricular material;

(2) be updated annually; and

(3) provide a listing and summary review for the curricular materials that are aligned to the academic standards adopted by the state board under IC 20-31-3-1 for the following subjects for each grade level:

(A) English/language arts, including spelling, literature, and handwriting.

(B) Reading.

(C) Mathematics.

(D) Science.

(E) Social studies.

(F) Miscellaneous.

(G) World languages.

(c) A governing body and superintendent may use the report under subsection (b) in complying with IC 20-26-12-24.

(d) To be included in the report under subsection (b), a publisher must provide the department a written exact and standard statewide price for each curricular material.

(e) A publisher may request that an update to the publisher's curricular materials and corresponding prices replace the curricular materials set forth in the report under subsection (b).

As added by P.L.73-2011, SEC.6.

IC 20-20-5.5-3

Notification of availability of evaluation

Sec. 3. (a) The state superintendent shall notify the governing bodies of each school corporation, charter school, and accredited nonpublic school immediately of:

(1) the initial publication and annual update on the department's Internet web site of the report described in section 2(b) of this chapter, including the Internet web site address where the report is published; and

(2) updates of the following types of information in the report described in section 2(b) of this chapter:

(A) The addition of materials.

(B) The removal of materials.

(C) Changes in the per unit price of curricular materials that exceed five percent (5%).

(b) A notification under this section must state that:

(1) the reviews of curricular materials included in the report described in section 2(b) of this chapter are departmental reviews only; and

(2) each governing body has authority to adopt textbooks for a school corporation.

As added by P.L.73-2011, SEC.6. Amended by P.L.229-2011, SEC.167.

IC 20-20-6
Repealed

(*Repealed by P.L.7-2011, SEC.26.)*

IC 20-20-7

Chapter 7. High School Diploma Program for Eligible Veterans

IC 20-20-7-1

"Department of veterans' affairs"

Sec. 1. As used in this chapter, "department of veterans' affairs" refers to the Indiana department of veterans' affairs established by IC 10-17-1-2.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-2

"Diploma"

Sec. 2. As used in this chapter, "diploma" refers to a high school diploma.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-3

"Eligible veteran"

Sec. 3. As used in this chapter, "eligible veteran" refers to an individual who has the following qualifications:

(1) Served as a member of the armed forces of the United States at any time during at least one (1) of the following periods:

(A) Beginning April 6, 1917, and ending November 11, 1918 (World War I).

(B) Beginning December 7, 1941, and ending December 31, 1946 (World War II).

(C) Beginning June 27, 1950, and ending January 31, 1955 (Korean Conflict).

(D) Beginning August 5, 1964, and ending May 7, 1975 (Vietnam Conflict).

(2) Before the military service described in subdivision (1):

(A) attended a public or nonpublic high school in Indiana; and

(B) was a student in good standing at the high school described in clause (A), to the satisfaction of the department of veterans' affairs.

(3) Did not graduate or receive a diploma because of leaving the high school described in subdivision (2) for the military service described in subdivision (1).

(4) Was honorably discharged from the armed forces of the United States.

As added by P.L.1-2005, SEC.4. Amended by P.L.144-2007, SEC.17.

IC 20-20-7-4

"Program"

Sec. 4. As used in this chapter, "program" refers to the high school diploma program for eligible veterans established by section 6 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-5
"School corporation"

Sec. 5. As used in this chapter, "school corporation" includes a successor school corporation serving the area where a high school that no longer exists was once located.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-6
High school programs for eligible veterans; establishment

Sec. 6. The high school diploma program for eligible veterans is established to provide for the issuance of high school diplomas to certain veterans.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-7
Application for diploma; information required

Sec. 7. (a) The department and the department of veterans' affairs shall jointly design a form for the application for issuance of a diploma under the program.

(b) The application form must require at least the following information about an eligible veteran:

(1) Personal identification information.

(2) Military service information, including a copy of the eligible veteran's honorable discharge.

(3) High school information, including the following:

(A) Name and address, including county, of the last high school attended.

(B) Whether the high school was a public or nonpublic school.

(C) Years attended.

(D) Year of leaving high school to begin military service.

(E) Year in which the veteran would have graduated if the veteran had not left high school to begin military service.

(4) If the high school attended was a public school, whether the veteran prefers receiving a diploma issued by:

(A) the state board; or

(B) the governing body of the school corporation governing the high school.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-8
Department of veterans' affairs; responsibilities

Sec. 8. The department of veterans' affairs shall do the following for individuals that the department of veterans' affairs has reason to believe may be eligible to apply for a diploma under the program:

(1) Give notice of the program.

(2) Describe the application procedure.

(3) Furnish an application form.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-9

Individuals eligible to apply

Sec. 9. The following individuals may apply for the issuance of a diploma to an eligible veteran under the program:

(1) An eligible veteran, including an eligible veteran who has received a general educational development (GED) diploma issued under IC 20-20-6 (before its repeal) or IC 22-4.1-18, or a similar diploma.

(2) An individual who is:

(A) the surviving spouse of; or

(B) otherwise related to;

an eligible veteran who is deceased.

As added by P.L.1-2005, SEC.4. Amended by P.L.7-2011, SEC.6.

IC 20-20-7-10

Application required

Sec. 10. An applicant for a diploma under the program must submit a completed application form to the department of veterans' affairs.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-11

Department of veterans' affairs; receipt of application; verification of information

Sec. 11. Upon receipt of an application, the department of veterans' affairs shall do the following:

(1) Verify the accuracy of the information in the application, in consultation with the department, if necessary.

(2) Forward the verified application to the department.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-12

Department of education; responsibilities

Sec. 12. Upon receipt of a verified application, the department shall do the following:

(1) If the applicant:

(A) expresses a preference in the application to receive a diploma issued by the state board; or

(B) attended a nonpublic high school before leaving high school for military service;

the department shall present a diploma issued by the state board.

(2) If the applicant expresses a preference for receiving a diploma from the governing body of the school corporation containing the public high school that the eligible veteran left for military service, the department shall direct the governing body of the affected school corporation to issue and present the diploma.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-13

Ceremonies for presentation of diplomas

Sec. 13. (a) The department and governing bodies are encouraged but are not required to hold a ceremony to present a diploma that is issued under the program.

(b) Upon request of a governing body, the department, in cooperation with the department of veterans' affairs, shall assist the governing body to develop a variety of formats for appropriate ceremonies at which to award diplomas under the program.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-14

State board; design of commemorative diploma required

Sec. 14. (a) The state board shall design a unique commemorative diploma for the board to issue to eligible veterans who:

(1) attended a public high school and express in the application a preference for receiving a diploma that the state board issues; or

(2) attended a nonpublic high school.

(b) The state board shall design a unique commemorative diploma that a governing body may choose to issue under the program.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-15

Governing body; design of commemorative diploma allowed; types of diplomas

Sec. 15. (a) A governing body may design a unique commemorative diploma for the governing body to issue under the program.

(b) A governing body that issues a diploma under the program shall issue one (1) of the following types of diplomas:

(1) The diploma described in subsection (a).

(2) The diploma designed by the state board under section 14(b) of this chapter.

(3) The same diploma that the governing body issues to current graduates.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-16

Cooperative administration of program

Sec. 16. The department and the department of veterans' affairs shall work cooperatively to jointly administer this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-17

Fees prohibited

Sec. 17. A fee may not be charged to process an application or to award a diploma under this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-7-18

Rules

Sec. 18. The department and the department of veterans' affairs may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-8

Chapter 8. School Corporation Annual Performance Report

IC 20-20-8-1

"Benchmark"

Sec. 1. As used in this chapter, "benchmark" refers to a benchmark established under this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-8-2

"Report"

Sec. 2. As used in this chapter, "report" refers to the school corporation annual performance report required by this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-8-3

Publication of report; Internet publication

Sec. 3. (a) Not earlier than January 15 or later than January 31 of each year, the governing body of a school corporation shall publish an annual performance report of the school corporation, in compliance with the procedures identified in section 7 of this chapter. The report must be published one (1) time annually under IC 5-3-1.

(b) The department shall make each school corporation's report available on the department's Internet web site. The annual performance report published on the Internet for a school corporation, including a charter school, must include any additional information submitted by the school corporation under section 6(3)(A) of this chapter. The governing body of a school corporation may make the school corporation's report available on the school corporation's Internet web site.

(c) The governing body of a school corporation shall provide a copy of the report to a person who requests a copy. The governing body may not charge a fee for providing the copy.

As added by P.L.1-2005, SEC.4. Amended by P.L.169-2005, SEC.10.

IC 20-20-8-4

Public hearing

Sec. 4. Not later than sixty (60) days after the publication of the report, the governing body of a school corporation may conduct a public hearing at a location within the school corporation to present and discuss the report. The governing body may conduct the meeting in conjunction with a regular meeting of the governing body.

As added by P.L.1-2005, SEC.4.

IC 20-20-8-5

Copy of report to be provided to department

Sec. 5. A school corporation shall provide a copy of the report to the department.

As added by P.L.1-2005, SEC.4.

IC 20-20-8-6

Contents of report

Sec. 6. A report must contain the following:

(1) The information listed in section 8 of this chapter for each of the preceding three (3) years.

(2) Additional components determined under section 7(4) of this chapter.

(3) Additional information or explanation that the governing body wishes to include, including the following:

(A) Results of nationally recognized assessments of students under programs other than the ISTEP program that a school corporation, including a charter school, uses to determine if students are meeting or exceeding academic standards in grades that are tested under the ISTEP program.

(B) Results of assessments of students under programs other than the ISTEP program that a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are not tested under the ISTEP program.

(C) The number and types of staff professional development programs.

(D) The number and types of partnerships with the community, business, or postsecondary education.

(E) Levels of parental participation.

As added by P.L.1-2005, SEC.4. Amended by P.L.169-2005, SEC.11; P.L.2-2007, SEC.203.

IC 20-20-8-7

Development and revision of reporting procedures and implementation standards

Sec. 7. The state superintendent and the state board, in consultation with school corporations, educational organizations, appropriate state agencies, and other organizations and individuals having an interest in education, shall develop and periodically revise the following for the benchmarks and indicators of performance under section 8 of this chapter and the additional components of the performance report:

(1) Reporting procedures, including the following:

(A) A determination of the information that a school corporation must compile and the information that the department must compile.

(B) A determination of the information required on a school by school basis and the information required on a school corporation basis.

(C) A common format suitable for publication, including tables, graphics, and explanatory text. The common format must allow the inclusion of additional information described in section 6(3)(A) of this chapter that is submitted by a school corporation, including a charter school.

(2) Operational definitions.

(3) Standards for implementation.

(4) Additional components for the report that may be benchmarks, indicators of performance, or other information.

As added by P.L.1-2005, SEC.4. Amended by P.L.169-2005, SEC.12.

IC 20-20-8-8

Report information

Sec. 8. The report must include the following information:

(1) Student enrollment.

(2) Graduation rate (as defined in IC 20-26-13-6).

(3) Attendance rate.

(4) The following test scores, including the number and percentage of students meeting academic standards:

(A) ISTEP program test scores.

(B) Scores for assessments under IC 20-32-5-21, if appropriate.

(C) For a freeway school, scores on a locally adopted assessment program, if appropriate.

(5) Average class size.

(6) The number and percentage of students in the following groups or programs:

(A) Alternative education, if offered.

(B) Career and technical education.

(C) Special education.

(D) High ability.

(E) Remediation.

(F) Limited English language proficiency.

(G) Students receiving free or reduced price lunch under the national school lunch program.

(H) School flex program, if offered.

(7) Advanced placement, including the following:

(A) For advanced placement tests, the percentage of students:

(i) scoring three (3), four (4), and five (5); and

(ii) taking the test.

(B) For the Scholastic Aptitude Test:

(i) test scores for all students taking the test;

(ii) test scores for students completing the academic honors diploma program; and

(iii) the percentage of students taking the test.

(8) Course completion, including the number and percentage of students completing the following programs:

(A) Academic honors diploma.

(B) Core 40 curriculum.

(C) Career and technical programs.

(9) The percentage of grade 8 students enrolled in algebra I.

(10) The percentage of graduates who pursue higher education.

(11) School safety, including:

(A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons;

and

(B) the number of incidents reported under IC 20-33-9.

(12) Financial information and various school cost factors, including the following:

(A) Expenditures per pupil.

(B) Average teacher salary.

(C) Remediation funding.

(13) Technology accessibility and use of technology in instruction.

(14) Interdistrict and intradistrict student mobility rates, if that information is available.

(15) The number and percentage of each of the following within the school corporation:

(A) Teachers who are certificated employees (as defined in IC 20-29-2-4).

(B) Teachers who teach the subject area for which the teacher is certified and holds a license.

(C) Teachers with national board certification.

(16) The percentage of grade 3 students reading at grade 3 level.

(17) The number of students expelled, including the number participating in other recognized education programs during their expulsion.

(18) Chronic absenteeism, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused.

(19) The number of students who have dropped out of school, including the reasons for dropping out.

(20) The number of student work permits revoked.

(21) The number of student driver's licenses revoked.

(22) The number of students who have not advanced to grade 10 due to a lack of completed credits.

(23) The number of students suspended for any reason.

(24) The number of students receiving an international baccalaureate diploma.

(25) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

As added by P.L.1-2005, SEC.4. Amended by P.L.72-2006, SEC.1; P.L.185-2006, SEC.7; P.L.84-2007, SEC.1; P.L.234-2007, SEC.91; P.L.3-2008, SEC.115.

IC 20-20-8-9

Annual compilation of reports

Sec. 9. The department shall annually produce and distribute in paper and electronic formats a compiled report that includes the reports of all school corporations.

As added by P.L.1-2005, SEC.4.

IC 20-20-9

Chapter 9. School Grant Writing and Fund Raising Assistance Program

IC 20-20-9-1

"Program"

Sec. 1. As used in this chapter, "program" refers to the school grant writing and fund raising assistance program established by section 2 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-9-2

Establishment of program

Sec. 2. The school grant writing and fund raising assistance program is established to do the following:

(1) Identify potential sources of funds for educational purposes for which a school corporation or a school may qualify, including federal programs and private sources.

(2) Disseminate information concerning funds identified under subdivision (1) to school corporations and schools.

(3) Assist school corporations and schools in applying for funds identified under subdivision (1).

As added by P.L.1-2005, SEC.4.

IC 20-20-9-3

Administration of program

Sec. 3. The department shall administer the program using funds received under IC 9-18-31-6(2).

As added by P.L.1-2005, SEC.4.

IC 20-20-10

Chapter 10. Technology Preparation Task Force

IC 20-20-10-1

"Task force"

Sec. 1. As used in this chapter, "task force" refers to the technology preparation task force established by section 2 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-10-2

Technology preparation task force; purpose; membership

Sec. 2. (a) The technology preparation task force is established to design and approve:

(1) technology preparation curriculum models; and

(2) teacher and staff training to implement the technology preparation models.

(b) The:

(1) state superintendent;

(2) commissioner of workforce development; and

(3) executive officer of the commission for higher education;

shall each appoint three (3) members to the task force. The members appointed to the task force must include representatives of school corporations and state educational institutions.

As added by P.L.1-2005, SEC.4.

IC 20-20-10-3

Curriculum models; secondary and postsecondary articulation curriculum agreements

Sec. 3. (a) The curriculum models developed by the task force must:

(1) be performance based;

(2) provide a student with:

(A) the skills necessary to gain employment upon graduation from high school; and

(B) the subject or skills areas required by a state educational institution to gain admittance into the respective state educational institution;

upon the satisfactory fulfillment of the curriculum;

(3) relate to a broad scope of occupational opportunities;

(4) include math, science, and English/language arts courses taught through practical application and designed to meet graduation requirements for those subjects;

(5) be designed to include secondary and postsecondary sequence models; and

(6) allow for dual credit, advanced study, and cooperative agreements.

(b) The task force shall identify certain occupations for secondary and postsecondary articulation curriculum agreements in cooperation with the department of workforce development.

As added by P.L.1-2005, SEC.4. Amended by P.L.2-2007, SEC.204.

IC 20-20-10-4

Technology preparation curriculum

Sec. 4. (a) The department shall require all school corporations to make available to the school corporation's high school students the technology preparation curriculum.

(b) The state board shall implement teacher and staff training for the technology preparation curriculum.

(c) This chapter does not eliminate the approved industrial arts/technology education curriculum adopted by the state board by rule in effect on July 1, 1990.

As added by P.L.1-2005, SEC.4.

IC 20-20-10-5

Equipment expenditures; funding

Sec. 5. Expenditure for equipment necessary to implement this chapter by a school corporation may be paid for:

(1) through technology loans from the common school fund; or

(2) from the school corporation's capital projects fund.

As added by P.L.1-2005, SEC.4.

IC 20-20-10-6

Rules

Sec. 6. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-11

Chapter 11. Research and Development Program

IC 20-20-11-1

"Program"

Sec. 1. As used in this chapter, "program" refers to the research and development program established by section 2 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-11-2

Purpose; implementation; surplus funds

Sec. 2. (a) The research and development program is established to fund certain programs, projects, studies, or other education initiatives undertaken or authorized to be undertaken by the department.

(b) The department shall implement the program.

(c) Unexpended money appropriated to the department for use in implementing the program under this chapter at the end of a state fiscal year does not revert to the state general fund but remains available to the department for its continued use under this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-11-3

Initiatives; evaluation; funding

Sec. 3. (a) The types of initiatives for which money appropriated to the program may be used include the following:

(1) Conducting feasibility studies concerning the following:

(A) Mandating full-day or half-day kindergarten programs.

(B) Choice of enrollment programs.

(C) Establishing magnet schools.

(2) An evaluation of P.L.390-1987(ss).

(3) Exploring different or expanded testing methods.

(4) An evaluation of the primetime program (as defined in IC 20-43-1-22).

(5) Administering pilot programs concerning school academic readiness factors of students in kindergarten and grades 1 and 2.

(6) Studying the implications of offering preschool programs for special education students.

(7) Conducting the student services programs under IC 20-20-27.

(8) The Indiana writing project.

(b) The evaluation of P.L.390-1987(ss) and the primetime program described in subsection (a)(2) and (a)(4) shall be conducted by an entity other than the department under a contract entered into by the department.

(c) The student services programs under subsection (a)(7) shall be funded under the program based upon criteria approved by the department. The programs must include a study of:

(1) the role of the public school guidance counselor; and

(2) the guidance counselor proficiency statements developed under P.L.342-1989(ss), SECTION 39, as approved by the department.

As added by P.L.1-2005, SEC.4. Amended by P.L.2-2006, SEC.80.

IC 20-20-12

Chapter 12. Program for the Advancement of Math and Science

IC 20-20-12-1

Administration of program

Sec. 1. The department shall administer the advanced placement program established by IC 20-36-3-4(a).

As added by P.L.1-2005, SEC.4.

IC 20-20-13

Chapter 13. Educational Technology Program and Grants

IC 20-20-13-0.5

"Fund"

Sec. 0.5. As used in this chapter, "fund" refers to the Senator David C. Ford educational technology fund established under section 6 of this chapter.

As added by P.L.31-2009, SEC.1.

IC 20-20-13-1

"Grant"

Sec. 1. As used in sections 13 through 24 of this chapter, "grant" refers to a technology plan grant under sections 13 through 24 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-13-2

"Group"

Sec. 2. As used in sections 13 through 24 of this chapter, "group" includes the school corporations that are placed in a group of school corporations under sections 13 through 24 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-13-3

"School corporation"

Sec. 3. As used in sections 13 through 24 of this chapter, "school corporation" includes, except as otherwise provided in this chapter, the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1, the Indiana School for the Deaf established by IC 20-22-2-1, and a charter school established under IC 20-24.

As added by P.L.1-2005, SEC.4. Amended by P.L.218-2005, SEC.45; P.L.182-2009(ss), SEC.304.

IC 20-20-13-4

"Technology equipment"

Sec. 4. As used in sections 6 through 12 of this chapter, "technology equipment" means computer hardware, computer software, related teacher training services, related instructional manuals and materials, and equipment servicing.

As added by P.L.1-2005, SEC.4.

IC 20-20-13-5

"Technology plan"

Sec. 5. As used in sections 13 through 24 of this chapter, "technology plan" refers to a technology plan developed under section 7 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-13-6

David C. Ford educational technology program and fund

Sec. 6. (a) The Senator David C. Ford educational technology fund is established to extend educational technologies to elementary and secondary schools. The fund may be used for:

(1) the 4R's technology grant program to assist school corporations (on behalf of public schools) in purchasing technology equipment:

(A) for kindergarten and grade 1 students, to learn reading, writing, and arithmetic using technology;

(B) for students in all grades, to understand that technology is a tool for learning; and

(C) for students in kindergarten through grade 3 who have been identified as needing remediation, to offer daily remediation opportunities using technology to prevent those students from failing to make appropriate progress at the particular grade level;

(2) a school technology program developed by the department. The program may include grants to school corporations for the purchase of:

(A) equipment, hardware, and software;

(B) learning and teaching systems; and

(C) other materials;

that promote student learning, as determined by the department.

(3) providing educational technologies, including computers in the homes of students;

(4) conducting educational technology training for teachers; and

(5) other innovative educational technology programs.

(b) The department may also use money in the fund under contracts entered into with the office of technology established by IC 4-13.1-2-1 to study the feasibility of establishing an information telecommunications gateway that provides access to information on employment opportunities, career development, and instructional services from data bases operated by the state among the following:

(1) Elementary and secondary schools.

(2) Postsecondary educational institutions.

(3) Career and technical educational centers and institutions that are not postsecondary educational institutions.

(4) Libraries.

(5) Any other agencies offering education and training programs.

(c) The fund consists of:

(1) state appropriations;

(2) private donations to the fund;

(3) money directed to the fund from the corporation for educational technology under IC 20-20-15; or

(4) any combination of the amounts described in subdivisions (1) through (3).

(d) The fund shall be administered by the department.

(e) Unexpended money appropriated to or otherwise available in the fund at the end of a state fiscal year does not revert to the state

general fund but remains available to the department for use under this chapter.

(f) Subject to section 7 of this chapter, a school corporation may use money from the school corporation's capital projects fund as permitted under IC 20-40-8 for educational technology equipment.

As added by P.L.1-2005, SEC.4. Amended by P.L.177-2005, SEC.40; P.L.2-2006, SEC.81; P.L.2-2007, SEC.205; P.L.234-2007, SEC.92; P.L.3-2008, SEC.116; P.L.31-2009, SEC.2; P.L.182-2009(ss), SEC.305.

IC 20-20-13-7

Technology plan

Sec. 7. (a) Notwithstanding any other law, a school corporation is not entitled to:

(1) receive any money under this chapter or IC 20-20-15;

(2) use money from the school corporation's capital projects fund for educational technology equipment under IC 20-40-8; or

(3) receive an advance from the common school fund for an educational technology program under IC 20-49-4;

unless the school corporation develops a three (3) year technology plan.

(b) Each technology plan must include at least the following information:

(1) A description of the school corporation's intent to integrate technology into the school corporation's curriculum.

(2) A plan for providing inservice training.

(3) A schedule for maintaining and replacing educational technology equipment.

(4) A description of the criteria used to select the appropriate educational technology equipment for the appropriate use.

(5) Other information requested by the department after consulting with the budget agency.

(c) The department shall develop guidelines concerning the development of technology plans. The guidelines developed under this subsection are subject to the approval of the governor.

As added by P.L.1-2005, SEC.4. Amended by P.L.2-2006, SEC.82.

IC 20-20-13-8

Use of funds

Sec. 8. Upon the approval of the governor and the budget agency, the department may use funds available under this chapter to provide or extend education technology to any school corporation for purposes described in this chapter. The department (upon the approval of the governor and the budget agency) may direct funds under this chapter to the corporation for educational technology under IC 20-20-15 to further the corporation's purposes.

As added by P.L.1-2005, SEC.4.

IC 20-20-13-9

4R's technology grant program; surplus remediation funds; eligibility; award of grants; monitoring compliance

Sec. 9. (a) This section applies to the 4R's technology program described in section 6(a)(1) of this chapter.

(b) In addition to any other funds available under this chapter, if state funds are transferred under IC 20-32-5-19 to the 4R's technology program:

(1) those funds do not revert to the state general fund;

(2) those funds shall be made available to the 4R's technology program under this chapter; and

(3) the department, upon approval by the governor and the budget agency, shall use those funds to award grants under this section.

(c) To be eligible to receive a grant under the program, a school corporation must comply with the following:

(1) The school corporation must apply to the department for a grant on behalf of a school within the school corporation to purchase technology equipment.

(2) The school corporation must certify the following:

(A) That the school will provide every kindergarten and grade 1 student at that school the opportunity to learn reading, writing, and arithmetic using technology.

(B) That the school will provide daily before or after school technology laboratories for students in grades 1 through 3 who have been identified as needing remediation in reading, writing, or arithmetic.

(C) That the school will provide additional technology opportunities, that may include Saturday sessions, for students in other grade levels to use the technology laboratories for remediation in reading, writing, arithmetic, or mathematics.

(D) That the school will provide technology opportunities to students that attend remediation programs under IC 20-32-8 (if the school corporation is required to do so) or any other additional summer programs.

(E) That the school corporation, either through its own or the school's initiative or through donations made to the corporation for educational technology under IC 20-20-15 on behalf of the school corporation, is able to provide a part of the costs attributable to purchasing the necessary technology equipment.

(3) The school corporation must include in the application the sources of and the amount of money secured under subdivision (2)(E).

(4) The school corporation or the school must:

(A) provide teacher training services; or

(B) use vendor provided teacher training services.

(5) The school corporation must give primary consideration to the purchase of technology equipment that includes teacher training services.

(6) The teachers who will be using the technology equipment must support the initiative described in this chapter.

(d) Upon review of the applications by the department, the satisfaction of the requirements set forth in subsection (c), and subject to the availability of funds for this purpose, the department shall award to each eligible school corporation a grant to purchase technology equipment under section 6(a)(1) of this chapter.

(e) The department shall monitor the compliance by the school corporations receiving grants of the matters cited in subsection (c).
As added by P.L.1-2005, SEC.4.

IC 20-20-13-10
Guidelines

Sec. 10. The department shall develop guidelines necessary to implement sections 6 through 9 of this chapter, including guidelines that require the school corporation to use the laboratories to the fullest extent possible.
As added by P.L.1-2005, SEC.4.

IC 20-20-13-11
Application for funds

Sec. 11. To be eligible to receive money under sections 6 through 9 of this chapter, a school corporation must apply to the department on forms provided by the department.
As added by P.L.1-2005, SEC.4.

IC 20-20-13-12
Deposit of grants

Sec. 12. A school corporation that receives a grant under sections 6 through 9 of this chapter must deposit the grant in the school technology fund.
As added by P.L.1-2005, SEC.4. Amended by P.L.2-2006, SEC.83.

IC 20-20-13-13
Establishment

Sec. 13. There is established a technology plan grant program.
As added by P.L.1-2005, SEC.4.

IC 20-20-13-14
Funding and administration

Sec. 14. The department shall fund and administer the technology plan grant program.
As added by P.L.1-2005, SEC.4.

IC 20-20-13-15
Qualifications for technology plan grant

Sec. 15. A school corporation qualifies for a technology plan grant under sections 13 through 24 of this chapter when the technology plan of the school corporation developed under section 7 of this chapter is approved by the department. For purposes of

determining whether a school corporation qualifies for a grant under sections 13 through 24 of this chapter, the department shall:

(1) review;
(2) suggest changes;
(3) approve; or
(4) reject;

a school corporation's technology plan. However, before the department may approve a technology plan, the department must consult with the corporation for educational technology established by IC 20-20-15-3 on the contents of the technology plan.
As added by P.L.1-2005, SEC.4.

IC 20-20-13-16
Delays in grant distribution

Sec. 16. (a) This section applies when a school corporation does not qualify for a grant because the school corporation's technology plan has not been approved under section 15 of this chapter.

(b) The department shall delay grant distribution after the scheduled time for grant distribution until the school corporation's technology plan is approved. The delay is without loss or penalty to the school corporation. If the school corporation's technology plan is not approved by the end of the grant distribution period, the school corporation may not receive a grant distribution.
As added by P.L.1-2005, SEC.4.

IC 20-20-13-17
Total grant amount

Sec. 17. The total technology plan grant amount to a qualifying school corporation is the amount determined by the department, with advice from the educational technology council established by IC 20-20-14-2, multiplied by the school corporation's ADM. The amount is one hundred dollars ($100). However, for the purposes of determining the ADM of a school corporation, students who are transferred under IC 20-33-4 or IC 20-26-11 shall be counted as students having legal settlement in the transferee corporation and not having legal settlement in the transferor corporation.
As added by P.L.1-2005, SEC.4.

IC 20-20-13-18
Use of grant

Sec. 18. A school corporation must use a grant received under sections 13 through 24 of this chapter to implement all or part of the school corporation's technology plan by funding uses that promote 1:1 computing infrastructure, include the following:

(1) Computers in classrooms.
(2) Computers for teachers.
(3) E-learning.
(4) Wiring infrastructure to support 1:1 computing.
(5) Technical support.
(6) Wide area networks and local area networks necessary to

support 1:1 computing.

(7) Infrastructure software.

(8) Assistive technology devices for students with disabilities in 1:1 computing environment.

(9) Other uses of technology approved by the department of education.

As added by P.L.1-2005, SEC.4. Amended by P.L.246-2005, SEC.127.

IC 20-20-13-19

List of school corporations by assessed valuation; determination of group to receive grant

Sec. 19. (a) The department shall list all school corporations in Indiana according to assessed valuation for property tax purposes per student in ADM, beginning with the school corporation having the lowest assessed valuation for property tax purposes per student in ADM. For purposes of the list made under this section, the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1 and the Indiana School for the Deaf established by IC 20-22-2-1 shall be considered to have the lowest assessed valuation for property tax purposes per student in ADM during the six (6) year period beginning July 1, 2001.

(b) The department must prepare a revised list under subsection (a) before a new series of grants may begin.

(c) The department shall determine those school corporations to be placed in a group to receive a grant in a fiscal year under sections 13 through 24 of this chapter as follows:

(1) Beginning with the school corporation that is first on the list developed under subsection (a), the department shall continue sequentially through the list and place school corporations that qualify for a grant under section 15 of this chapter in a group until the cumulative total ADM of all school corporations in the group depletes the money that is available for grants in the fiscal year.

(2) Each fiscal year the department shall develop a new group by continuing sequentially through the list beginning with the first qualifying school corporation on the list that was not placed in a group in the prior fiscal year.

(3) If the final group developed from the list contains substantially fewer students in ADM than available money, the department shall:

(A) prepare a revised list of school corporations under subsection (a); and

(B) place in the group qualifying school corporations from the top of the revised list.

(4) The department shall label the groups with sequential numbers beginning with "group one".

As added by P.L.1-2005, SEC.4. Amended by P.L.218-2005, SEC.46.

IC 20-20-13-20

Distribution of grant

Sec. 20. (a) Except as provided in subsection (b), in a state fiscal year, the department shall distribute grants to only two (2) groups of school corporations with each of the two (2) groups receiving fifty percent (50%) of the group's total grant amount.

(b) In state fiscal year 1996-1997:

(1) the department shall begin grant distribution under sections 13 through 24 of this chapter; and

(2) the school corporations in group one shall receive one hundred percent (100%) of the group's total grant.

(c) Beginning in state fiscal year 1997-1998, the department shall:

(1) distribute grants so that school corporations in group two receive:

(A) fifty percent (50%) of group two's total grant in the first year of distribution; and

(B) fifty percent (50%) of group two's total grant in the second year of distribution; and

(2) continue in group number sequence so that school corporations in each group receive:

(A) fifty percent (50%) of the group's total grant in the first year of distribution to the group; and

(B) fifty percent (50%) of the group's total grant in the second year of distribution to the group.

As added by P.L.1-2005, SEC.4.

IC 20-20-13-21

Reports on use of grant money

Sec. 21. A school corporation shall report to the department on the use of grant money received under sections 13 through 24 of this chapter. A school corporation that fails to make a report under this section is not eligible for a subsequent grant.

As added by P.L.1-2005, SEC.4.

IC 20-20-13-22

Expenditures for technology in capital projects fund budget; forfeiture of grant

Sec. 22. (a) This section applies in a year when a school corporation receives a grant under sections 13 through 24 of this chapter. The school corporation's capital projects fund budget must include an expenditure for technology that is not less than the school corporation's average annual expenditure for technology from the capital projects fund in the six (6) budget years preceding the year of the grant. If the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1 or the Indiana School for the Deaf established by IC 20-22-2-1 receives a grant under sections 13 through 24 of this chapter, the school's expenditures for technology in the year of the grant must exceed the school's average annual expenditure for technology in the six (6) budget years preceding the year of the grant.

(b) For each year that a school corporation fails to observe

subsection (a), the school corporation forfeits a grant under sections 13 through 24 of this chapter. The forfeit of the grant must occur in the first grant year after the school corporation fails to observe subsection (a).
As added by P.L.1-2005, SEC.4. Amended by P.L.218-2005, SEC.47.

IC 20-20-13-23
Guidelines
Sec. 23. The department shall develop guidelines to implement sections 13 through 24 of this chapter.
As added by P.L.1-2005, SEC.4.

IC 20-20-13-24
Deposit of grant
Sec. 24. A school corporation that receives a grant under sections 13 through 24 of this chapter shall deposit the grant in the school technology fund. If the Indiana School for the Blind and Visually Impaired or the Indiana School for the Deaf receives a grant under sections 13 through 24 of this chapter, the school shall deposit the grant in an account or fund that the school uses exclusively for the funding of technology.
As added by P.L.1-2005, SEC.4. Amended by P.L.218-2005, SEC.48; P.L.2-2006, SEC.84.

IC 20-20-14

Chapter 14. Educational Technology Council

IC 20-20-14-1

"Council"

Sec. 1. As used in this chapter, "council" refers to the educational technology council established by section 2 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-14-2

Establishment of council

Sec. 2. The educational technology council is established.

As added by P.L.1-2005, SEC.4.

IC 20-20-14-3

Advisory duties; members; quorum; per diem and expenses

Sec. 3. (a) The council shall advise the state superintendent and the governor on education related technology initiatives.

(b) The appointed membership of the council shall reflect its purposes and be experienced in technology generally. An appointed member of the council serves at the pleasure of the appointing authority. The council consists of the following sixteen (16) voting members:

(1) The state superintendent.

(2) The special assistant to the state superintendent of public instruction responsible for technology who is appointed under section 5 of this chapter.

(3) Four (4) individuals who represent private business appointed jointly by the state superintendent and the governor. Each member appointed under this subdivision must be experienced in development and use of information technology. A member appointed under this subdivision may not represent possible providers of technology or related services.

(4) Three (3) individuals who:

(A) manage educational environments, including postsecondary education; and

(B) are experienced in their educational work with information technology;

are appointed jointly by the state superintendent and the governor.

(5) Three (3) individuals who are public school educators familiar with and experienced in the use of technology in educational settings appointed jointly by the state superintendent and the governor, with one (1) representing an urban school corporation, one (1) representing a suburban school corporation, and one (1) representing a rural school corporation.

(6) Four (4) members who are members of the general assembly and who are appointed as follows:

(A) Two (2) members of the house of representatives,

appointed by the speaker of the house of representatives with not more than one (1) from a particular political party.

(B) Two (2) members of the senate, appointed by the president pro tempore of the senate with not more than one (1) from a particular political party.

(c) The state superintendent shall designate the chair of the council from the membership of the council.

(d) Nine (9) members of the council constitute a quorum to conduct business. Action of the council is not valid unless approved by at least nine (9) voting members of the council.

(e) Each member of the council who is not a state employee is not entitled to the minimum salary per diem as provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(f) Each member of the council who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the council who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

As added by P.L.1-2005, SEC.4. Amended by P.L.231-2005, SEC.20; P.L.2-2007, SEC.206.

IC 20-20-14-4

Employment of personnel and consultants

Sec. 4. The department may employ personnel or consultants, or both, to carry out the council's duties and functions.

As added by P.L.1-2005, SEC.4.

IC 20-20-14-5

Appointment of special assistant for technology

Sec. 5. (a) The state superintendent shall appoint a special assistant for technology. The person appointed under this section serves at the pleasure of the state superintendent.

(b) The person appointed under subsection (a) must be experienced in the integration of educational technology initiatives, infrastructure management and support, and applied research into effective educational practices available to students and educators in the classroom. The state superintendent is encouraged to conduct a nationwide search for the best available talent to fill the position required by this section.

(c) The person appointed under subsection (a) shall coordinate the duties and functions of the department and the council under the following:

(1) IC 20-20-13 (educational technology program and grants).

(2) This chapter.

(3) Any other law concerning educational technology or telecommunications.

As added by P.L.1-2005, SEC.4.

IC 20-20-15

Chapter 15. Corporation for Educational Technology

IC 20-20-15-1

"Board"

Sec. 1. As used in this chapter, "board" refers to the board of directors of the corporation.

As added by P.L.1-2005, SEC.4.

IC 20-20-15-2

"Corporation"

Sec. 2. As used in this chapter, "corporation" refers to the corporation for educational technology established under section 3 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-15-3

Establishment of corporation; precondition for performance of functions

Sec. 3. (a) The state superintendent may, on behalf of the state, establish a private nonprofit corporation named "the corporation for educational technology".

(b) Upon:

(1) the establishment of the corporation;

(2) the corporation satisfying the conditions imposed by section 4 of this chapter; and

(3) the state superintendent certifying the corporation;

the corporation may perform the functions set forth in section 5 of this chapter.

(c) Before certification by the state superintendent, the corporation must conduct a public hearing to give all interested parties an opportunity to review and comment on the articles of incorporation, bylaws, and methods of operation of the corporation. Notice of the hearing must be given at least fourteen (14) days before the hearing in accordance with IC 5-14-1.5-5(b).

As added by P.L.1-2005, SEC.4.

IC 20-20-15-4

Articles of incorporation and bylaws

Sec. 4. The articles of incorporation and bylaws of the corporation must provide for the following:

(1) That the exclusive purposes of the corporation are to:

(A) administer a statewide computer project placing computers in homes of public school students (commonly referred to as the "buddy system project") and any other educational technology program or project jointly authorized by the state superintendent and the governor; and

(B) advise the state superintendent and the governor on education related technology initiatives, specifically those initiatives implemented through the educational technology

program under IC 20-20-13.

(2) That the board is composed of sixteen (16) individuals who serve at the pleasure of the state superintendent and the governor and who shall be appointed jointly by the state superintendent and the governor as follows:

(A) Four (4) individuals who represent private business.

(B) Three (3) individuals who are public school educators with one (1) representing an urban school corporation, one (1) representing a suburban school corporation, and one (1) representing a rural school corporation.

(C) Four (4) individuals who are members of the general assembly and who are appointed as follows:

(i) Two (2) members of the house of representatives, appointed by the speaker of the house of representatives with not more than one (1) from a particular political party.

(ii) Two (2) members of the senate, appointed by the president pro tempore of the senate with not more than one (1) from a particular political party.

(D) Five (5) individuals who represent education.

(3) That the state superintendent shall designate the chair of the board from the membership of the board.

(4) That the board may select other officers the board considers necessary, including a vice chair, treasurer, or secretary.

(5) That the chair of the board may appoint subcommittees that the chair considers necessary to carry out the duties of the corporation.

(6) That the corporation, with the approval of the state superintendent, shall appoint or contract with a person to be president. The president shall serve as the chief operating officer of the corporation and may employ consultants to carry out the corporation's duties under this chapter.

(7) That a majority of the entire membership constitutes a quorum to do business. However, an action of the corporation is not valid unless approved by at least nine (9) members of the corporation.

(8) That each board member who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(9) That each member of the board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(10) That each member of the board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(11) That the corporation may receive money from any source, including state appropriations, may enter into contracts, and may expend funds for any activities necessary, convenient, or expedient to carry out the exclusive purposes of the corporation.

(12) That an individual who makes a donation to the corporation may designate:

(A) the particular school corporation; or

(B) the educational technology program implemented by the corporation under IC 20-20-13;

to receive the donation, and that the corporation may not authorize the distribution of that donation in a manner that disregards or otherwise interferes with the donor's designation. However, an individual who wishes to make a donation under this chapter is not entitled to specify, designate, or otherwise require that the corporation use the donation to purchase particular technology equipment or patronize a particular vendor of technology equipment.

(13) That if the corporation elects to expend funds that have not been designated to a particular school corporation or educational technology program under IC 20-20-13, the corporation shall first expend those unspecified funds to school corporations or programs that have not been the recipient of a designated donation under subdivision (12).

(14) That the corporation shall take into account other programs and distributions available to school corporations for at risk students.

(15) That any changes in the articles of incorporation or bylaws must be approved by the board.

(16) That the corporation shall submit an annual report to the general assembly before November 2 of each year and that the report must include detailed information on the structure, operation, and financial status of the corporation and must be in an electronic format under IC 5-14-6.

(17) That the corporation is subject to an annual audit by the state board of accounts, and that the corporation shall pay the full costs of the audit.

As added by P.L.1-2005, SEC.4.

IC 20-20-15-5

Functions of corporation

Sec. 5. The corporation, after being certified by the state superintendent under section 3 of this chapter, may do the following:

(1) Take over the responsibilities and obligations associated with the project commonly referred to as the "buddy system project" as described in section 4(1)(A) of this chapter, which

may include the following relating to the buddy system project:

(A) Conducting conferences on advances in technology and their application to the educational field.

(B) Upon the joint authorization by the state superintendent and the governor, establishing, operating, or managing education technology programs that:

(i) encourage the productive use of technology for instructing students in kindergarten through grade 12;

(ii) place technology directly with teachers and students, whether in school or otherwise to advance the education and skills and enhance the attitude of Indiana students who are in kindergarten through grade 12; or

(iii) accomplish both of the objectives described in items (i) and (ii).

(2) Administer all funds received by the corporation from whatever source to further the corporation's purposes, consistent with section 4(12) and 4(13) of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-15-6

Direction of funds to educational technology program

Sec. 6. In administering the funds received by the corporation, the corporation may elect to direct corporation funds to the educational technology program under IC 20-20-13 in order to further the purposes of the educational technology program.

As added by P.L.1-2005, SEC.4.

IC 20-20-15-7

Debts of corporation

Sec. 7. Debts incurred by the corporation under authority of this chapter do not represent or constitute a debt of the state within the meaning of Indiana statutes or the Constitution of the State of Indiana.

As added by P.L.1-2005, SEC.4.

IC 20-20-16

Chapter 16. Access to Telecommunications Service

IC 20-20-16-1

Purpose of chapter

Sec. 1. The purpose of this chapter is to effectively:

(1) provide the methods and means by which all schools and libraries may receive access to resources available through technology and telecommunications services; and

(2) maximize the eligibility, availability, and use of the federal and state funding mechanisms.

As added by P.L.1-2005, SEC.4.

IC 20-20-16-2

"Telecommunications services and equipment"

Sec. 2. As used in this chapter, "telecommunications services and equipment" includes all telecommunication services and equipment eligible for universal service fund discounts as described:

(1) in the federal Telecommunications Act of 1996 (P.L.104-104, 110 Stat. 56 (1996)) and applicable regulations or orders issued under that act;

(2) by the Indiana utility regulatory commission as allowed under the federal act; or

(3) in the office of technology established by IC 4-13.1-2-1 or state library technology grant programs.

As added by P.L.1-2005, SEC.4. Amended by P.L.177-2005, SEC.41.

IC 20-20-16-3

Coordination of funds and funding mechanisms

Sec. 3. The office of technology established by IC 4-13.1-2-1, with the department of education and the state library, shall coordinate available federal and state funds and funding mechanisms to accomplish full access to telecommunications services and equipment by all schools, libraries, and rural health care providers as defined in:

(1) the federal Telecommunications Act of 1996 (P.L.104-104, 110 Stat. 56 (1996)) and regulations or orders issued under that act; or

(2) any regulations or orders issued by the Indiana utility regulatory commission in fulfillment of the state's obligations under the act.

As added by P.L.1-2005, SEC.4. Amended by P.L.177-2005, SEC.42.

IC 20-20-17

Chapter 17. School Intervention and Career Counseling Development Program and Fund

IC 20-20-17-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to the school intervention and career counseling development fund established by section 4 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-17-2

"Grant"

Sec. 2. As used in this chapter, "grant" refers to a grant from the fund.

As added by P.L.1-2005, SEC.4.

IC 20-20-17-3

"School intervention and career counseling development program"

Sec. 3. As used in this chapter, "school intervention and career counseling development program" refers to a program carried out under this chapter:

(1) for kindergarten through grade 6; and

(2) by a licensed school counselor.

As added by P.L.1-2005, SEC.4.

IC 20-20-17-4

Establishment and administration of fund

Sec. 4. (a) As a result of a comprehensive study conducted by the department on the role of school counselors, including the expanding role of school counselors in career development under workforce development programs that affect public schools, the school intervention and career counseling development fund is established. The money in the fund shall be used to develop counseling models in a limited number of school corporations as determined by the department under this chapter.

(b) If a school corporation is awarded a grant under this chapter, the school corporation must:

(1) agree to evaluate the impact and results of the school corporation's program; and

(2) submit the school corporation's findings to the department.

(c) The department shall administer the fund.

(d) The fund consists of:

(1) gifts to the fund;

(2) appropriations from the general assembly;

(3) grants, including grants from private entities; and

(4) a combination of the resources described in subdivisions (1), (2), and (3).

As added by P.L.1-2005, SEC.4.

IC 20-20-17-5

Application for grant

Sec. 5. Subject to section 6 of this chapter, for a school corporation to be eligible to receive a grant under this chapter, the following must occur:

(1) The superintendent of the school corporation must apply to the department for a grant on forms provided by the department.

(2) The application for a grant must include the following information:

(A) A detailed description of a proposal for initiating or expanding a school intervention or career counseling program.

(B) Evidence supporting the school corporation's need to implement the school intervention or career counseling program.

(C) The number of elementary school counselors employed by the school corporation.

(D) The elementary school counselor/student ratio for the school corporation.

(E) Any other pertinent information required by the department, including evidence guaranteeing that if the school corporation receives a grant under this chapter, the school corporation has developed a plan to evaluate the impact and results of the school corporation's program.

As added by P.L.1-2005, SEC.4.

IC 20-20-17-6

Priorities in awarding grants

Sec. 6. The department may award grants to school corporations:

(1) upon review of the applications received under section 5 of this chapter;

(2) upon receipt of the recommendations from the advisory committee under section 10 of this chapter;

(3) subject to available money; and

(4) in accordance with the following priorities:

(A) To the extent possible, to achieve geographic balance throughout Indiana and to include urban, suburban, and rural school corporations.

(B) To address a documented need for new or expanded school intervention or career counseling programs, including considering the percentage of students within the school corporation who are designated as at risk students.

(C) To promote innovative methods for initiating or expanding school intervention or career counseling programs.

(D) To reward school corporations that propose school intervention or career counseling programs that demonstrate the greatest potential for replication and implementation in Indiana.

(E) To lower school counselor/student ratios where the ratios

are excessively high.
As added by P.L.1-2005, SEC.4.

IC 20-20-17-7
Determinations of grant awards; restrictions

Sec. 7. (a) Subject to subsection (b), the department shall determine the amount of each grant that is awarded under this chapter.

(b) A grant to a particular school corporation may not exceed:

(1) fifteen thousand dollars ($15,000) for each full-time counselor for each academic year, or seven thousand five hundred dollars ($7,500) for each full-time counselor for each semester; and

(2) the following total grant awards as each relates to the ADM of the school corporation at the time the school corporation applies for the grant:

(A) For a school corporation with an ADM of not more than five thousand (5,000), seventy-five thousand dollars ($75,000).

(B) For a school corporation with an ADM of at least five thousand one (5,001) and not more than nine thousand nine hundred ninety-nine (9,999), one hundred twenty thousand dollars ($120,000).

(C) For a school corporation with an ADM of at least ten thousand (10,000), one hundred eighty thousand dollars ($180,000).

As added by P.L.1-2005, SEC.4.

IC 20-20-17-8
Term of grant

Sec. 8. A grant received by a school corporation may be expended by the school corporation for a twenty-four (24) month period.
As added by P.L.1-2005, SEC.4.

IC 20-20-17-9
Guidelines for implementation

Sec. 9. The department shall develop guidelines necessary to implement this chapter.
As added by P.L.1-2005, SEC.4.

IC 20-20-17-10
Establishment of advisory committee; members; powers and duties

Sec. 10. (a) An advisory committee composed of five (5) members is established.

(b) The state superintendent shall appoint the members of the advisory committee.

(c) The state superintendent shall:

(1) convene the advisory committee; and

(2) act as chair of the advisory committee.

The state superintendent may not be a member of the advisory

committee.

(d) An employee of:

(1) the governor; or

(2) the department of education;

is eligible for appointment to the advisory committee.

(e) A member of the advisory committee serves at the pleasure of the appointing authority.

(f) A member of the advisory committee is not entitled to the following:

(1) The minimum salary per diem provided in IC 4-10-11-2.1(b).

(2) Reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

(g) The advisory committee shall do the following:

(1) Assist the department in developing the guidelines described in section 9 of this chapter.

(2) Establish standards for qualifying for a grant under this chapter.

(3) Review grant applications and make recommendations to the state superintendent concerning the awarding of grants.

(4) Evaluate the impact and results of the various school intervention and career counseling programs receiving grants under this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-18

Chapter 18. Elementary School Counselors, Social Workers, and School Psychologists Program and Fund

IC 20-20-18-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to the elementary school counselors, social workers, and school psychologists fund established by section 4 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-18-2

"Grant"

Sec. 2. As used in this chapter, "grant" refers to a grant from the fund.

As added by P.L.1-2005, SEC.4.

IC 20-20-18-3

"Program"

Sec. 3. As used in this chapter, "program" refers to an elementary school counseling program, a social work program, or a school psychologist program carried out under this chapter:

(1) for kindergarten through grade 6; and

(2) by:

(A) a licensed school counselor;

(B) a licensed social worker who has obtained at least a master's degree; or

(C) a licensed school psychologist.

As added by P.L.1-2005, SEC.4.

IC 20-20-18-4

Establishment of fund

Sec. 4. (a) The elementary school counselors, social workers, and school psychologists fund is established. The money in the fund shall be used to assist school corporations in placing school counselors, social workers, and school psychologists in elementary schools through grants awarded as determined by the department under this chapter.

(b) If a school corporation is awarded a grant under this chapter, the school corporation must:

(1) agree to evaluate the impact and results of the school corporation's program; and

(2) submit the school corporation's findings to the department.

(c) The department shall administer the fund.

(d) The fund consists of:

(1) gifts to the fund;

(2) appropriations from the general assembly; and

(3) grants, including grants from private entities.

As added by P.L.1-2005, SEC.4.

IC 20-20-18-5

Eligibility for grants

Sec. 5. Subject to section 6 of this chapter, for a school corporation to be eligible to receive a grant under this chapter, the following must occur:

(1) The superintendent of the school corporation must apply to the department for a grant on a form provided by the department.

(2) The application for a grant must include the following information:

(A) A detailed description of a proposal for placing school counselors, social workers, or school psychologists in elementary schools to provide services to students and their families.

(B) Evidence supporting the school corporation's need to implement the program.

(C) The number of elementary school counselors, social workers, and school psychologists employed by the school corporation.

(D) The elementary school:

(i) school counselor/student ratio;

(ii) social worker/student ratio; and

(iii) school psychologist/student ratio;

for the school corporation.

(E) Any other pertinent information required by the department, including evidence guaranteeing that if the school corporation receives a grant under this chapter, the school corporation will have developed a plan to evaluate the impact and results of the school corporation's program.

As added by P.L.1-2005, SEC.4.

IC 20-20-18-6

Award of grants

Sec. 6. Upon review of the applications received under section 5 of this chapter, the department may award grants to school corporations subject to available money and in accordance with the following priorities:

(1) To the extent possible, to achieve geographic balance throughout Indiana and to include urban, suburban, and rural school corporations.

(2) To address a documented need for new or expanded programs, including consideration of the percentage of students within the school corporation who are designated as at risk students.

(3) To lower:

(A) student/school counselor ratios;

(B) student/social worker ratios; and

(C) student/school psychologist ratios;

where the ratios are excessively high.

As added by P.L.1-2005, SEC.4.

IC 20-20-18-7

Amount of grants

Sec. 7. The department shall determine the amount of each grant that is awarded under this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-18-8

Duration of grants

Sec. 8. A grant received by a school corporation may be expended by the school corporation for a twenty-four (24) month period.

As added by P.L.1-2005, SEC.4.

IC 20-20-18-9

Guidelines

Sec. 9. The department shall develop guidelines necessary to implement this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-19

Chapter 19. School Social Workers

IC 20-20-19-1

Qualifications of school social workers

Sec. 1. (a) An individual who obtains a position as a school social worker for a school corporation must:

(1) hold a master's degree in social work; or

(2) agree as a condition of employment to obtain a master's degree in social work not more than five (5) years after the individual begins employment as a school social worker.

(b) Subsection (a) does not apply to an individual who obtained a position as a school social worker for a school corporation before July 1, 2001.

As added by P.L.1-2005, SEC.4.

IC 20-20-20
Repealed
(*Repealed by P.L.7-2011, SEC.26.)*

IC 20-20-21
Repealed
(*Repealed by P.L.1-2007, SEC.248.)*

IC 20-20-22

Chapter 22. Teacher Quality and Professional Improvement Program

IC 20-20-22-1

"Program"

Sec. 1. As used in this chapter, "program" refers to the teacher quality and professional improvement program established by section 2 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-22-2

Establishment; purpose; administration

Sec. 2. (a) The teacher quality and professional improvement program is established to:

(1) review the salary and reward structure for teachers; and

(2) identify and develop methods to confer honor upon:

(A) the teaching profession; and

(B) individual teachers;

in Indiana.

(b) The state board shall administer the program.

As added by P.L.1-2005, SEC.4.

IC 20-20-22-3

Duties

Sec. 3. The state board shall work with school corporations to do the following:

(1) Examine and develop a plan for the implementation of a comprehensive career ladder system, which includes assisting at least three (3) school corporations to serve as model field studies for the feasibility of a career ladder reward program.

(2) Examine the implications of the career ladder system on the collective bargaining process under IC 20-29-6 and determine the effect of the collective bargaining process on the implementation of a career ladder system.

(3) Develop and implement recommendations for basic pay increases for teachers to be phased in with a career ladder system of rewards for teachers.

(4) Create programs that provide additional professional development opportunities for individual teachers, including the following programs:

(A) Continuing education scholarships for teachers.

(B) Professional development training for teachers.

(C) Paid sabbatical leave for teachers.

(D) Teacher fellowships.

(E) Grants to schools for extended teacher contracts.

(F) Grants for inschool projects for upgrading curriculum or improving instruction.

(5) Develop visible and meaningful ways to foster greater respect for the teaching profession and confer honor upon

individual teachers in Indiana.

(6) Examine ways to implement a system of rewarding school corporations that improve the work environment by fostering collaborative working arrangements among teachers.

As added by P.L.1-2005, SEC.4.

IC 20-20-22-4

Rules

Sec. 4. The board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-23

Chapter 23. Projects for Innovative Education

IC 20-20-23-1

"Project"

Sec. 1. As used in this chapter, "project" means an innovative education project as described in this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-23-2

Fund; establishment; investments

Sec. 2. (a) The innovative education projects fund is established for funding special experimental demonstration projects that involve the innovative use of teachers, methods, systems, materials, or programs for preschool, elementary school, or secondary school students that may have a special value in promoting effective educational programs in Indiana. The state board shall administer the fund.

(b) The fund may be used only for projects created under this chapter.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.1-2005, SEC.4.

IC 20-20-23-3

Rules; distribution of money for project proposals

Sec. 3. (a) The state board shall adopt rules under IC 4-22-2 to:

(1) establish project guidelines and criteria in addition to those specified in this chapter;

(2) establish application deadlines;

(3) evaluate projects;

(4) provide for the dissemination of project plans to all interested school corporations in the state; and

(5) otherwise carry out the purposes of this chapter.

(b) The state board may select and distribute money to school corporations submitting project proposals that best carry out the purposes of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-23-4

Project funding; requisites

Sec. 4. For a project to receive funding under this chapter it must do the following:

(1) Provide for curricular and instructional strategy and use of

materials responsive to individual educational needs and learning styles.

(2) Provide for the development of basic and applied learning skills; multicultural education; physical, emotional, and mental health education; consumer economics; career education; or skills in the arts, humanities, and physical, natural, and social sciences.

(3) Use community resources or communications media.

(4) Provide staff development.

(5) Provide for ongoing and annual evaluation of goals and objectives.

(6) Provide for parental involvement.

As added by P.L.1-2005, SEC.4.

IC 20-20-23-5

Project components

Sec. 5. Projects under this chapter may include provisions for the following:

(1) A principal-teacher or career teacher component as described in section 7 of this chapter.

(2) A counselor-teacher component as described in section 8 of this chapter.

(3) Cooperative efforts with community agencies.

(4) Advanced or accelerated programs for students with special abilities.

(5) Use of volunteers.

(6) Flexible student attendance schedules.

(7) Early childhood and family education.

(8) Application of research findings.

(9) Use of paraprofessionals.

(10) Alternative criteria for high school graduation.

(11) Variable age and class size groupings.

As added by P.L.1-2005, SEC.4.

IC 20-20-23-6

Child's participation; parental consent

Sec. 6. Consent from a student's parent must be obtained before the student's involvement in a project.

As added by P.L.1-2005, SEC.4.

IC 20-20-23-7

Principal-teachers; career teachers; qualifications; hiring procedures; duties

Sec. 7. (a) A project may include a principal-teacher or career teacher component. The principal-teacher or career teacher may not be the exclusive teacher for students assigned to the principal-teacher or career teacher but shall serve the function of developing and implementing a student's overall learning program. The principal-teacher or career teacher may be responsible for regular classroom assignments as well as learning programs for other

students assigned to the principal-teacher or career teacher.

(b) A principal-teacher must be a principal and a career teacher must be a teacher licensed under IC 20-28-5.

(c) The governing body of the school corporation shall establish procedures for hiring individuals for the positions of principal-teacher and career teacher. The governing body has sole authority to hire these individuals. An individual is not entitled to employment in the position based on seniority or order of employment in the school corporation. The principal-teacher and career teacher shall be employed on a twelve (12) month basis with vacation time negotiated individually with the governing body.

(d) The principal-teacher or career teacher is responsible for the following:

(1) The overall education and learning plan of students assigned to the principal-teacher or career teacher. The principal-teacher or career teacher shall design a plan with the student, parents, and other faculty to maximize the learning potential and maturation level of each student.

(2) Measuring the proficiency of the students assigned to the principal-teacher or career teacher and assisting other staff in identifying student needs and making appropriate educational and subject groupings.

(3) If part of the project's plan, taking responsibility for the parent and early childhood education of students assigned to the principal-teacher or career teacher.

(4) Designing and being responsible for program components that meet special learning needs of high potential and talented students.

(5) Coordinating the ongoing, year-to-year learning program for students assigned to the principal-teacher or career teacher.

As added by P.L.1-2005, SEC.4.

IC 20-20-23-8

Counselor-teachers; qualifications; hiring procedures; duties

Sec. 8. (a) A project may include a counselor-teacher component. The counselor-teacher may not be the exclusive teacher of the students assigned to the counselor-teacher.

(b) A counselor-teacher must be a licensed counselor under IC 20-28-5.

(c) The governing body of the school corporation shall establish procedures for hiring counselors for the position of counselor-teacher. The governing body has sole authority to hire the counselors. An individual is not entitled to employment in the position based on seniority or order of employment in the school corporation.

(d) The counselor-teacher shall provide guidance and counseling services to students assigned to the counselor-teacher. This includes working with individual students, groups of students, and families.

As added by P.L.1-2005, SEC.4.

IC 20-20-24

Chapter 24. Arts Education Program

IC 20-20-24-1

Purpose of chapter

Sec. 1. The purpose of this chapter is to:

(1) encourage local schools to develop comprehensive plans to improve arts in education;

(2) coordinate available resources in support of arts programs in order to provide arts experiences for all students;

(3) provide assistance to local agencies in the development and implementation of comprehensive programs to improve instruction in the elementary and secondary schools;

(4) develop a means by which schools and communities can collaborate in order to strengthen programs;

(5) provide leadership training in the planning, execution, and evaluation of arts education programs;

(6) assist local schools in the development of educational arts education programs; and

(7) assist local schools in the training of educational staff, including specialists in all of the arts and general classroom teachers.

As added by P.L.1-2005, SEC.4.

IC 20-20-24-2

"Arts"

Sec. 2. As used in this chapter, "arts" includes the following:

(1) Music.

(2) Dance.

(3) Drama.

(4) Visual arts.

(5) Creative writing.

(6) Film making.

(7) Arts related to the presentation, performance, execution, and exhibition of arts listed in subdivisions (1) through (6).

(8) The study and application of arts listed in subdivisions (1) through (7) to the human environment.

As added by P.L.1-2005, SEC.4.

IC 20-20-24-3

Grants to school corporations

Sec. 3. The department may award grants to school corporations under this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-24-4

Applications for grants

Sec. 4. A school corporation may apply for a grant under this chapter by submitting to the department a plan that includes the following:

(1) Identification of the instructional needs of students and teachers in the arts.
(2) A program through which funds received under this chapter as well as under local, state, or federal programs will serve the purposes of this chapter.
(3) A program for coordinating the efforts of local agencies, organizations, and institutions in order to make their efforts more effective.
(4) Identification of the area in which the funds received will be used, including one (1) of the following:
(A) Comprehensive arts education programs.
(B) Technical assistance leadership training.
(C) Interagency and organizational programs.
(D) Allotment programs for elementary arts specialists.
As added by P.L.1-2005, SEC.4.

IC 20-20-24-5
Consultation regarding expenditure of funds
Sec. 5. The department may consult with the Indiana arts commission and private arts organizations regarding expenditure of funds received under this chapter.
As added by P.L.1-2005, SEC.4.

IC 20-20-24-6
Rules; adoption; funds
Sec. 6. The state board shall adopt rules under IC 4-22-2 stating the criteria upon which grants may be made under this chapter. The department may make grants to school corporations from funds made available for purposes of this chapter.
As added by P.L.1-2005, SEC.4.

IC 20-20-25

Chapter 25. Committee on Educational Attitudes, Motivation, and Parental Involvement

IC 20-20-25-1

"Committee"

Sec. 1. As used in this chapter, "committee" refers to the committee on educational attitudes, motivation, and parental involvement established by section 2 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-25-2

Establishment; duties

Sec. 2. The committee on educational attitudes, motivation, and parental involvement is established to do the following:

(1) Study the attitudes of students toward the educational process in public schools.

(2) Develop methods to motivate students to learn.

(3) Develop methods to create and maintain a positive public perception within each community and within Indiana toward the public schools.

(4) Develop methods to encourage increased parental and community involvement with the public schools.

(5) Develop guidelines for the award of grants under section 6 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-25-3

Members; appointment; meetings; terms

Sec. 3. (a) The committee consists of fifteen (15) members.

(b) The governor shall:

(1) appoint the members upon the recommendation of the state superintendent; and

(2) designate a member to serve as chair.

(c) The chair shall call the meetings of the committee. The members serve two (2) year terms.

As added by P.L.1-2005, SEC.4.

IC 20-20-25-4

Members; per diem; expenses

Sec. 4. (a) The membership of the committee must include representatives from the following:

(1) The general assembly.

(2) The department.

(3) Business.

(4) Labor.

(5) Agriculture.

(6) Parents of children who attend public schools.

(7) Public school or school corporation administrators.

(8) Certificated employees (as defined in IC 20-29-2-4) who are

teachers.

(b) Each member of the committee who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(d) Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

As added by P.L.1-2005, SEC.4.

IC 20-20-25-5

Coordination of planning

Sec. 5. The state superintendent and the governor shall each designate a staff member to coordinate the planning of the committee.

As added by P.L.1-2005, SEC.4.

IC 20-20-25-6

Application for grants; recommendations

Sec. 6. (a) A school corporation may apply to the department for a grant to expand or implement programs to do the following:

(1) Improve student attitudes toward education.

(2) Increase student motivation to pursue higher educational goals.

(3) Increase community and parental involvement with the local schools.

(b) The committee shall make recommendations to the department concerning the award of grants under subsection (a).

As added by P.L.1-2005, SEC.4.

IC 20-20-26

Chapter 26. Readiness Testing

IC 20-20-26-1

Series of studies; authorization

Sec. 1. The board shall authorize a series of studies to be conducted by the department to determine a plan for reimbursing school corporations for the costs of administering academic readiness tests to selected students in kindergarten, grade 1, and grade 2.

As added by P.L.1-2005, SEC.4.

IC 20-20-26-2

Plan to offer readiness tests

Sec. 2. The department shall develop a plan, based upon the results of the studies, to offer readiness tests to school corporations.

As added by P.L.1-2005, SEC.4.

IC 20-20-26-3

Readiness testing in addition to ISTEP program testing

Sec. 3. Readiness testing under this chapter is in addition to ISTEP program testing under IC 20-32-5.

As added by P.L.1-2005, SEC.4.

IC 20-20-26-4

Training concerning phonologic weakness

Sec. 4. (a) As used in this section, "phonologic weakness" means a difficulty of constitutional or environmental origin which, if not strengthened to adequate levels in the context of conventional instruction, results in difficulty in learning to read, write, spell, and recall. Phonologic weakness underlies reading difficulty across race, ethnicity, and cultural and economic diversities.

(b) The department shall develop and implement a plan to:

(1) train teachers, especially the teachers directly involved in reading and language arts, about phonologic weakness and its role in reading development;

(2) determine which reading instruments can be used to detect phonologic weakness before formal reading instruction begins;

(3) determine which reading instruments can be used to assess student reading and spelling development; and

(4) apply the results of the assessment using reading instruments to a child's instructional program.

As added by P.L.182-2005, SEC.3.

IC 20-20-26-5

Implementation

Sec. 5. (a) The department shall develop a technical assistance manual necessary to implement this chapter. The department shall adopt reading instruments that a school shall use to assess student reading and writing development.

(b) Each instrument adopted by the department under this section

must be based on scientific research concerning reading development and must have adequate reliability and validity.
As added by P.L.182-2005, SEC.4.

IC 20-20-27

Chapter 27. Student Services Programs

IC 20-20-27-1

Student services summer institute

Sec. 1. (a) The department shall establish a student services summer institute designed to coordinate the student services personnel from each school corporation with youth serving organizations in developing a cohesive plan to serve the needs of students.

(b) The student services summer institute shall focus on developing a coordinated effort among the participants in the summer institute to do the following:

(1) Increase and enhance preventive and effective student services programs.

(2) Study methods of providing information and resources to assist parents in counseling students.

(3) Reduce and eliminate clerical duties regularly assigned to student guidance personnel.

(4) Coordinate the expertise and training of the student guidance personnel.

(5) Prepare a program to implement the coordinated plan.

As added by P.L.1-2005, SEC.4.

IC 20-20-27-2

Duties

Sec. 2. The student services summer institute shall identify the following:

(1) Effective models for the coordination of student services in Indiana and nationwide.

(2) Any rule, regulation, or funding requirement that creates barriers to or facilitates the coordination of student services.

(3) Specific local conditions or circumstances that promote or inhibit the coordination of student services.

(4) Specific needs or problems concerning the coordination of student services.

As added by P.L.1-2005, SEC.4.

IC 20-20-27-3

Student services team pilot program

Sec. 3. The department shall authorize a student services team pilot program to be conducted under the research and development program under IC 20-20-11 designed to assist participating student guidance personnel with services provided by other local youth serving organizations.

As added by P.L.1-2005, SEC.4.

IC 20-20-27-4

Notification to parent of additional services

Sec. 4. If a pilot program provides for direct services to students

(other than services approved by the state board and governing bodies), parents of students must be notified that additional services are available.

As added by P.L.1-2005, SEC.4.

IC 20-20-28

Chapter 28. Early Childhood Programs

IC 20-20-28-1

"Early childhood program"

Sec. 1. As used in this chapter, "early childhood program" refers to a voluntary parental education program for parents of children from birth to less than three (3) years of age that provides these parents with information and activities to help the parents better prepare children for school.

As added by P.L.1-2005, SEC.4.

IC 20-20-28-2

"Latch key program"

Sec. 2. As used in this chapter, "latch key program" means a voluntary school age child care program for children who attend kindergarten through grade 6 and that at a minimum, operates after the school day and may include periods before school is in session or during periods when school is not in session.

As added by P.L.1-2005, SEC.4.

IC 20-20-28-3

"Preschool program"

Sec. 3. As used in this chapter, "preschool program" refers to a voluntary school readiness program for children who are at least three (3) years of age and not enrolled in at least kindergarten.

As added by P.L.1-2005, SEC.4.

IC 20-20-28-4

Targeting at risk students; pilot programs; early childhood specialist

Sec. 4. (a) The department shall establish pilot programs targeting at risk students in the following areas:

(1) Early childhood parental information programs.

(2) Latch key programs.

(3) Preschool programs.

(b) In establishing the pilot programs under this chapter, the department shall focus on implementing programs that enable the local school corporation and appropriate community agencies to cooperate with each other.

(c) The department shall address the following in establishing the programs:

(1) Screening for physical health problems that can inhibit school success.

(2) Screening for learning disabilities.

(3) Parental orientation and participation.

(d) In addition, the department shall employ an early childhood specialist and support staff personnel to identify and determine ways to coordinate the educational programs offered by local youth serving organizations.

As added by P.L.1-2005, SEC.4.

IC 20-20-28-5

Participation by school corporations; selection; contracts with nonprofit corporations

Sec. 5. (a) The department:

(1) shall select certain school corporations to participate in the respective pilot programs listed in section 4 of this chapter; and

(2) may select school corporations that have a pilot program as described in section 4 of this chapter in existence on June 30, 1990.

(b) A school corporation may enter into an agreement with a nonprofit corporation to provide early childhood education, preschool education, or latch key programs. However, if a school corporation enters into a contract for preschool education, the nonprofit corporation:

(1) must operate a federally approved preschool education program; and

(2) may not be religiously affiliated.

As added by P.L.1-2005, SEC.4.

IC 20-20-28-6

Guidelines

Sec. 6. The department shall develop guidelines necessary to implement this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-28-7

Report

Sec. 7. Each school corporation that participates in a pilot program under this chapter shall prepare a written report detailing all of the pertinent information concerning the implementation of the pilot program, including any recommendations made and conclusions drawn from the pilot program. The school corporation shall submit the report to the department.

As added by P.L.1-2005, SEC.4.

IC 20-20-29

Chapter 29. Twenty-First Century Schools Pilot Program

IC 20-20-29-1

Purpose

Sec. 1. The department shall establish a twenty-first century schools pilot program to do the following:

(1) Increase the involvement of parents, teachers, administrators, and local civic leaders in the operation of the local school.

(2) Provide more responsibility and flexibility in the governance of schools at the local level.

(3) Encourage innovative and responsive management practices in light of the social and economic problems in the community.

(4) Provide grants to schools selected by the department to implement twenty-first century schools pilot programs.

As added by P.L.1-2005, SEC.4.

IC 20-20-29-2

Administration; surplus funds

Sec. 2. (a) The department shall administer the twenty-first century schools pilot program.

(b) Unexpended money appropriated to the department for the department's use in implementing the pilot program under this chapter at the end of a state fiscal year does not revert to the state general fund but remains available to the department for the department's continued use under this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-29-3

Eligibility for grant

Sec. 3. To be eligible for selection as a twenty-first century schools pilot program grant recipient, a school must do the following:

(1) Apply to the department for a grant, on forms provided by the department, and include a detailed description of the school pilot program.

(2) Demonstrate a significant commitment by teachers, parents, and school administrators toward achieving positive outcomes in school activities.

(3) Establish a school/community improvement council consisting of parents of students, school personnel, and representatives of the community.

(4) Comply with all other requirements set forth by the department.

As added by P.L.1-2005, SEC.4.

IC 20-20-29-4

Eligible programs; content

Sec. 4. A pilot program eligible to be funded under this chapter

must include all of the following:

(1) School based management models.

(2) Parental involvement strategies.

(3) Innovative integration of curricula, individualized education programs, nonstandard courses, or textbook adoption in the school improvement plan described under IC 20-31-4-6(6).

(4) Training for participants to become effective members on school/community improvement councils.

As added by P.L.1-2005, SEC.4.

IC 20-20-29-5

State imposed standards; waiver

Sec. 5. To encourage participation in the pilot program by local schools, a school corporation that is selected to participate in the pilot program is not required to comply with certain state imposed standards as determined by the department with the consent of the state board.

As added by P.L.1-2005, SEC.4.

IC 20-20-29-6

Selection of participants

Sec. 6. Upon review of the applications submitted by schools under section 3 of this chapter, the department shall select the schools to participate in the twenty-first century schools pilot program.

As added by P.L.1-2005, SEC.4.

IC 20-20-29-7

Report

Sec. 7. Each participating school shall prepare a written report to be submitted to the department that includes the findings, conclusions, and recommendations of the school concerning the twenty-first century schools pilot program.

As added by P.L.1-2005, SEC.4.

IC 20-20-29-8

Guidelines

Sec. 8. The department shall develop guidelines necessary to implement this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-29-9

Personnel

Sec. 9. The department may employ personnel necessary to implement this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-30

Chapter 30. Anti-Gang Counseling Pilot Program and Fund

IC 20-20-30-1

"Anti-gang counseling"

Sec. 1. As used in this chapter, "anti-gang counseling" refers to efforts described under section 8 of this chapter that are designed to discourage students from the following:

(1) Becoming members of criminal gangs.

(2) Engaging in criminal gang activity.

As added by P.L.1-2005, SEC.4.

IC 20-20-30-2

"Criminal gang"

Sec. 2. As used in this chapter, "criminal gang" has the meaning as set forth in IC 35-45-9-1.

As added by P.L.1-2005, SEC.4.

IC 20-20-30-3

"Fund"

Sec. 3. As used in this chapter, "fund" refers to the anti-gang counseling pilot program fund established by section 9 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-30-4

"Participating school corporation"

Sec. 4. As used in this chapter, "participating school corporation" refers to a school corporation or more than one (1) school corporation under a joint agreement selected by the department to participate in the pilot program.

As added by P.L.1-2005, SEC.4.

IC 20-20-30-5

"Pilot program"

Sec. 5. As used in this chapter, "pilot program" refers to the anti-gang counseling pilot program established by section 8 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-30-6

"Pilot project"

Sec. 6. As used in this chapter, "pilot project" refers to an anti-gang counseling pilot project authorized under section 8 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-30-7

"Student"

Sec. 7. As used in this chapter, "student" refers to a public school

student who is in an appropriate grade level as determined by the participating school corporation.
As added by P.L.1-2005, SEC.4.

IC 20-20-30-8
Establishment of pilot projects; purposes

Sec. 8. The department shall establish the anti-gang counseling pilot program to provide financial assistance to participating school corporations to establish pilot projects designed to do the following:

(1) Educate students and parents:

(A) of the extent to which criminal gang activity exists in the school corporation's community;

(B) on the negative societal impact that criminal gangs have on the community; and

(C) on methods to discourage participation in criminal gangs.

(2) Encourage the use of community resources not directly affiliated with the school corporation, including law enforcement officials, to participate in the particular pilot project.

(3) Enable the participating school corporations on a case by case basis and with the prior written approval of the student's parent to contract with community mental health centers to provide appropriate anti-gang counseling to a student identified by the student's school guidance counselor as being at risk of becoming a member of a criminal gang or at risk of engaging in criminal gang activity.

As added by P.L.1-2005, SEC.4.

IC 20-20-30-9
Establishment and administration of fund

Sec. 9. (a) The anti-gang counseling pilot program fund is established to provide grants to participating school corporations to establish and operate the school corporation's pilot project.

(b) The department shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.
As added by P.L.1-2005, SEC.4.

IC 20-20-30-10
Application for grant

Sec. 10. (a) To be eligible for a grant under this chapter, a school corporation or more than one (1) school corporation under a joint agreement must timely apply for the grant to the department on forms provided by the department.

(b) The applying school corporation must include at least the following information in the school corporation's application:

(1) The number of students likely to benefit from the pilot project.
(2) A detailed description of the proposed pilot project format.
(3) The extent to which the applying school corporation intends to include appropriate community resources not directly affiliated with the applying school corporation in the pilot project.
(4) A statement of and any supporting information concerning the need to establish the pilot project as perceived by the applying school corporation.
(5) The estimated cost of implementing the pilot project.
(6) Any other pertinent information required by the department.
As added by P.L.1-2005, SEC.4.

IC 20-20-30-11
Approval of pilot projects; criteria
Sec. 11. (a) The department may approve not more than three (3) pilot projects from each congressional district.
(b) The department shall approve the pilot projects based on at least the following criteria:
(1) The relative need for the establishment of a pilot project of this nature as outlined by the applying school corporation, including the number of students who would likely benefit from the pilot project and the prevalence of criminal gang activity within the boundaries of the applying school corporation.
(2) The overall quality of the applying school corporation's pilot project proposal, including the extent to which the applying school corporation demonstrates a willingness to include as a part of the pilot project appropriate community resources not directly affiliated with the applying school corporation.
(3) The availability of money in the fund.
As added by P.L.1-2005, SEC.4.

IC 20-20-30-12
Reports
Sec. 12. (a) By June 1 of each school year, each participating school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's pilot project.
(b) By November 1 of each year, the department shall submit a comprehensive report to the governor and the general assembly on the pilot program, including the department's conclusions and recommendations with regard to the impact that the pilot program has made on decreasing criminal gang activity in Indiana. A report submitted under this subsection to the general assembly must be in an electronic format under IC 5-14-6.
As added by P.L.1-2005, SEC.4.

IC 20-20-31

Chapter 31. Professional Development Program

IC 20-20-31-1

"Plan"

Sec. 1. As used in this chapter, "plan" refers to an Indiana school academic plan established under IC 20-19-2-11.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-2

"Program"

Sec. 2. As used in this chapter, "program" refers to a professional development program.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-3

"School"

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

(1) A public school.

(2) A nonpublic school that has voluntarily become accredited under IC 20-19-2-8.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-4

Program development required

Sec. 4. A school shall develop a program as a component of a plan established by the school.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-5

Program requirements

Sec. 5. The following apply to a program developed under this chapter:

(1) The program must emphasize improvement of student learning and performance.

(2) The program must be developed by the committee that develops the school's strategic and continuous improvement and achievement plan under IC 20-31-5-1.

(3) The program must be integrated with the school's strategic and continuous improvement and achievement plan developed under IC 20-31-5.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-6

State superintendent's review of plan

Sec. 6. A school committee shall submit the school's program to the state superintendent for the superintendent's review. The state superintendent:

(1) shall review the plan to ensure that the program aligns with the school corporation's objectives, goals, and expectations;

(2) may make written recommendations of modifications to the program to ensure alignment; and

(3) shall return the program and any recommendations to the school committee.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-7

Modification of plan

Sec. 7. A school committee may modify the program to comply with recommendations made by the state superintendent under section 6 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-8

Submission of plan to governing body

Sec. 8. A school committee shall submit the program as part of its plan to the governing body. The governing body shall:

(1) approve or reject the program as part of the plan; and

(2) submit the program to the state board as part of the plan for the school.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-9

State board's approval of program; criteria

Sec. 9. The state board may approve a school's program only if the program meets the board's core principles for professional development and the following additional criteria:

(1) To ensure high quality professional development, the program:

(A) is school based and collaboratively designed, and encourages participants to work collaboratively;

(B) has a primary focus on state and local academic standards, including a focus on Core 40 subject areas;

(C) enables teachers to improve expertise in subject knowledge and teaching strategies, uses of technologies, and other essential elements in teaching to high standards;

(D) furthers the alignment of standards, curriculum, and assessments; and

(E) includes measurement activities to ensure the transfer of new knowledge and skills to classroom instruction.

(2) A variety of resources, including needs assessments, an analysis of data regarding student learning needs, professional literature, research, and school improvement programs, are used in developing the program.

(3) The program supports professional development for all stakeholders.

(4) The program includes ongoing professional growth experiences that provide adequate time and job embedded opportunities to support school improvement and student learning, including flexible time for professional development

that provides professional development opportunities before, during, and after the regular school day and school year.

(5) Under the program, teacher time for professional development sustains instructional coherence, participant involvement, and continuity for students.

(6) The program includes effective, research based strategies to support ongoing developmental activities.

(7) The program supports experiences to increase the effective use of technology to improve teaching and learning.

(8) The program encourages diverse techniques, including inquiry, reflection, action research, networking, study groups, coaching, and evaluation.

(9) The program includes a means for evaluating the effectiveness of the program and activities under the program.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-10

Evaluation system for professional development; evaluating school programs and activities

Sec. 10. The state board shall approve an evaluation system for professional development based on recommendations from the department. The department shall develop a means for measuring successful programs and activities in which schools participate. The measurements must include the following:

(1) A mechanism to identify and develop strategies to collect multiple forms of data that reflect the achievement of expectations for all students. The data may include the results of ISTEP program tests under IC 20-31-3, IC 20-32-4, IC 20-32-5, and IC 20-32-6, local tests, classroom work, and teacher and administrator observations.

(2) A procedure for using collected data to make decisions.

(3) A method of evaluation in terms of educator's practice and student learning, including standards for effective teaching and effective professional development.

As added by P.L.1-2005, SEC.4. Amended by P.L.246-2005, SEC.128; P.L.90-2011, SEC.6.

IC 20-20-31-11

School eligibility for grant; approval of program

Sec. 11. A school qualifies for a grant from the department when the school's program, developed and submitted under this chapter, is approved by the state board upon recommendation of the department. For purposes of determining whether a school qualifies for a grant under this chapter, the department shall:

(1) review;

(2) suggest changes to; and

(3) recommend approval or rejection of;

a school's program.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-12

Use of grant to implement program

Sec. 12. A school must use a grant received under this chapter to implement all or part of the school's program by funding activities that may include the following:

(1) Partnership programs with other entities, including professional development schools.

(2) Teacher leadership academies, research teams, and study groups.

(3) Workshops, seminars, and site visits.

(4) Cooperative programs with other school corporations.

(5) National board certification for teachers.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-13

Contracting for professional development activities

Sec. 13. A school may contract with private or public sector providers to provide professional development activities under this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-14

Use of grant; restrictions

Sec. 14. A grant received under this chapter:

(1) may be expended only for the conduct of activities specified in the program; and

(2) must be coordinated with other professional development programs and expenditures of the school and school corporation.

As added by P.L.1-2005, SEC.4.

IC 20-20-31-15

Report

Sec. 15. A school shall report to the department concerning the use of grants received under this chapter. A school that fails to make a report under this chapter is not eligible for a subsequent grant.

As added by P.L.1-2005, SEC.4.

IC 20-20-32

Chapter 32. Technology Apprenticeship Grant Program

IC 20-20-32-1

"Program"

Sec. 1. As used in this chapter, "program" refers to the technology apprenticeship grant program established by section 2 of this chapter.

As added by P.L.1-2005, SEC.4.

IC 20-20-32-2

Program established; administration of program

Sec. 2. The technology apprenticeship grant program is established. The department, with the advice of the department of labor established by IC 22-1-1-1, shall administer the program.

As added by P.L.1-2005, SEC.4.

IC 20-20-32-3

Development of grant program

Sec. 3. The department, working with the department of labor, shall develop a grant program to provide grants from the state technology advancement and retention account established by IC 4-12-12-1 for apprenticeships that are designed to develop the skills of apprentices in the area of technology.

As added by P.L.1-2005, SEC.4.

IC 20-20-32-4

Standards for issuance of grants

Sec. 4. The department, with the department of labor, shall develop standards for the issuance of grants to businesses and unions that are working to enhance the technology skills of apprentices.

As added by P.L.1-2005, SEC.4.

IC 20-20-32-5

Grant approval

Sec. 5. Grants issued under this chapter are subject to approval by the budget agency.

As added by P.L.1-2005, SEC.4.

IC 20-20-33

Chapter 33. Alternative Education Program Grants

IC 20-20-33-1

"Alternative education program"

Sec. 1. As used in this chapter, "alternative education program" means an alternative education program (as defined in IC 20-30-8-1).

As added by P.L.2-2006, SEC.85.

IC 20-20-33-2

"Full-time equivalent students"

Sec. 2. As used in this chapter, "full-time equivalent students" means the number of students determined under IC 20-30-8-16.

As added by P.L.2-2006, SEC.85.

IC 20-20-33-3

"Qualifying school corporation"

Sec. 3. As used in this chapter, "qualifying school corporation" means a school corporation, including a charter school, that has been approved under IC 20-30-8-8 to receive a grant under this chapter.

As added by P.L.2-2006, SEC.85.

IC 20-20-33-4

Eligibility for grant

Sec. 4. A qualifying school corporation is eligible to receive a grant from the state for each full-time equivalent student who is enrolled in an alternative education program conducted for the school corporation.

As added by P.L.2-2006, SEC.85.

IC 20-20-33-5

Maximum grant

Sec. 5. The maximum amount that may be granted to a qualifying school corporation in a school year is seven hundred fifty dollars ($750) per full-time equivalent student.

As added by P.L.2-2006, SEC.85.

IC 20-20-33-6

Matching local expenditures

Sec. 6. To receive a grant under this chapter, a school corporation must expend on alternative education programs in the school year a matching amount of at least one-third (1/3) of the amount of the state grant per full-time equivalent student, as determined under the rules adopted by the state board.

As added by P.L.2-2006, SEC.85.

IC 20-20-33-7

Schedule; distributions

Sec. 7. (a) Except as provided in subsection (b), the department shall distribute a grant under this chapter to a qualifying school

corporation not later than March 1. The grant must be for the number of full-time equivalent students enrolled in and attending an alternative education program from January 1 through December 31 of the immediately preceding year and reported to the department under IC 20-30-8-15.

(b) The department may authorize additional distributions for approved programs if the total amount of the distributions to a school corporation during a school year under this subsection does not exceed a maximum amount of seven hundred fifty dollars ($750) per full-time equivalent student reported under IC 20-30-8-15.

As added by P.L.2-2006, SEC.85.

IC 20-20-34
Repealed

(*Repealed by P.L.182-2009(ss), SEC.466.*)

IC 20-20-35

Chapter 35. Prekindergarten Grant Pilot Program

IC 20-20-35-1

"Eligible provider"

Sec. 1. As used in this chapter, "eligible provider" means any of the following:

(1) School corporations.

(2) Any entity providing a prekindergarten program that is accredited by the National Association for the Education of Young Children.

However, the term does not include a charter school or an entity affiliated with a charter school.

As added by P.L.234-2007, SEC.62.

IC 20-20-35-2

"Pilot program"

Sec. 2. As used in this chapter, "pilot program" refers to the pilot program established under section 3 of this chapter.

As added by P.L.234-2007, SEC.62.

IC 20-20-35-3

Department; administration of pilot program

Sec. 3. (a) The department shall establish a pilot program to provide grants to eligible providers selected by the department to implement prekindergarten programs.

(b) The department shall administer the pilot program.

As added by P.L.234-2007, SEC.62.

IC 20-20-35-4

Eligibility for pilot program grant; selection of grant recipients

Sec. 4. (a) To be eligible for selection as a pilot program grant recipient, an eligible provider must do the following:

(1) Apply to the department for a grant, on forms provided by the department, and include a detailed description of the eligible provider's proposed prekindergarten program. The description must include at least the following information:

(A) An estimate of the number of students likely to participate.

(B) A description of the prekindergarten curriculum that will be instituted by the eligible provider. The prekindergarten curriculum must be consistent with the Foundations to the Indiana Academic Standards for Young Children (or successor standards adopted by the department of education).

(C) A description of how the curriculum of the proposed prekindergarten program aligns with existing programs and standards for students in kindergarten through grade 3.

(D) An estimate of the cost of implementing the prekindergarten program.

(2) Demonstrate a commitment by teachers, parents, and school administrators toward carrying out the proposed prekindergarten program.

(3) Comply with any other requirements set forth by the department.

(b) Subject to section 6 of this chapter, after review of the applications submitted under this section, the department shall do the following:

(1) Select the eligible providers that will participate in the pilot program.

(2) Provide grants to the eligible providers selected to participate in the pilot program.

(c) The education roundtable shall provide recommendations to the department concerning the criteria to be used by the department in selecting the eligible providers that will participate in the pilot program.

(d) The criteria to be used by the department in selecting the eligible providers that will participate in the pilot program must do the following:

(1) Include at least an evaluation of the following:

(A) The information submitted by the eligible provider under subsection (a).

(B) The coordination of the proposed prekindergarten program with local health services and social services.

(2) Take into consideration the requirements of section 6 of this chapter.

As added by P.L.234-2007, SEC.62.

IC 20-20-35-5

Program requirements

Sec. 5. A prekindergarten program that is part of the pilot program and is funded by a grant under this chapter:

(1) may serve only prekindergarten students who are at least four (4) years of age on September 1 of the school year; and

(2) may be a half-day or full-day program.

As added by P.L.234-2007, SEC.62.

IC 20-20-35-6

Preferences; award of grants

Sec. 6. The department shall:

(1) select a representative sample of eligible providers, determined through an application procedure, to participate in the pilot program;

(2) give priority to the selection of:

(A) lower performing school corporations; and

(B) private providers of prekindergarten programs located in areas served by lower performing school corporations; and

(3) to the extent possible, select eligible providers so that the pilot program will:

(A) achieve a geographic balance throughout Indiana;

(B) include urban, suburban, and rural eligible providers; and

(C) include both public eligible providers and private eligible providers.

As added by P.L.234-2007, SEC.62.

IC 20-20-35-7

Contracts

Sec. 7. Subject to the approval of the department, an eligible provider participating in the pilot program may enter into a contract with an individual or a nonprofit entity for the operation and management of all or any part of a prekindergarten program funded by a grant under this chapter.

As added by P.L.234-2007, SEC.62.

IC 20-20-35-8

Nonrevision of unexpended balance in fund

Sec. 8. Unexpended money appropriated to the department for the department's use in implementing the pilot program at the end of a state fiscal year does not revert to the state general fund but remains available to the department for the department's continued use under this chapter.

As added by P.L.234-2007, SEC.62.

IC 20-20-35-9

Rules

Sec. 9. The department shall adopt rules under IC 4-22-2 to implement this chapter. The rules must include the following:

(1) Minimum requirements concerning the prekindergarten curriculum that must be used by an eligible provider participating in the pilot program. The prekindergarten curriculum must be consistent with the Foundations to the Indiana Academic Standards for Young Children (or successor standards adopted by the department of education).

(2) The maximum class size of a prekindergarten program funded by a grant under this chapter.

(3) A requirement that each class in a prekindergarten program funded by a grant under this chapter must be taught by a teacher who has any of the following:

(A) A prekindergarten teacher's license.

(B) An early childhood education teacher's license.

(C) A degree in early childhood education, child development, elementary education, or early childhood special education.

As added by P.L.234-2007, SEC.62.

IC 20-20-35-10

Reports

Sec. 10. (a) Each eligible provider that participates in the pilot program shall annually prepare a written report detailing all the

pertinent information concerning the implementation of the pilot program, including any recommendations made and conclusions drawn from the pilot program. The eligible provider must submit the report to the department before July 1 of each year.

(b) Before November 1 of each year, the department shall submit a report to the governor and the general assembly on the pilot program. The report must include the following:

(1) Any conclusions and recommendations made by the department concerning prekindergarten programs.

(2) Information concerning the cost of expanding the pilot program statewide.

(3) A description of any social programs or health programs that could be provided efficiently with prekindergarten programs.

A report submitted under this subsection to the general assembly must be in an electronic format under IC 5-14-6.

(c) The department shall monitor the performance of students who participate in the pilot program as those students continue their education in elementary school.

As added by P.L.234-2007, SEC.62.

IC 20-20-35-11

Expiration of chapter

Sec. 11. This chapter expires July 1, 2014.

As added by P.L.234-2007, SEC.62.

IC 20-20-36
Repealed

(*Repealed by P.L.1-2009, SEC.174.)*

IC 20-20-36.1

Expired

(Expired 7-1-2009, by P.L.1-2009, SEC.119.)

IC 20-20-36.2

Expired

(Expired 1-1-2011, by P.L.182-2009(ss), SEC.309.)

IC 20-20-37

Chapter 37. Dropout Prevention

IC 20-20-37-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to the dropout prevention program fund established by section 3 of this chapter.

As added by P.L.65-2009, SEC.1.

IC 20-20-37-2

"Program"

Sec. 2. As used in this chapter, "program" refers to a dropout prevention program established by a school corporation.

As added by P.L.65-2009, SEC.1.

IC 20-20-37-3

Establishment of fund

Sec. 3. (a) The dropout prevention program fund is established to provide:

(1) money for the department; and

(2) grants to school corporations or a local nonprofit fiscal agent acting as intermediary on behalf of multiple school corporations;

to establish and operate programs to identify students who are at risk of dropping out of school and to provide appropriate interventions for those students.

(b) The department shall administer the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of:

(1) gifts, donations, and bequests;

(2) appropriations from the general assembly;

(3) grants, including federal grants and grants from private entities;

(4) income derived from investing the assets of the fund;

(5) funds from any other source; and

(6) a combination of the resources described in subdivisions (1), (2), (3), (4), and (5).

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(f) Money in the fund from sources other than state appropriations at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.65-2009, SEC.1.

IC 20-20-37-4

Fund to provide assistance to school corporations

Sec. 4. The department may use money from the fund to provide assistance to school corporations in:

(1) identifying students who are at risk of dropping out of school; and

(2) developing strategies and appropriate interventions to prevent identified students from dropping out of school.

As added by P.L.65-2009, SEC.1.

IC 20-20-37-5

Eligibility for grants

Sec. 5. (a) To be eligible for a grant under this chapter, a school corporation or two (2) or more school corporations under a joint agreement must submit, before the application deadline, a properly completed grant application provided by the department.

(b) The applying school corporation must include at least the following information in the school corporation's application:

(1) A detailed description of the proposed program.

(2) The extent to which the applying school corporation intends to include appropriate community resources not directly affiliated with the applying school corporation in the program.

(3) The estimated cost of implementing the program.

(4) Documented support for the program by the superintendent of each participating school corporation.

(5) The goals established for increasing the graduation rate and decreasing the dropout rate in each participating school corporation.

(6) Accurate baseline data on the graduation rate and dropout rate for each participating school corporation for the preceding three (3) consecutive years.

(7) Accountability metrics for the program that demonstrate how the program's success is measured. Metrics may include the following:

(A) Attendance and truancy rates of at-risk student populations.

(B) Course credits earned by at-risk students.

(C) The number of students who are on schedule to complete high school within four (4) years.

(8) Any other pertinent information required by the department.

As added by P.L.65-2009, SEC.1.

IC 20-20-37-6

Award of grants

Sec. 6. The department shall approve a program based on at least the following criteria:

(1) The relative need for the establishment of a dropout prevention program as outlined by the applying school corporation.

(2) The overall quality of the applying school corporation's program proposal, including the extent to which the applying school corporation demonstrates a willingness to include as a part of the program appropriate community resources not directly affiliated with the applying school corporation.

(3) The availability of money in the fund.
As added by P.L.65-2009, SEC.1.

IC 20-20-37-7
Annual reports

Sec. 7. (a) Not later than June 1 of each school year, each participating school corporation shall submit to the department a written report, on forms developed by the department, outlining the activities undertaken as part of the school corporation's program.

(b) Not later than November 1 of each year, the department shall submit a comprehensive report to the governor and the general assembly on dropout prevention programs, including the department's conclusions on the impact of different types of programs in increasing the graduation rate in a school corporation. A report submitted under this subsection to the general assembly must be in an electronic format under IC 5-14-6.
As added by P.L.65-2009, SEC.1.

IC 20-20-37.4

Chapter 37.4. Geothermal Conversion Revolving Fund

IC 20-20-37.4-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to the geothermal conversion revolving fund established by section 3 of this chapter.

As added by P.L.99-2009, SEC.2.

IC 20-20-37.4-2

"Geothermal heating and cooling system"

Sec. 2. As used in this chapter, "geothermal heating and cooling system" means a heating and cooling system that uses the natural temperature of the earth to generate heating and cooling.

As added by P.L.99-2009, SEC.2.

IC 20-20-37.4-3

Establishment and purpose of the fund

Sec. 3. The geothermal conversion revolving fund is established for the purpose of making loans to school corporations that:

(1) install a geothermal heating and cooling system in a new facility; or

(2) install a geothermal heating and cooling system that replaces a conventional heating and cooling system.

As added by P.L.99-2009, SEC.2.

IC 20-20-37.4-4

Administration of the fund

Sec. 4. (a) The fund shall be administered by the Indiana bond bank. The expenses of administering the fund shall be paid from money in the fund.

(b) The fund consists of the following:

(1) Money appropriated by the general assembly.

(2) The repayment proceeds of loans made to school corporations from the fund.

(3) Any gifts and grants made to the fund or other money required by law to be deposited in the fund.

(4) Any federal grants that are received to capitalize or supplement the fund.

(5) Any earnings on money in the fund.

(c) The Indiana bond bank shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(d) The fund shall be used by the Indiana bond bank as a revolving fund. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.99-2009, SEC.2.

IC 20-20-37.4-5

Authority to make geothermal conversion loans

Sec. 5. Subject to the requirements of this chapter, the Indiana bond bank may loan money from the fund to a school corporation to assist the school corporation in paying for:

(1) the installation of a geothermal heating and cooling system in a new facility; or

(2) the installation of a geothermal heating and cooling system that replaces a conventional heating and cooling system.

As added by P.L.99-2009, SEC.2.

IC 20-20-37.4-6

Requirement for a written procedure

Sec. 6. (a) The Indiana bond bank shall establish a written procedure for providing loans from the fund to school corporations. The written procedure must include at least the following:

(1) An application procedure.

(2) A procedure to identify projects that may qualify for a loan.

(3) Criteria for establishing the priority of projects for which loans will be made.

(4) Procedures for selecting projects for which loans will be made.

(b) To apply for a loan from the fund, a school corporation must submit an application that contains at least the following information:

(1) A description of the geothermal heating and cooling system that the school corporation proposes to install.

(2) An estimate of the cost of the geothermal heating and cooling system.

(3) An estimate of the amount by which the cost of installing the geothermal heating and cooling system exceeds the cost of installing a conventional heating and cooling system.

(4) Any other information required by the Indiana bond bank in accordance with the written procedures established under this section.

As added by P.L.99-2009, SEC.2.

IC 20-20-37.4-7

Loan constraints and conditions

Sec. 7. The following apply to a loan from the fund to a school corporation under this chapter:

(1) The loan may not exceed the difference between:

(A) the cost of installing a geothermal heating and cooling system; minus

(B) the cost of installing a conventional heating and cooling system.

(2) The Indiana bond bank shall determine the interest rate and other terms for the loan.

(3) A school corporation must enter into a loan agreement with the Indiana bond bank before receiving a loan from the fund. The loan agreement is a valid, binding, and enforceable agreement between the school corporation and the Indiana bond

bank. The loan agreement must contain the following terms:

(A) A requirement that the loan proceeds be used to pay for:

(i) the installation of a geothermal heating and cooling system in a new facility; or

(ii) the installation of a geothermal heating and cooling system that replaces a conventional heating and cooling system.

(B) The term of the loan, which may not be longer than fifteen (15) years after the date of the loan.

(C) The repayment schedule.

(D) The interest rate of the loan.

(E) Any other terms and provisions that the Indiana bond bank requires.

As added by P.L.99-2009, SEC.2.

IC 20-20-37.4-8

Loan repayment

Sec. 8. A school corporation receiving a loan under this chapter shall repay the loan from:

(1) the school corporation's general fund; or

(2) the school corporation's capital projects fund.

As added by P.L.99-2009, SEC.2.

IC 20-20-37.4-9

Annual report

Sec. 9. The Indiana bond bank shall annually present a report to the budget committee that describes the projects funded with loans under this chapter.

As added by P.L.99-2009, SEC.2.

IC 20-20-38

Chapter 38. Career and Technical Education

IC 20-20-38-1

"Career and technical education"

Sec. 1. As used in this chapter, "career and technical education" means any secondary level vocational, agricultural, occupational, manpower, employment, or technical training or retraining that:

(1) enhances an individual's career potential and further education; and

(2) is accessible to individuals who desire to explore and learn for economic and personal growth leading to employment opportunities.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-2

"Council"

Sec. 2. As used in this chapter, "council" refers to the state workforce innovation council established by IC 22-4-18.1-3.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-3

"Employment training"

Sec. 3. As used in this chapter, "employment training" means all programs administered by the following:

(1) The council.

(2) The Indiana jobs training program.

(3) The department.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-4

Long range state plan; revision; distribution; contents

Sec. 4. (a) The state board shall develop and implement a long range state plan for a comprehensive secondary level career and technical education program in Indiana.

(b) The plan developed under this section must be updated as changes occur. The state board shall make the plan and any revisions made to the plan available to:

(1) the governor;

(2) the general assembly;

(3) the department of workforce development;

(4) the commission for higher education;

(5) the council;

(6) the Indiana commission on proprietary education; and

(7) any other appropriate state or federal agency.

A plan or revised plan submitted under this section to the general assembly must be in an electronic format under IC 5-14-6.

(c) The plan developed under this section must set forth specific goals for secondary level public career and technical education and must include the following:

(1) The preparation of each graduate for both employment and further education.
(2) Accessibility of career and technical education to individuals of all ages who desire to explore and learn for economic and personal growth.
(3) Projected employment opportunities in various career and technical education fields.
(4) A study of the supply of and the demand for a labor force skilled in particular career and technical education areas.
(5) A study of technological and economic change affecting Indiana.
(6) An analysis of the private career and education sector in Indiana.
(7) Recommendations for improvement in the state career and technical education program.
(8) The educational levels expected of career and technical education programs proposed to meet the projected employment needs.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-5

State board responsibilities

Sec. 5. The state board shall do the following:
(1) Prepare biennially a plan for implementing career and technical education.
(2) Implement, to the best of its ability, the career and technical education plan prepared under subdivision (1).
(3) Investigate the funding of career and technical education on a cost basis.
(4) Establish and monitor the operation of secondary level career and technical education in Indiana in accordance with the comprehensive long range state plan developed under section 4 of this chapter.
(5) Establish a list of approved secondary level career and technical education courses in accordance with the workforce partnership plans under IC 22-4.1-14.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-6

State board duties

Sec. 6. The state board shall do the following:
(1) Make recommendations to the general assembly concerning the development, duplication, and accessibility of employment training and career and technical education on a regional and statewide basis.
(2) Consult with any state agency, commission, or organization that supervises or administers programs of career and technical education concerning the coordination of career and technical education, including the following:
(A) The Indiana economic development corporation.

(B) The council.
(C) A private industry council (as defined in 29 U.S.C. 1501 et seq.).
(D) The department of labor.
(E) The Indiana commission on proprietary education.
(F) The commission for higher education.
(G) The department of workforce development.

(3) Review and make recommendations concerning plans submitted by the commission for higher education and the council. The state board may request the resubmission of plans or parts of plans that:
(A) are not consistent with the long range state plan of the state board;
(B) are incompatible with other plans within the system; or
(C) duplicate existing services.

(4) Report to the general assembly on the state board's conclusions and recommendations concerning interagency cooperation, coordination, and articulation of career and technical education and employment training. A report under this subdivision must be in an electronic format under IC 5-14-6.

(5) Study and develop a plan concerning the transition between secondary level career and technical education and postsecondary level career and technical education.

(6) Enter into agreements with the federal government that may be required as a condition of receiving federal funds under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.). An agreement entered into under this subdivision is subject to the approval of the budget agency.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-7

State board powers

Sec. 7. The state board may do the following:

(1) Make recommendations, including recommendations for policies to encourage involvement of minority groups in the career and technical education system in Indiana, to:
(A) the governor;
(B) the general assembly, in an electronic format under IC 5-14-6; and
(C) the various agencies, commissions, or organizations that administer career and technical education programs concerning all facets of career and technical education programming.

(2) Establish a regional planning and coordination system for career and technical education and employment training that will, either in whole or in part, serve career and technical education and employment training in Indiana.

(3) Appoint advisory committees whenever necessary.

(4) Contract for services necessary to carry out this chapter.

(5) Provide information and advice on career and technical education to a business, an industry, or a labor organization operating a job training program in the private sector.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-8

Implementation of programs, systems, and policies

Sec. 8. The state board shall adopt statewide systems or policies concerning the following as the systems or policies relate to the implementation of career and technical education programs:

(1) Student records.

(2) Data processing at the secondary level.

(3) An evaluation system that must be conducted by the state board at least annually and that evaluates the following as each relates to the career and technical education programs and courses offered at the secondary level:

(A) Graduation rates.

(B) Student placement rates.

(C) Retention rates.

(D) Enrollment.

(E) Student transfer rates to postsecondary educational institutions.

(F) When applicable, student performance on state licensing examinations or other external certification examinations.

(G) Cost data study.

(4) A system of financial audits to be conducted at least biennially at the secondary level.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-9

Evaluation criteria

Sec. 9. (a) The state board shall establish career and technical education evaluation criteria.

(b) Using the criteria established under subsection (a), the state board shall evaluate the effectiveness of career and technical education relative to the goals of the long range plan developed under section 4 of this chapter.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-10

Biennial report; attrition and persistence rates

Sec. 10. The state board shall develop a definition for and report biennially to:

(1) the general assembly; and

(2) the governor;

on attrition and persistence rates by students enrolled in secondary career and technical education. A biennial report under this section to the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-11

Legislative budget requests

Sec. 11. Upon request of the budget director, the state board shall prepare a legislative budget request for state and federal funds for secondary and postsecondary career and technical education. The budget director shall determine the period to be covered by the budget request. This budget request must be made available to the council before the request's review by the budget committee.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-12

Review and recommendation of budget requests; allocation of federal funds; augmentation and reduction of funding

Sec. 12. (a) The state board shall review the legislative budget requests for secondary and postsecondary career and technical education prepared by the state educational institutions.

(b) After the review under subsection (a) and a review of any recommendations from the council, the state board shall make recommendations to the budget committee concerning the appropriation of state funds and the allocation of federal funds for secondary and postsecondary career and technical education, including federal funds available under the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2301 et seq.). The state board's recommendations concerning appropriations and allocations for secondary and postsecondary career and technical education by secondary schools and state educational institutions must specify:

(1) the minimum funding levels required by 20 U.S.C. 2301 et seq.;

(2) the categories of expenditures and the distribution plan or formula for secondary schools; and

(3) the categories of expenditures for each state educational institution.

(c) After reviewing the state board's recommendations and each agency's budget request, the budget committee shall make recommendations to the general assembly for funding to implement secondary and postsecondary career and technical education. The general assembly shall biennially appropriate state funds for secondary and postsecondary career and technical education and allocate federal funds available under 20 U.S.C. 2301 et seq. for secondary and postsecondary career and technical education. At least sixty percent (60%) of the federal funds available under 20 U.S.C. 2301 et seq. must be allocated to secondary level career and technical education to implement the long range state plan developed under section 4 of this chapter.

(d) The budget agency, with the advice of the state board and the budget committee, may augment or proportionately reduce an allocation of federal funds made under subsection (c).

As added by P.L.7-2011, SEC.7.

IC 20-20-38-13

Distribution of state funds

Sec. 13. The state board shall distribute state funds made available for secondary and postsecondary career and technical education that have been appropriated by the general assembly and in accordance with the plan prepared by:

(1) the state board under section 5 of this chapter; and

(2) the council under IC 22-4.1-19-4.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-14

Staffing; department assistance

Sec. 14. (a) The state board may employ any staff necessary to perform the duties imposed by this chapter and fix the compensation and terms of that employment, subject to approval by the budget agency.

(b) The state board may authorize the department, whenever practical or necessary, to assist the state board in carrying out the duties prescribed by this chapter.

As added by P.L.7-2011, SEC.7.

IC 20-20-38-15

Rules

Sec. 15. The state board may adopt rules under IC 4-22-2 as necessary to carry out the duties imposed by this chapter.

As added by P.L.7-2011, SEC.7.

IC 20-20-39

Chapter 39. Operational Efficiency Reviews

IC 20-20-39-1

School corporation operational efficiency program

Sec. 1. Before October 1, 2011, the department shall develop a program to provide training and evaluations for school corporations in operational efficiency.

As added by P.L.90-2011, SEC.7.

IC 20-20-39-2

Contract with outside entity allowed

Sec. 2. The department may contract with an outside entity to provide quality training for the department, school corporations, and superintendents in the area of efficiency and cost savings.

As added by P.L.90-2011, SEC.7.

IC 20-20-39-3

Information submitted to department by school corporation

Sec. 3. A school corporation shall submit to the department any information the department determines is necessary to:

(1) evaluate the school corporation's current operations; and

(2) recommend operational efficiencies and financial savings for the school corporation.

As added by P.L.90-2011, SEC.7.

IC 20-21

ARTICLE 21. INDIANA SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED

IC 20-21-1

Chapter 1. Definitions

IC 20-21-1-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-2005, SEC.5.

IC 20-21-1-2

"Board"

Sec. 2. "Board" refers to the Indiana School for the Blind and Visually Impaired board established by IC 20-21-3-1.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.49.

IC 20-21-1-3

"Case conference"

Sec. 3. "Case conference" refers to the activities of a case conference committee as described in IC 20-35-7-2.

As added by P.L.1-2005, SEC.5.

IC 20-21-1-4

"Employee"

Sec. 4. "Employee" refers to an employee of the school.

As added by P.L.1-2005, SEC.5.

IC 20-21-1-4.5

"Executive"

Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-21-2-4.

As added by P.L.218-2005, SEC.50.

IC 20-21-1-5

"School"

Sec. 5. "School" refers to the Indiana School for the Blind and Visually Impaired established by IC 20-21-2-1.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.51.

IC 20-21-1-6

"School age individual"

Sec. 6. "School age individual" refers to an individual who is less than twenty-two (22) years of age.

As added by P.L.1-2005, SEC.5.

IC 20-21-1-7

Repealed

(*Repealed by P.L.218-2005, SEC.83.)*

IC 20-21-2

Chapter 2. Indiana School for the Blind and Visually Impaired

IC 20-21-2-1

Establishment; services provided

Sec. 1. The Indiana School for the Blind and Visually Impaired is established as a state educational resource center that includes the following:

(1) A residential and day school.

(2) Outreach services.

(3) Consultative services to local educational agencies to assist the agencies in meeting the needs of locally enrolled students with visual disabilities.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.52.

IC 20-21-2-2

Purpose

Sec. 2. The school shall provide for the instruction, education, and care of children who are determined to have a serious visual disability by case conference in accordance with Indiana law and federal law.

As added by P.L.1-2005, SEC.5.

IC 20-21-2-3

Educational facilities, educational programs, and training

Sec. 3. The school shall provide the following:

(1) Educational facilities that meet standards established by the state board for regular public schools.

(2) Educational facilities for school age individuals.

(3) Educational programs and services to meet those special needs imposed by visual impairment so that a student with a visual disability (including a student with multiple disabilities with visual impairment) may achieve the student's maximum ability for independence in academic pursuits, career opportunities, travel, personal care, and home management.

(4) Training to permit a student with a visual disability (including a student with multiple disabilities with visual impairment) to achieve the student's maximum development toward self-support and independence by the provision of services in counseling, orientation and mobility, and other related services.

As added by P.L.1-2005, SEC.5. Amended by P.L.99-2007, SEC.162.

IC 20-21-2-4

Executive; appointment and qualifications

Sec. 4. (a) The board shall appoint the chief executive officer, subject to the approval of the governor. The executive serves at the pleasure of the board and may be removed for cause.

(b) The executive appointee must have the following qualifications:

(1) Be an educator with knowledge, skill, and ability in the appointee's profession.
(2) Have at least five (5) years experience in instruction of students with visual impairment disabilities.
(3) Have a master's degree or a higher degree.
(4) Meet the qualifications for an Indiana teacher's certificate in the area of visual impairment disabilities.
(5) Have at least five (5) years experience supervising other individuals.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.53.

IC 20-21-2-5

Executive; responsibilities

Sec. 5. (a) The executive, subject to the approval of the board and IC 20-21-4, has complete responsibility for management of the school.

(b) The executive has responsibility for the following:
(1) Direction of the education, care, safety, and well-being of all students in attendance.
(2) Evaluation and improvement of the school staff, educational programs, and support services.
(3) Implementation and administration of the policies, mission, and goals of the school as established by the board.
(4) Serving as the purchasing agent for the school under IC 5-22-4-8.
(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-21-3-10(b).
(6) Management of the school's outreach program with local public schools.
(7) Advocating on behalf of the school under guidelines established by the board.
(8) Executing contracts on behalf of the school.

(c) The executive is the appointing authority for all employees necessary to properly conduct and operate the school.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.54.

IC 20-21-2-6

Students admitted to school

Sec. 6. Subject to:
(1) the determination by case conference committees based on individualized education programs; and
(2) the school's admissions criteria adopted by the board under IC 20-21-3-10(a)(4);

the executive shall receive as students in the school Indiana residents who are school age individuals with a visual disability.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.55; P.L.99-2007, SEC.163.

IC 20-21-2-7

Placement review committee

Sec. 7. (a) A placement review committee for the school is established. The placement review committee consists of one (1) representative of each of the following:

(1) The board.

(2) The office of the secretary of family and social services.

(3) The state superintendent.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.

(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The executive shall serve as an adviser to the placement review committee. The executive shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.56.

IC 20-21-2-8

Expenses of certain students to be paid by county

Sec. 8. Upon the presentation of satisfactory evidence showing that:

(1) there is a school age individual with a visual disability residing in a county;

(2) the individual is entitled to the facilities of the school;

(3) the individual's parent wishes the individual to participate in the school's educational program but is unable to pay the expenses of maintaining the individual at the school; and

(4) the individual is entitled to placement in the school under section 6 of this chapter;

a court with jurisdiction shall, upon application by the county office of the division of family resources, order the individual to be sent to the school at the expense of the county. The expenses include the expenses described in section 10 of this chapter and shall be paid from the county general fund.

As added by P.L.1-2005, SEC.5. Amended by P.L.146-2008, SEC.457; P.L.44-2009, SEC.33.

IC 20-21-2-9

Applicability of compulsory school attendance laws

Sec. 9. The compulsory school attendance laws of Indiana apply to all children with visual disabilities. The case conference committee may place a child with a visual disability at the school. The child shall attend the school during the full scholastic term of the school unless the case conference committee changes the placement.

As added by P.L.1-2005, SEC.5.

IC 20-21-2-10

Provision of medical care, basic necessities, and transportation to students

Sec. 10. (a) The school shall provide board, room, laundry, and ordinary medical attention, including emergency medical attention.

(b) While a student is enrolled at the school, the student's parent, guardian, or responsible relative or another person shall provide medical, optical, and dental care involving special medication or prostheses.

(c) While a student is enrolled at the school, the student's parent, guardian, or another responsible relative or person shall suitably provide the student with clothing and other essentials not otherwise provided under this article.

(d) The school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program under IC 20-35-8-2. However, the student's parent, guardian, or another responsible relative or person shall pay the cost of transportation not required by the student's individualized education program.

(e) The student's parent, guardian, or another responsible relative or person shall provide the incidental expense money needed by the student.

As added by P.L.1-2005, SEC.5.

IC 20-21-2-11

Adult education program

Sec. 11. (a) The school may establish an adult education program.

(b) The school may establish an appropriate fee for services for an adult education program. Federal grants or matching funds may also be used, subject to approval of the budget agency.

As added by P.L.1-2005, SEC.5.

IC 20-21-2-12

Vocational work-study program

Sec. 12. The school may establish a vocational work-study program.

As added by P.L.1-2005, SEC.5.

IC 20-21-2-13

Receipt of gifts, legacies, devises, and conveyances

Sec. 13. The executive may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.57.

IC 20-21-3

Chapter 3. Indiana School for the Blind and Visually Impaired Board

IC 20-21-3-1

Establishment

Sec. 1. The Indiana School for the Blind and Visually Impaired board is established.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.58.

IC 20-21-3-2

Members

Sec. 2. (a) The board consists of the following members:

(1) Seven (7) individuals appointed by the governor. The individuals appointed under this subdivision are voting members of the board.

(2) The director of the division of special education of the department. The individual serving under this subdivision serves in a nonvoting, advisory capacity.

(3) One (1) individual designated by the governor as the governor's representative on the board. The member appointed under this subdivision serves on the board in a nonvoting, advisory capacity.

(4) One (1) member of the general assembly appointed by the president pro tempore of the senate. The member appointed under this subdivision serves in a nonvoting, advisory capacity.

(b) When appointing a member to the board under subsection (a)(1), the governor must satisfy the following:

(1) One (1) voting member of the board must be a parent of at least one (1) student enrolled or formerly enrolled at the school.

(2) One (1) voting member of the board must have been a student at the school.

(3) One (1) voting member of the board must be a:

(A) representative of a local education agency; or

(B) special education director.

(c) Before assuming membership on the board, an individual appointed under subsection (a)(1) must do the following:

(1) Execute a bond:

(A) payable:

(i) to the state; and

(ii) in an amount and with sureties as approved by the governor; and

(B) that is conditioned on the faithful discharge of the member's duties.

(2) Take and subscribe an oath that must be endorsed upon the member's official bond.

The executed bond and oath shall be filed in the office of the secretary of state. The cost of the bond shall be paid from appropriations made to the school.

As added by P.L.1-2005, SEC.5.

IC 20-21-3-3
Compensation and expenses

Sec. 3. (a) Each voting board member who is not an employee of the state or a political subdivision is entitled to the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1 for each board meeting attended by the member.

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Money for payments to board members under this subsection shall be paid from appropriations made to the school.

(b) The member of the board appointed under section 2(a)(4) of this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

As added by P.L.1-2005, SEC.5.

IC 20-21-3-4
Terms of members

Sec. 4. (a) This section applies only to a board member serving under section 2(a)(1) of this chapter.

(b) The term of a board member is four (4) years.

(c) The term of a member begins upon appointment by the governor.

(d) A member may serve after the member's term expires until the term of the member's successor begins.

(e) The governor may reappoint a member to serve a new term.

As added by P.L.1-2005, SEC.5.

IC 20-21-3-5
Vacancies

Sec. 5. Whenever there is a vacancy on the board, the governor shall fill the vacancy for the remainder of the unexpired term.

As added by P.L.1-2005, SEC.5.

IC 20-21-3-6
Chair of board

Sec. 6. (a) At the board's last meeting before July 1 of each year, the board shall elect one (1) member to be chair of the board.

(b) The member elected chair of the board serves as chair beginning July 1 after elected by the board.

(c) The board may reelect a member as chair of the board.

(d) The board shall annually elect one (1) of its members to serve as the secretary for the board.

As added by P.L.1-2005, SEC.5.

IC 20-21-3-7
Quorum

Sec. 7. Four (4) voting members of the board constitute a quorum. The affirmative vote of at least four (4) voting members of the board is necessary for the board to take official action other than to do the following:

(1) Adjourn.
(2) Meet to hear reports or testimony.

As added by P.L.1-2005, SEC.5.

IC 20-21-3-8
Staff and administrative support

Sec. 8. The school shall provide staff and administrative support to the board.

As added by P.L.1-2005, SEC.5.

IC 20-21-3-9
Administrative control and responsibility

Sec. 9. Subject to IC 20-35-2 and IC 20-21-4, the board has complete policy and administrative control and responsibility for the school.

As added by P.L.1-2005, SEC.5.

IC 20-21-3-10
Duties; submission of budget

Sec. 10. (a) The board shall do the following:

(1) Establish policies and accountability measures for the school.
(2) Implement this article.
(3) Perform the duties required by IC 5-22-4-8.
(4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with a visual disability, including children with multiple disabilities, at the school.
(5) Hire the executive, who serves at the pleasure of the board.
(6) Determine the salary and benefits of the executive.
(7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.59; P.L.99-2007, SEC.164.

IC 20-21-3-11

Powers

Sec. 11. The board may do the following to implement this article:

(1) Adopt, amend, and repeal bylaws in compliance with this article to govern the business of the board.

(2) Appoint committees the board considers necessary to advise the board.

(3) Accept gifts, devises, bequests, grants, loans, and appropriations, and agree to and comply with conditions attached to a gift, devise, bequest, grant, loan, or appropriation.

(4) Do all acts and things necessary, proper, or convenient to carry out this article.

As added by P.L.1-2005, SEC.5.

IC 20-21-4

Chapter 4. Personnel System

IC 20-21-4-1

Applicability of state personnel and state merit employment provisions

Sec. 1. Except as provided in this chapter, IC 4-15-1.8 and IC 4-15-2 apply to the employees of the school.

As added by P.L.1-2005, SEC.5.

IC 20-21-4-2

Hiring personnel

Sec. 2. The executive shall hire directly for those positions as approved by the state personnel department and the board any candidate the executive considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the executive may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

As added by P.L.1-2005, SEC.5. Amended by P.L.218-2005, SEC.60.

IC 20-21-4-3

Salary schedules; terms of contracts and hours of work for teachers

Sec. 3. (a) The board shall prescribe, subject to the approval of the state personnel department and the budget agency, a salary schedule for the school, using a daily rate of pay for each teacher that must be equal to that of the largest school corporation in the county in which the school is located.

(b) The board shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the salary schedule as described in subsection (a).

(c) The hours of work for all teachers shall be set in accordance with IC 4-15-2.

(d) Each teacher accrues vacation leave and holidays in accordance with the vacation leave and holiday policy of the largest school corporation in the county in which the school is located. A teacher is not eligible for additional vacation leave or holidays set for state employees under IC 1-1-9 or IC 4-15 or rules adopted to implement these statutes.

As added by P.L.1-2005, SEC.5. Amended by P.L.229-2011, SEC.168.

IC 20-21-4-4

Employee wage payment arrangements

Sec. 4. (a) Notwithstanding IC 22-2-5-2, the 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), the 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 the wages earned and unpaid.

(g) Employment with the 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.

As added by P.L.41-2009, SEC.4.

IC 20-22

ARTICLE 22. INDIANA SCHOOL FOR THE DEAF

IC 20-22-1

Chapter 1. Definitions

IC 20-22-1-1

Applicability of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-2005, SEC.6.

IC 20-22-1-2

"Board"

Sec. 2. "Board" refers to the Indiana School for the Deaf board established by IC 20-22-3-1.

As added by P.L.1-2005, SEC.6.

IC 20-22-1-3

"Case conference"

Sec. 3. "Case conference" refers to the activities of a case conference committee (as defined in IC 20-35-7-2).

As added by P.L.1-2005, SEC.6.

IC 20-22-1-4

"Employee"

Sec. 4. "Employee" refers to an employee of the school.

As added by P.L.1-2005, SEC.6.

IC 20-22-1-4.5

"Executive"

Sec. 4.5. "Executive" refers to the chief executive officer of the school appointed under IC 20-22-2-4.

As added by P.L.218-2005, SEC.61.

IC 20-22-1-5

"School"

Sec. 5. "School" refers to the Indiana School for the Deaf established by IC 20-22-2-1.

As added by P.L.1-2005, SEC.6.

IC 20-22-1-6

"School age individual"

Sec. 6. "School age individual" refers to an individual who is less than twenty-two (22) years of age.

As added by P.L.1-2005, SEC.6.

IC 20-22-1-7

Repealed

(Repealed by P.L.218-2005, SEC.83.)

IC 20-22-2

Chapter 2. Indiana School for the Deaf

IC 20-22-2-1

Services provided

Sec. 1. The Indiana School for the Deaf is established as a state educational resource center that includes the following:

(1) A residential and day school.

(2) Outreach services.

(3) Consultative services to local educational agencies to assist the agencies in meeting the needs of locally enrolled students with hearing disabilities.

As added by P.L.1-2005, SEC.6.

IC 20-22-2-2

Purpose

Sec. 2. The school shall provide for the instruction, education, and care of children who are determined to have a hearing disability by case conference in accordance with Indiana law and federal law.

As added by P.L.1-2005, SEC.6.

IC 20-22-2-3

Educational facilities, educational programs, and training

Sec. 3. The school shall provide the following:

(1) Educational facilities that meet standards established by the state board for regular public schools.

(2) Educational facilities for school age individuals.

(3) Educational programs and services to meet those special needs imposed by hearing impairment so that a student with a hearing disability (including a student with multiple disabilities with hearing impairment) may achieve the student's maximum ability for independence in academic pursuits, career opportunities, travel, personal care, and home management.

(4) Training to permit a student with a hearing disability (including a student with multiple disabilities with hearing impairment) to achieve the student's maximum development toward self-support and independence.

As added by P.L.1-2005, SEC.6. Amended by P.L.99-2007, SEC.165.

IC 20-22-2-4

Executive; appointment and qualifications

Sec. 4. (a) The board shall appoint the chief executive officer, subject to the approval of the governor. The executive serves at the pleasure of the board and may be removed for cause.

(b) The executive appointee must have the following qualifications:

(1) Be an educator with knowledge, skill, and ability in the appointee's profession.

(2) Have at least five (5) years experience in instruction of students with hearing impairment disabilities.

(3) Have a master's degree or a higher degree.
(4) Meet the qualifications for an Indiana teacher's certificate in the area of hearing impairment disabilities.
(5) Have at least five (5) years experience supervising other individuals.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.62.

IC 20-22-2-5

Executive; responsibilities

Sec. 5. (a) The executive, subject to the approval of the board and IC 20-21-4, has complete responsibility for management of the school.

(b) The executive has responsibility for the following:

(1) Direction of the education, care, safety, and well-being of all students in attendance.
(2) Evaluation and improvement of the school staff, educational programs, and support services.
(3) Implementation and administration of the policies, mission, and goals of the school as established by the board.
(4) Serving as the purchasing agent for the school under IC 5-22-4-8.
(5) Implementation of budgetary matters as recommended by the board and the department of education under IC 20-22-3-10(b).
(6) Management of the school's outreach program with local public schools.
(7) Advocating on behalf of the school under guidelines established by the board.
(8) Executing contracts on behalf of the school.

(c) The executive is the appointing authority for all employees necessary to properly conduct and operate the school.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.63.

IC 20-22-2-6

Students admitted to school

Sec. 6. Subject to:

(1) the determination by case conference committees based on individualized education programs; and
(2) the school's admissions criteria adopted by the board under IC 20-22-3-10(a)(4);

the executive shall receive as students in the school Indiana residents who are school age individuals with a hearing disability.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.64; P.L.99-2007, SEC.166.

IC 20-22-2-7

Placement review committee

Sec. 7. (a) A placement review committee for the school is established. The placement review committee consists of one (1) representative of each of the following:

(1) The board.
(2) The office of the secretary of family and social services.
(3) The state superintendent.

(b) The placement review committee shall meet upon petition of an interested party to review the following:

(1) Applications to the school denied through the process described in section 6 of this chapter.
(2) All instances of dismissal from the school for reasons other than graduation, voluntary transition to another educational facility, or voluntary departure from the school.

(c) The executive shall serve as an adviser to the placement review committee. The executive shall provide the placement review committee with information and justification for all application denials and dismissals under review.

(d) The placement review committee may recommend that application denials or dismissals be reconsidered.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.65.

IC 20-22-2-8

Expenses of certain students to be paid by county

Sec. 8. Upon the presentation of satisfactory evidence showing that:

(1) there is a school age individual with a hearing disability residing in a county;
(2) the individual is entitled to the facilities of the school;
(3) the individual's parent wishes the individual to participate in the school's educational program but is unable to pay the expenses of maintaining the individual at the school; and
(4) the individual is entitled to placement in the school under section 6 of this chapter;

a court with jurisdiction shall, upon application by the county office of the division of family resources, order the individual to be sent to the school at the expense of the county. The expenses include the expenses described in section 10 of this chapter and shall be paid from the county general fund.

As added by P.L.1-2005, SEC.6. Amended by P.L.146-2008, SEC.458; P.L.44-2009, SEC.34.

IC 20-22-2-9

Applicability of compulsory school attendance laws

Sec. 9. The compulsory school attendance laws of Indiana apply to all children with hearing disabilities. The case conference committee may place a child with a hearing disability at the school. The child shall attend the school during the full scholastic term of the school unless the case conference committee changes the placement.

As added by P.L.1-2005, SEC.6.

IC 20-22-2-10

Provision of medical care, basic necessities, and transportation to students

Sec. 10. (a) The school shall provide board, room, laundry, and ordinary medical attention, including emergency medical attention.

(b) While a student is enrolled at the school, the student's parent, guardian, or another responsible relative or person shall provide medical, optical, and dental care involving special medication or prostheses.

(c) While a student is enrolled at the school, the student's parent, guardian, or another responsible relative or person shall suitably provide the student with clothing and other essentials not otherwise provided under this article.

(d) The school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program under IC 20-35-8-2. However, the student's parent, guardian, or another responsible relative or person shall pay the cost of transportation not required by the student's individualized education program.

(e) The student's parent, guardian, or another responsible relative or person shall provide the incidental expense money needed by the student.

As added by P.L.1-2005, SEC.6.

IC 20-22-2-11

Adult education program

Sec. 11. (a) The school may establish an adult education program.

(b) The school may establish an appropriate fee for services for an adult education program. Federal grants or matching funds may also be used, subject to the approval of the budget agency.

As added by P.L.1-2005, SEC.6.

IC 20-22-2-12

Career and technical work-study program

Sec. 12. The school may establish a career and technical work-study program.

As added by P.L.1-2005, SEC.6. Amended by P.L.234-2007, SEC.101.

IC 20-22-2-13

Receipt of gifts, legacies, devises, and conveyances

Sec. 13. The executive may, subject to the approval of the governor and the policies of the board, receive, for the use of the school, gifts, legacies, devises, and conveyances of real or personal property that are made, given, or granted to or for the school.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.66.

IC 20-22-3

Chapter 3. Indiana School for the Deaf Board

IC 20-22-3-1

Establishment

Sec. 1. The Indiana School for the Deaf board is established.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-2

Members

Sec. 2. (a) The board consists of the following members:

(1) Seven (7) individuals appointed by the governor. The individuals appointed under this subdivision are voting members of the board.

(2) The director of the division of special education of the department. The individual serving under this subdivision serves in a nonvoting, advisory capacity.

(3) One (1) individual designated by the governor as the governor's representative on the board. The member appointed under this subdivision serves on the board in a nonvoting, advisory capacity.

(4) One (1) member of the general assembly appointed by the speaker of the house of representatives. The member appointed under this subdivision serves in a nonvoting, advisory capacity.

(b) When appointing a member to the board under subsection (a)(1), the governor must satisfy the following:

(1) One (1) voting member of the board must be a parent of at least one (1) student enrolled or formerly enrolled at the school.

(2) One (1) voting member of the board must have been a student at the school.

(3) One (1) voting member of the board must be a:

(A) representative of a local education agency; or

(B) special education director.

(c) Before assuming membership on the board, an individual appointed under subsection (a)(1) must do the following:

(1) Execute a bond:

(A) payable:

(i) to the state; and

(ii) in an amount and with sureties as approved by the governor; and

(B) that is conditioned on the faithful discharge of the member's duties.

(2) Take and subscribe an oath that must be endorsed upon the member's official bond.

The executed bond and oath shall be filed in the office of the secretary of state. The cost of the bond shall be paid from appropriations made to the school.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-3

Compensation and expenses

Sec. 3. (a) Each voting member of the board who is not an employee of the state or a political subdivision is entitled to the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1 for each board meeting attended by the member.

(2) Reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Money for payments to board members under this subsection shall be paid from appropriations made to the school.

(b) The member of the board appointed under section 2(a)(4) of this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-4

Terms

Sec. 4. (a) This section applies only to a board member serving under section 2(a)(1) of this chapter.

(b) The term of a board member is four (4) years.

(c) The term of a member begins upon appointment by the governor.

(d) A member may serve after the member's term expires until the term of the member's successor begins.

(e) The governor may reappoint a member to serve a new term.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-5

Vacancies

Sec. 5. Whenever there is a vacancy on the board, the governor shall fill the vacancy for the remainder of the unexpired term.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-6

Chair of board

Sec. 6. (a) At the board's last meeting before July 1 of each year, the board shall elect one (1) member to be chair of the board.

(b) The member elected chair of the board serves as chair beginning July 1 after elected by the board.

(c) The board may reelect a member as chair of the board.

(d) The board shall annually elect one (1) of its members to serve as the secretary for the board.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-7
Quorum

Sec. 7. Four (4) voting members of the board constitute a quorum. The affirmative vote of at least four (4) members of the board is necessary for the board to take official action other than to do the following:

(1) Adjourn.
(2) Hear reports or testimony.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-8
Staff and administrative support

Sec. 8. The school shall provide staff and administrative support to the board.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-9
Administrative control

Sec. 9. Subject to IC 20-35-2 and IC 20-22-4, the board has complete policy and administrative control and responsibility for the school.

As added by P.L.1-2005, SEC.6.

IC 20-22-3-10
Duties

Sec. 10. (a) The board shall do the following:

(1) Establish policies and accountability measures for the school.
(2) Implement this article.
(3) Perform the duties required by IC 5-22-4-8.
(4) Adopt rules under IC 4-22-2 to establish criteria for the admission of children with a hearing disability, including children with multiple disabilities, at the school.
(5) Hire the executive, who serves at the pleasure of the board.
(6) Determine the salary and benefits of the executive.
(7) Adopt rules under IC 4-22-2 required by this article.

(b) The board shall submit the school's biennial budget to the department, which shall review the proposed budget. As part of its review, the department may request and shall receive from the board, in a form as may reasonably be required by the department, all information used by the board to develop the proposed budget. If, upon review, the department determines that any part of the budget request is not supported by the information provided, the department shall meet with the board at the earliest date possible in order to reconcile the budget request. The department shall submit the reconciled budget to the budget agency and the budget committee.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.67; P.L.99-2007, SEC.167.

IC 20-22-3-11

Powers

Sec. 11. The board may do any of the following to implement this article:

(1) Adopt, amend, and repeal bylaws in compliance with this article to govern the business of the board.

(2) Appoint committees the board considers necessary to advise the board.

(3) Accept gifts, devises, bequests, grants, loans, and appropriations, and agree to and comply with conditions attached to a gift, devise, bequest, grant, loan, or appropriation.

(4) Do all acts and things necessary, proper, or convenient to carry out this article.

As added by P.L.1-2005, SEC.6.

IC 20-22-4

Chapter 4. Personnel System

IC 20-22-4-1

Applicability of state personnel and state merit employment laws

Sec. 1. Except as provided in this chapter, IC 4-15-1.8 and IC 4-15-2 apply to the employees of the school.

As added by P.L.1-2005, SEC.6.

IC 20-22-4-2

Hiring personnel

Sec. 2. The executive shall hire directly for those positions as approved by the state personnel department and the board any candidate the executive considers qualified to fill a position at the school. The state personnel department, in collaboration with the board, shall annually develop a list of job classifications for positions at the school for which the executive may fill a vacancy by hiring a candidate for the position based on a search for qualified candidates outside the state personnel hiring list.

As added by P.L.1-2005, SEC.6. Amended by P.L.218-2005, SEC.68.

IC 20-22-4-3

Salary schedules; terms of contracts and hours of work for teachers

Sec. 3. (a) The board shall prescribe, subject to the approval of the state personnel department and the budget agency, a salary schedule for the school, using a daily rate of pay for each teacher, that must be equal to that of the largest school corporation in the county in which the school is located.

(b) The board shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under the salary schedule as described in subsection (a).

(c) The hours of work for all teachers shall be set in accordance with IC 4-15-2.

(d) Each teacher accrues vacation leave and holidays in accordance with the vacation leave and holiday policy of the largest school corporation in the county in which the school is located. A teacher is not eligible for additional vacation leave or holidays set for state employees under IC 1-1-9 or IC 4-15 or rules adopted to implement these statutes.

As added by P.L.1-2005, SEC.6. Amended by P.L.229-2011, SEC.169.

IC 20-22-4-4

Employee wage payment arrangements

Sec. 4. (a) Notwithstanding IC 22-2-5-2, the 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), the 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 the wages earned and unpaid.

(g) Employment with the 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.

As added by P.L.41-2009, SEC.5.

IC 20-23

ARTICLE 23. ORGANIZATION OF SCHOOL CORPORATIONS

IC 20-23-1

Chapter 1. County Boards of Education

IC 20-23-1-1

Township trustees to constitute county board of education; meetings; powers and duties; funding

Sec. 1. (a) As used in this chapter, "board" means a county board of education.

(b) As used in this chapter, "county superintendent" means the county superintendent of schools.

(c) The township trustees of each township of each county constitute a county board of education.

(d) The board shall meet:

(1) monthly at the office of the county superintendent; and

(2) at other times as the county superintendent considers necessary.

(e) The county superintendent:

(1) is ex officio chairperson of the board; and

(2) shall act as administrator of the board, carrying out the acts and duties designated by the board.

(f) The secretary of the board shall keep an accurate record of the minutes of the board. The minutes shall be kept at the county superintendent's office.

(g) A quorum consists of a number of members equal to the number of township schools under the administration of the county superintendent. However, business may not be transacted unless a majority of the trustees of the township schools under the administration of the county superintendent is present. Business shall be transacted and the acts of the board become effective by a two-thirds (2/3) majority vote of members present on matters coming before the board.

(h) This chapter may not be construed as granting the board any authority over:

(1) the selection or employment of any personnel or employees; or

(2) the purchase of supplies;

in a township school.

(i) Upon nomination by the county superintendent and with the approval of two-thirds (2/3) of the members, the board shall enter into written contracts with additional administrative and supervisory employees who are necessary for the proper administration and supervision of the county school system and the township schools of the county.

(j) Except as provided in subsection (i), funds for the salaries of and supplies for persons employed under this section shall be

provided in the same manner as the fixing and appropriation of the salaries of the county superintendent.

(k) The salary or fee of a school attorney related to performing the duties of the attorney's office may in part be paid directly from the school general fund.

(l) The board shall make decisions concerning the general conduct of the schools, which shall be enforced as entered upon the minutes recorded by the secretary of the board.

(m) The board:

(1) shall receive through its treasurer from the state money provided and distributed from the state for teaching units for those employed by the board; and

(2) is considered to fulfill all requirements of a school corporation for receiving the funds from the state.

(n) The county treasurer is ex officio treasurer of the board, eligible to receive the distribution of funds from the state. Funds received under this section shall be credited to the county general fund as a receipt against the estimated expenditures for the salaries of the school employees, for which distribution was made by the state.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.87.

IC 20-23-1-2

County superintendent; appointment; term

Sec. 2. The board by a majority vote of the members of the board shall appoint a county superintendent of schools who serves for a term of four (4) years. The board shall fill vacancies in this office, in accordance with law, by appointment. An appointment to fill a vacancy under this section expires at the end of the regular term of the county superintendent of schools.

As added by P.L.1-2005, SEC.7.

IC 20-23-1-3

Certain school corporations unaffected

Sec. 3. This chapter may not be construed to affect the status of or to interfere with a county school corporation created by a board under section 6 of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-1-4

Superintendent's duty to pay accrued interest to school corporations

Sec. 4. (a) A county superintendent of schools shall see that the full amount of interest on the money for the school corporations in the county is paid and apportioned.

(b) When there is a:

(1) deficit of interest on any school money; or

(2) loss of any school money;

by the county, the county superintendent of schools shall see that proper warrants are issued for the reimbursement of the appropriate

school corporation. However, the board of county commissioners may not pay interest that exceeds the amount provided under this chapter to the county superintendent of schools.
As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.88.

IC 20-23-1-5
Revenues due to state; duties of county superintendent

Sec. 5. (a) The official dockets, records, and books of account of the following officers serving in the county must be open at all times to the inspection of the county superintendent:

(1) Clerks of the courts.
(2) County auditor.
(3) County commissioners.
(4) Prosecuting attorneys.
(5) Mayors of cities.
(6) Township trustees.
(7) School trustees.

(b) If the county superintendent finds that any of the officers described in subsection (a) have neglected or refused to collect and pay over interest, fines, forfeitures, licenses, or other claims due to the common school fund or other funds of the state, or have misapplied school money in their possession, the county superintendent shall:

(1) bring an action in the name of the state of Indiana for the recovery of the money for the benefit of the common school fund or other funds of the state; and
(2) make a report concerning the action to the board of county commissioners and to the state superintendent.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.89.

IC 20-23-1-6
County board of education; meetings; organizations; powers and duties; appointment of county superintendent

Sec. 6. (a) The township trustees of each township of each county shall perform all the civil functions performed before March 13, 1947, by the township trustees. The township trustees of the county constitute a county board of education to manage the affairs of the county school corporation created under this chapter in each county.

(b) School cities and school towns retain independent organization and administration unless abandoned as provided by law. The county school corporation includes all areas not organized on March 13, 1947, into jurisdictions controlled and governed as school cities or school towns.

(c) The board shall meet:

(1) at the time the board designates at the office of the county superintendent; and
(2) at other times and places the county superintendent considers necessary.

(d) At the first meeting of each year, to be held on the first Wednesday after the first Monday in January, the board shall

organize by selecting a president, a vice president, a secretary, and a treasurer from its membership.

(e) The county superintendent shall call the board into special session. Unless the board elects to have this section remain inoperative, the board shall organize itself. The failure of the county superintendent to call the board into session under this section may not be construed to mean that a county school corporation described in this section is in existence in the county, and a county school corporation may not be brought into existence until the board has met in special session after March 13, 1947, and has taken action to organize itself into a county school corporation, after consideration of the question of whether it should elect to have the provisions of this section remain inoperative. The organization, if affected, must be:

(1) filed with the county auditor; and

(2) published by the county auditor in two (2) newspapers of different political persuasions of general circulation throughout the county within ten (10) days after the filing.

The organization is considered to fulfill the requirements of this section for the transacting of public business under this section. The secretary of the board shall keep an accurate record of the minutes of the board, which shall be kept at the county superintendent's office. The county superintendent shall act as administrator of the board and shall carry out such acts and duties as shall be designated by the board. A quorum consists of two-thirds (2/3) of the members of the board.

(f) The board shall:

(1) make decisions as to the general conduct of the schools that may be enforced as entered in the minutes recorded by the secretary of the board; and

(2) exercise all powers exercised before March 13, 1947, by or through township trustees or meetings or petitions of the trustees of the county.

(g) The board shall appoint a county superintendent who serves a term of four (4) years. The board shall fill vacancies in this office by appointments that expire at the end of the regular term. The county superintendent and other persons employed for administrative or supervisory duties are considered to be supervisors of instruction.

(h) The government of the common schools of the county is vested in the board. The board has the authority, powers, privileges, duties, and obligations granted to or required of school cities before March 13, 1947, and school towns and their governing boards generally with reference to the following:

(1) The purchase of supplies.

(2) The purchase and sale of buildings, grounds, and equipment.

(3) The erection of buildings.

(4) The employment and dismissal of school personnel.

(5) The right and power to sue and be sued in the name of the county.

(6) Insuring property and employees.

(7) Making and executing a budget.

(8) Borrowing money.

(9) Paying the salaries and expenses of the county superintendent and employees as approved by the board.

(10) Any act necessary to the proper administration of the common schools of the county.

(i) A county school corporation organized under this section:

(1) has all right, title, and interest of the predecessor township school corporations terminated under this section to and in all the real, personal, and other property of any nature and from whatever source derived; and

(2) shall assume, pay, and be liable for all the indebtedness and liabilities of the predecessor school corporation.

(j) The treasurer, before entering upon the duties of treasurer's office, shall execute a bond to the acceptance of the county auditor in an amount equal to the largest sum of money that will be in the possession of the treasurer at any one (1) time conditioned as an ordinary official bond, with a reliable surety company or at least two (2) sufficient freehold sureties, who may not be members of the board, as surety or sureties on the treasurer's bond.

(k) The president and secretary shall each give bond, with a surety or sureties described in subsection (j), to be approved by the county auditor, in the sum of one-fourth (1/4) of the amount required of the treasurer under subsection (j). A board may purchase bonds from a reliable surety company and pay for them out of the special school revenue of the board's county.

(l) The powers set forth in this section may not be considered or construed to:

(1) limit the authority of a board to the powers expressly conferred in this section; or

(2) restrict or modify any authority granted by any other law not in conflict with this section.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.90.

IC 20-23-2

Chapter 2. County Superintendent of Schools

IC 20-23-2-1

Elections; oath; bond; tie vote

Sec. 1. (a) The township trustees of each county shall meet at the office of the county auditor on the first Monday in June, 2005, at 10 a.m., and every four (4) years thereafter and elect by ballot a county superintendent for the county. The county superintendent elected by the township trustees shall enter upon the duties of the office on August 16 following and, unless sooner removed, holds the office until a successor is elected and qualified.

(b) Before entering upon the duties of the office, the county superintendent elected under subsection (a) shall:

(1) subscribe and take an oath to perform faithfully the county superintendent's duties according to law; and

(2) file the oath with the county auditor.

(c) The county superintendent shall execute, in the manner prescribed by IC 5-4-1, a bond conditioned upon the faithful discharge of the superintendent's duties.

(d) The county auditor shall report the name and address of the person elected under subsection (a) to the state superintendent.

(e) If a vacancy occurs in the office of county superintendent, the township trustees of the county, on at least three (3) days notice given by the county auditor, shall assemble at 10 a.m., on the day designated in the notice, at the office of the auditor, and fill the vacancy by ballot for the unexpired term.

(f) In all elections of a county superintendent, the county auditor is the clerk of the election. In case of a tie vote, the auditor shall cast the deciding vote. If one (1) candidate receives a number of votes equal to one-half (1/2) of all the trustees of the county, the county auditor shall then and at all subsequent ballots cast the auditor's vote with the trustees until a candidate receives a majority of all the votes in the county, including the county auditor. The county auditor shall keep a record of the election in a book kept for that purpose.

As added by P.L.1-2005, SEC.7.

IC 20-23-2-2

Vacancies in office

Sec. 2. If there is an election of a county superintendent under section 1(a) of this chapter and the person elected dies or fails, refuses, or neglects to assume the duties of the office on or before August 16 of the year of the election, the township trustees shall:

(1) as soon as possible declare a vacancy in the office of county superintendent; and

(2) immediately hold another election to elect a county superintendent under section 1(a) of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-2-3

Impeachment; grounds; procedures

Sec. 3. (a) A county superintendent may be impeached for immorality, incompetency, or general neglect of duty, or for acting as agent for the sale of any textbook, school furniture, maps, charts, or other school supplies.

(b) Impeachment proceedings are governed by the provisions of law for impeaching county officers.

As added by P.L.1-2005, SEC.7.

IC 20-23-2-4

Duties of county superintendent

Sec. 4. (a) The county superintendent has the general superintendence of the schools of the superintendent's county. The county superintendent shall do the following:

(1) Attend each township school at least one (1) time during each school year, and otherwise as often as possible.

(2) Preside over and conduct each school's exercises.

(3) Visit schools while the schools are in session to increase the schools' usefulness and elevate, as far as practicable, the poorer schools to the standard of the best.

(4) Conduct teachers' institutes and encourage other like associations.

(5) Labor, in every practicable way, to elevate the standard of teaching and to improve the condition of the schools of the superintendent's county.

(b) This subsection does not apply to a dispute concerning:

(1) the legality of school meetings;

(2) the establishment of schools;

(3) the location, building, repair, or removal of school buildings;

(4) the transfer of individuals for school purposes; or

(5) the resignation or dismissal of teachers.

In all controversies of a general nature arising under the school law, the decision of the county superintendent must first be obtained. An appeal may be taken from the county superintendent's decision to the state superintendent on a written statement of facts, certified by the county superintendent.

(c) This chapter may not be construed to change or abridge the jurisdiction of any court in cases arising under the school laws of Indiana. The right of any person to bring suit in any court, in any case arising under the school laws, is not abridged by this chapter.

(d) The county superintendent:

(1) shall carry out the orders and instructions of the state board and the state superintendent; and

(2) constitutes the medium between the state superintendent and subordinate school officers and the schools.

As added by P.L.1-2005, SEC.7.

IC 20-23-2-5

Exemption of city schools from superintendent's authority

Sec. 5. City schools that have appointed superintendents are exempt from general superintendence under this chapter upon a written request of the school board of the city.
As added by P.L.1-2005, SEC.7.

IC 20-23-2-6
Office and supplies; compensation

Sec. 6. The board of county commissioners shall:

(1) provide and furnish an office for the county superintendent; and

(2) allow and pay all costs incurred by the county superintendent for postage, stationery, and records in carrying out this chapter, upon satisfactory proof of the costs incurred submitted by the county superintendent.

The county superintendent shall be paid for the county superintendent's services the sum of four dollars ($4) per day.
As added by P.L.1-2005, SEC.7.

IC 20-23-2-7
Eligibility for office

Sec. 7. (a) A person may not hold the office of county superintendent unless the person:

(1) has at least five (5) years successful experience as a teacher in the public schools; and

(2) holds, at the time of the person's election, a first or second grade superintendent's license.

(b) This chapter does not:

(1) apply to; or

(2) disqualify;

an incumbent of the office of county superintendent.
As added by P.L.1-2005, SEC.7.

IC 20-23-2-8
Traveling expenses

Sec. 8. (a) The county superintendent of schools is entitled to receive as actual traveling expenses in discharging the duties of the superintendent's office a sum of not more than three hundred dollars ($300) per year.

(b) The county council may annually appropriate an amount sufficient to pay the expenses described in subsection (a).

(c) The board of county commissioners shall allow an amount appropriated under subsection (b) by a county council.
As added by P.L.1-2005, SEC.7.

IC 20-23-3

Chapter 3. School Townships

IC 20-23-3-1

Name; corporate powers

Sec. 1. (a) A township is a school township.

(b) A school township is a body politic and corporate, by the name and style of " _____ School _____ township of _____ county", according to the name of the township and of the county in which the school township is organized.

(c) A school township may:

(1) contract and may be contracted with; and

(2) sue and be sued;

in the name of the school township in a court with jurisdiction.

As added by P.L.1-2005, SEC.7.

IC 20-23-3-2

Employment of teachers; establishment of separate graded high schools; joint graded high schools

Sec. 2. (a) The school trustees shall:

(1) take charge of the educational affairs of their respective townships, towns, and cities;

(2) employ teachers;

(3) establish and locate conveniently a sufficient number of schools for the education of the children; and

(4) build, or otherwise provide, suitable houses, furniture, apparatus, and other articles and educational appliances necessary for the thorough organization and efficient management of the schools.

The school trustees may establish and maintain, as near the center of the township as practical, at least one (1) separate graded high school, to which sufficiently advanced students shall be admitted.

(b) The school trustees of two (2) or more school corporations may establish and maintain one (1) or more joint graded high schools instead of separate graded high schools. If a joint graded high school is established, the participating school corporations are jointly responsible for the care, management, and maintenance of the school.

(c) A trustee, instead of building a separate graded high school for the trustee's township, shall transfer the students of the trustee's township competent to enter a graded high school to another school corporation.

(d) A graded high school may not be built unless there are, at the time the graded high school is built, at least twenty-five (25) common graduates of school age residing in the township.

As added by P.L.1-2005, SEC.7.

IC 20-23-3-3

Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-23-3-4
Management of property

Sec. 4. (a) School trustees have the care and management of all real and personal property belonging to their respective corporations for common school purposes. However, congressional township school lands shall be under the care and management of the trustees of the civil township to which the lands belong.

(b) School trustees shall provide janitorial help considered necessary to properly care for the schools and premises under the school trustees' control.

(c) Each janitor provided by the trustees under subsection (b) shall be paid from the special school funds of the township.

As added by P.L.1-2005, SEC.7.

IC 20-23-3-5
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-23-3-6
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-23-3-7
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-23-3-8
Kindergarten programs

Sec. 8. An educational program under this chapter must include a kindergarten program that is at least a half day program.

As added by P.L.1-2005, SEC.7.

IC 20-23-3-9
Appeal from determinations of township trustees

Sec. 9. Appeals shall be allowed from decisions of the township trustees concerning school matters to the county superintendent. The county superintendent shall receive and promptly determine the appeals according to the rules that govern appeals to the court under IC 4-21.5-5, so far as the rules are applicable. The county superintendent's decisions of all local questions relating to:

(1) the legality of school meetings;
(2) establishment of schools;
(3) the location, building, repair, or removal of schoolhouses;
(4) transfers of persons for school purposes; and
(5) resignation and dismissal of teachers;

shall be treated as final.

As added by P.L.2-2006, SEC.91.

IC 20-23-4

Chapter 4. Community School Corporations

IC 20-23-4-1

Purpose and policy of school reorganization

Sec. 1. It is the sense of the general assembly:

(1) that the establishment and maintenance of a general, a uniform, and an efficient system of public schools is the traditional and current policy of the state;

(2) that improvement in the organization of school corporations of the state will:

(A) provide a more equalized educational opportunity for public school students;

(B) achieve greater equity in school tax rates among the existing school corporations; and

(C) provide a more effective use of the public funds expended for the support of the public school system;

(3) that existing statutes with respect to the combination and the reorganization of school corporations are inadequate to effectuate the needed improvement;

(4) that modifications in the provisions for the combination and the reorganization of school corporations in this chapter are necessary in order to assure the future maintenance of a uniform and an efficient system of public schools in the state;

(5) that local electors:

(A) have an interest in the boundaries of the school corporation in which they reside; and

(B) will exercise their privileges, as provided in this chapter, to establish an efficient and economical reorganization plan best suited to local conditions; and

(6) that:

(A) the state board; and

(B) the:

(i) committees; and

(ii) public officers;

charged with authority under this chapter;

will perform their duties wisely in view of the objective of this chapter as set forth in the title of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-2

"Attendance unit"; "school unit"

Sec. 2. As used in this chapter, "attendance unit" or "school unit" means the area of an administrative unit served by a single school.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-3

"Community school corporation"

Sec. 3. As used in this chapter, "community school corporation" means a school corporation:

(1) proposed to be formed; or
(2) formed;
under this chapter, including a united school corporation.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-4
"County committee"; "committee"
Sec. 4. As used in this chapter, "county committee" or "committee" means the county committee for the reorganization of school corporations provided for in sections 11 through 17 of this chapter.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-5
"County superintendent"
Sec. 5. As used in this chapter, "county superintendent" means the county superintendent of schools.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-6
"Party"
Sec. 6. As used in this chapter, "party" includes:
(1) a person;
(2) a firm;
(3) a limited liability company;
(4) a corporation;
(5) an association; or
(6) a municipality;
interested in proceedings under this chapter.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-7
"Reorganization of school corporations"
Sec. 7. As used in this chapter, "reorganization of school corporations" means the formation of new school corporations, the alteration of the boundaries of established school corporations, and the dissolution of established school corporations by:
(1) the uniting of two (2) or more established school corporations;
(2) the subdivision of one (1) or more school corporations;
(3) the transfer to a school corporation of a part of the territory of one (1) or more school corporations;
(4) the attachment to a school corporation of all or part of the territory of one (1) or more school corporations; and
(5) any combination of the methods listed in subdivisions (1) through (4).
As added by P.L.1-2005, SEC.7.

IC 20-23-4-8
"School aid bonds"

Sec. 8. As used in this chapter, "school aid bonds" means bonds of a civil unit of government, the proceeds of which are used for school purposes in any school corporation.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-9
"United school corporation"
Sec. 9. As used in this chapter,"united school corporation" means a school corporation that has territory in two (2) or more adjacent counties.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-10
Public records available to county committees and state board
Sec. 10. State and county officers shall make available to:
(1) the county committees; and
(2) the state board;
information from public records in the officers' possession that is essential to the performance by the county committees and the state board of duties set forth in this chapter and IC 20-23-16-1 through IC 20-23-16-11.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-11
County committee for reorganization of school corporations; creation; selecting membership; organization; compensation; terms of office; qualifications; meetings
Sec. 11. (a) A county committee for the reorganization of school corporations consists of nine (9) members. In a county that has a county superintendent:
(1) the superintendent is an ex officio member of the committee; and
(2) the remaining members of the committee are appointed by the judge of the circuit court of the county.
In a county that does not have a county superintendent, all the members of the committee are appointed by the judge of the circuit court of the county. Appointments under this subsection are subject to subsections (f) through (h).
(b) Before the time specified in this section, the judge of the circuit court shall call into a county convention each of the township trustees of the county and the members of each local board of school trustees or board of school commissioners in the county to advise the judge in the selection of the members of the county committee. Except as provided in subsection (c), the judge must give at least ten (10) days notice of the convention by publication in:
(1) one (1) newspaper of general circulation published in the affected area; or
(2) if a newspaper is not published in the affected area, in a newspaper having a general circulation in the affected area.
(c) In a county having a population of more than four hundred

thousand (400,000) but less than seven hundred thousand (700,000), the judge of the circuit court shall publish the notice referred to in subsection (b) in two (2) newspapers of general circulation published in the affected area or having a general circulation in the affected area. The notice must specify:

(1) the date, time, place, and purpose of the county convention; and

(2) that the county convention is open to all residents of the county.

(d) At the county convention, the judge of the circuit court shall:

(1) explain or have explained; and

(2) afford an opportunity for attendees to discuss;

the provisions of this chapter.

(e) Not later than ten (10) days after the date of the county convention, the judge of the circuit court shall select the appointive members of the county committee.

(f) In a county that has a county board of education, one (1) member of the county committee must be a township trustee recommended by the county board of education.

(g) In a county in which there is a board of school trustees or a board of school commissioners, one (1) member of the county committee:

(1) must be a member of:

(A) the board of school trustees; or

(B) the board of school commissioners; and

(2) may not be a township trustee.

(h) One (1) member of the county committee must be:

(1) a superintendent of schools;

(2) a principal of:

(A) a school city;

(B) a school town; or

(C) a consolidated school or corporation; or

(3) a superintendent of a community school corporation.

(i) The members of the county committee not referred to in subsections (f) through (h):

(1) may not be members of or employed by:

(A) a board of school trustees; or

(B) a board of school commissioners;

(2) may not be members of or employed by a:

(A) local; or

(B) county;

board of education;

(3) may not be:

(A) township trustees; or

(B) employees of township trustees; and

(4) are appointed without regard to political affiliation.

(j) The judge of the circuit court shall give written notice immediately to each person selected for appointment to the county committee. Each person selected shall notify the judge of the circuit court in writing not later than ten (10) days after receipt of the notice

whether the person accepts the appointment. If a person:

(1) refuses an appointment; or

(2) fails to notify the judge of the circuit court of the person's acceptance or refusal of an appointment;

the judge shall select a qualified replacement for appointment to the county committee.

(k) Not later than thirty (30) days after the date of the county convention, the county committee shall meet to organize and to elect from its membership:

(1) a chairperson;

(2) a treasurer; and

(3) a secretary.

The secretary may be the county superintendent or the superintendent of one (1) of the school corporations in the county.

(l) The chairperson and the members of the county committee serve without compensation. Subject to approval by the state board, the chairperson of the county committee shall:

(1) secure necessary office space and equipment;

(2) engage necessary clerical help; and

(3) receive reimbursement for any necessary expenses incurred by the chairperson with respect to duties in connection with the county committee.

(m) Members of the county committee hold office for terms of four (4) years until the reorganization program in the county is completed, subject to replacement as prescribed in this chapter. An appointed member who ceases to be a resident of the county may not continue to serve on a county committee.

(n) An individual appointed member of a county committee or the appointed members as a group are not disqualified from serving on a county committee because they fail at any time to meet the qualifications for appointment by the judge of the circuit court, other than county residence, if they met the qualifications at the time of their appointments.

(o) Vacancies shall be filled by the remaining members of the committee without regard for the qualifications for appointment by the judge of the circuit court.

(p) Meetings of the county committee shall be held:

(1) upon call of the chairperson; or

(2) by a petition to hold a meeting signed by a majority of the members of the committee.

(q) A majority of the committee constitutes a quorum.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-12

Preliminary plans; contents; supporting documents

Sec. 12. (a) In formulating a preliminary reorganization plan and with respect to each of the community school corporations that are a part of the reorganization plan, the county committee shall determine the following:

(1) The name of the community school corporation.

(2) Subject to subsection (e), a general description of the boundaries of the community school corporation.

(3) With respect to the board of school trustees, the following:

(A) Whether the number of members is:

(i) three (3);

(ii) five (5); or

(iii) seven (7).

(B) Whether the members are elected or appointed.

(C) If the members are appointed:

(i) when the appointments are made; and

(ii) who makes the appointments.

(D) If the members are elected, that the election is at the general election at which county officials are elected.

(E) Subject to sections 21 and 22 of this chapter, the manner in which members are elected or appointed.

(4) The compensation, if any, of the members of the regular and interim board of school trustees, which may not exceed the amount provided in IC 20-26-4-7.

(5) Subject to subsection (f), qualifications required of the members of the board of school trustees, including limitations on:

(A) residence; and

(B) term of office.

(6) If an existing school corporation is divided in the reorganization, the disposition of assets and liabilities.

(7) The disposition of school aid bonds, if any.

(b) If existing school corporations are not divided in the reorganization, the:

(1) assets;

(2) liabilities; and

(3) obligations;

of the existing school corporations shall be transferred to and assumed by the new community school corporation of which they are a part, regardless of whether the plan provides for transfer and assumption.

(c) The preliminary plan must be supported by a summary statement of the following:

(1) The educational improvements the plan's adoption will make possible.

(2) Data showing the:

(A) assessed valuation;

(B) number of resident students in ADA in grades 1 through 12;

(C) assessed valuation per student referred to in clause (B); and

(D) property tax levies;

of each existing school corporation to which the plan applies.

(3) The:

(A) assessed valuation;

(B) resident ADA; and

(C) assessed valuation per student;

data referred to in subdivision 2(A) through 2(C) that would have applied for each proposed community school corporation if the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee.

(4) Any other data or information the county committee considers appropriate or that may be required by the state board in its rules.

(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

(A) the year the preliminary plan is prepared; or

(B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident ADA figures on the calculation of the figures under the rules under which they are submitted to the state superintendent by existing school corporations; and

(3) shall set out the resident ADA figures for:

(A) the school year in progress if the figures are available for that year; or

(B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

(1) as near as reasonably possible by:

(A) streets;

(B) rivers; and

(C) other similar boundaries;

that are known by common names; or

(2) if descriptions as described in subdivision (1) are not possible, by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

(f) A member of the board of school trustees:

(1) may not serve an appointive or elective term of more than four (4) years; and

(2) may serve more than one (1) consecutive appointive or elective term.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.92; P.L.179-2011, SEC.10.

IC 20-23-4-13

Hearings on preliminary plans; notice

Sec. 13. (a) When a county committee has prepared its preliminary written plans for reorganization of school corporations, the committee shall fix dates and places for one (1) or more hearings on the plans and give notice of the hearings to the residents of the school corporations affected and all interested parties. The county committee may hold more than one (1) hearing. The chairperson of the county committee shall give the notice:

(1) by publication at least one (1) time in one (1) newspaper of general circulation published in the school corporation or corporations; or

(2) if a newspaper is not published in the school corporation or corporations, in a newspaper having a general circulation in the school corporation or corporations;

at least ten (10) days but not more than thirty (30) days before the date of the hearing.

(b) At the hearing:

(1) the county committee shall:

(A) explain the proposed reorganization plan;

(B) summarize the educational improvements adoption of the plan will make possible; and

(C) if the proposed reorganization includes division of an existing school corporation, state the adjustment proposed for:

(i) property;

(ii) assets;

(iii) debts; and

(iv) other liabilities; and

(2) any resident of the county or of any affected school corporation in an adjoining county may be heard with reference to:

(A) the proposed plan; or

(B) an alternative plan.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-14

Final comprehensive reorganization plan; adoption; submission of plan to state board

Sec. 14. (a) The county committee shall consider any suggestions made in the public hearing and shall make any revisions or modifications in its written plans as it considers necessary and shall thereupon without any further hearing adopt its final comprehensive

reorganization plan, and, within ten (10) days after such adoption, but not later than January 14, 1964, shall submit at least three (3) copies of its comprehensive plan to the state board. However, if a county committee encounters any difficulties in formulating and adopting either its preliminary or comprehensive plan for the reorganization of school corporations, through no lack of diligence upon the part of the committee so that it is unable to submit its plans to the state board within the period specified, the county committee may apply to the state board for an extension of time in which to complete and adopt its preliminary or comprehensive plan. The application may be made during or after the original or any extended period for which an extension is asked.

(b) The state board may, if the facts and circumstances warrant, grant such extension or extensions as it may see fit.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-15

Submission of reorganization plans to state board prior to completion of comprehensive plan

Sec. 15. The county committee may submit to the state board for approval, in accordance with section 18 of this chapter, a plan for the reorganization of one (1) or more school corporations without awaiting the completion of a comprehensive plan. The plan becomes an integral part of the comprehensive plan the county committee is required to prepare.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-16

Required contents of preliminary or final comprehensive plan

Sec. 16. The form of a preliminary or final comprehensive plan of reorganization is sufficient if the plan contains in its own terms or by reference the following for each proposed community school corporation:

(1) The name of the proposed community school corporation.

(2) A general description of the boundaries of the community school corporation as provided in section 12 of this chapter.

(3) The number of members of the board of school trustees and whether the members are elected or appointed.

(4) The manner in which the board of school trustees, other than the interim board, is elected or appointed.

(5) If a school corporation is divided as part of the reorganization, the disposition of assets and liabilities of the school corporation.

(6) The statement required by section 12 of this chapter if that statement is submitted or adopted with the plan.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-17

Advisory committees of county; membership

Sec. 17. (a) The county committee may form one (1) or more

advisory committees.

(b) An advisory committee may include as members:

(1) superintendents; or

(2) principals;

of local school corporations.

(c) An advisory committee or the individual members of an advisory committee shall:

(1) help the county committee; and

(2) furnish information to the county committee;

as requested by the county committee.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-18

State board of education; powers and duties

Sec. 18. (a) The state board shall:

(1) aid the county committees, as required by subsection (b), in carrying out:

(A) the powers conferred; and

(B) the duties imposed;

on the committees by this chapter;

(2) receive and examine each plan for the reorganization of a school corporation submitted to the state board by a county committee and approve each plan that meets the standards of the state board;

(3) adopt a set of minimum standards, in furtherance of the policy expressed in section 1 of this chapter, which all proposed community school corporations must meet, insofar as feasible;

(4) not later than ninety (90) days after receipt of a reorganization plan, hold a public hearing in the county to which the plan mainly applies to allow residents of the affected territory to testify;

(5) not later than sixty (60) days after the public hearing:

(A) approve or disapprove in writing all or part of the plan; and

(B) notify in writing the county committee concerned;

(6) assist any county committee whose plan does not meet minimum standards in revising the plan and permit the committee to resubmit the plan not later than ninety (90) days after receipt of notice of nonapproval; and

(7) adopt rules under IC 4-22-2 for:

(A) the conduct of its own business; and

(B) the guidance and direction of county committees;

to carry out this chapter and IC 20-23-16-1 through IC 20-23-16-11.

(b) The minimum standards for community school corporations proposed under this chapter or IC 20-23-16-1 through IC 20-23-16-11 must provide for the inclusion of all the area of a county in:

(1) a school corporation; or

(2) school corporations;

to furnish efficient and adequate educational opportunity for all

students in grades 1 through 12.

(c) Before the adoption of a preliminary written plan, the county committee and the state board may meet to consider problems encountered by the county committee in formulating a plan. Following the meeting, the state board may waive in writing any specified minimum standard for a designated geographic area on the ground that meeting the standard is not feasible.

(d) The state board is not required to hold a public hearing on a plan that does not meet the minimum standards required by the state board unless the state board waives the attainment of a minimum standard.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-19

Creation of community school corporation in certain existing school corporations; motion of state board; hearings; definitions

Sec. 19. (a) If the creation of a community school corporation out of an existing corporation:

(1) would not involve a change in its territorial boundaries or in its board of school trustees or other governing body, other than a change in the time of election or appointment or the time the board members take office; and

(2) is consistent with the standards set up under this chapter and the standards set out in this section;

the state board may on its own motion or on petition of the governing body of the existing school corporation at any time with hearing in the county where the school corporation is located, after notice by publication at least once in one (1) newspaper of general circulation published in the county where the school corporation is located, at least ten (10) but not more than thirty (30) days before the date of a hearing, and without action of the county committee declare the existing school corporation to be a community school corporation by adopting a resolution to this effect. The existing school corporation qualifies as to size and financial resources if it has an ADA of at least two hundred seventy (270) students in grades 9 through 12 or at least one thousand (1,000) students in grades 1 through 12, and has an assessed valuation per student of at least five thousand dollars ($5,000).

(b) For purposes of this section, the following terms have the following meanings:

(1) "County tax" means a property tax:

(A) that is levied at an equal rate in the entire county in which any school corporation is located, other than a tax qualifying as a countywide tax within the meaning of Acts 1959, c.328, s.2, or any similar statute; and

(B) for which the net proceeds of which are distributed to school corporations in the county.

(2) "Assessed valuation" of any school corporation means the net assessed value of its real and personal property as of March 1, 1964, adjusted in the same manner as the assessed valuation

is adjusted for each county by the department of local government finance under Acts 1949, c.247, s.5, as amended, unless that statute has been repealed or no longer provides for an adjustment. If a county has a county tax, the assessed valuation of each school corporation in the county shall be increased by the amount of assessed valuation, if any, that would be required to raise an amount of money, equal to the excess of the amount distributed to any school corporation from the county tax over the amount collected from the county tax in the school corporation, using total taxes levied by the school corporation in terms of rate:

(A) excluding the countywide tax under Acts 1959, c.328, s.2, or any similar statute; and

(B) including all other taxes levied by or for the school corporation.

The increased valuation shall be based on the excess distributed to the school corporation from the county tax levied for the year 1964 and the total taxes levied for the year, or if the county tax is first applied or is raised for years after 1964, then the excess distributions and total taxes levied for the year in which the tax is first applied or raised. If the excess distribution and total taxes levied cannot be determined accurately on or before the adoption of the resolution provided in this section, excess distribution and taxes levied shall be estimated by the department of local government finance using the last preceding assessed valuations and tax rates or such other information as that department determines, certifying the increased assessment to the state board before such time. In all cases, the excess distribution shall be determined upon the assumption that the county tax is one hundred percent (100%) collected and all collections are distributed.

(3) "Assessed valuation per student" of any school corporation means the assessed valuation of any school corporation divided by its ADA in grades 1 through 12.

(4) "ADA" in any school corporation means the average daily attendance of students who are residents in the school corporation and in the particular grades to which the term refers for the school year 1964-1965 in accordance with the applicable regulations of the state superintendent, used in determining average daily attendance in the distribution of the tuition funds by the state to its various school corporations where funds are distributed on such basis and irrespective of whether the figures are the actual resident daily attendance of the school for the school year.

(c) The community school corporation automatically comes into being on either July 1 or January 1 following the date of approval, whichever is earlier. The state board shall mail by certified mail, return receipt requested, a copy of the resolution certified by the county committee's chairperson or secretary to:

(1) the recorder of the county from which the county committee

having jurisdiction of the existing school corporation was appointed; and

(2) the county committee.

The resolution may change the time of election or appointment of the board of trustees of the school corporation or the time the trustees take office. The recorder shall without cost record the certified resolution in the miscellaneous records of the county. The recording constitutes a permanent record of the action of the state board and may be relied on by any person. Unless the resolution provides that an interim member of the board of trustees shall not be appointed, the board of trustees in office on the date of the action continues to constitute the board of trustees of the school corporation until their successors are qualified, and the terms of their respective office and board membership remain unchanged except to the extent the resolution otherwise provides. For purposes of this chapter and IC 20-23-16-1 through IC 20-23-16-11, a community school corporation shall be regarded as a school corporation created under section 16 of this chapter.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.93.

IC 20-23-4-20

Approval of reorganization plan by state board; notice; creation of community school corporation by petition or elections; contents of petition and petitioning procedure

Sec. 20. (a) After the state board approves a comprehensive plan or partial plan for reorganization of school corporations as submitted to the state board by a county committee, the state board shall promptly, by certified mail with return receipt requested, give written notice of the approval to:

(1) the chairperson of the county committee submitting the plan; and

(2) the judge of the circuit court of the county from which the county committee was appointed.

(b) After notice is given under subsection (a), a community school corporation proposed by a plan referred to in subsection (a) may be created:

(1) by petition as provided in this section;

(2) by election as provided in section 21 of this chapter; or

(3) under section 22 of this chapter.

(c) After receipt of the plan referred to in subsection (a) by the county committee and before or after the election described in section 21 of this chapter, a community school corporation proposed by a plan referred to in subsection (a) may be created by a petition. The petition must be signed by at least fifty-five percent (55%) of the registered voters residing in the community school corporation, determined in the manner set out in this section, and filed by any signer or by the county committee with the clerk or clerks of the circuit court or courts of the county or counties where the voters reside. The petition must state that the signers request the establishment of a community school corporation and must contain

the following information:

(1) The name of the proposed community school corporation.

(2) A general description of the boundaries as set out in the plan.

(3) The number of members of the board of school trustees.

(4) The manner in which:

(A) the permanent board of school trustees; and

(B) if covered in the plan, the interim board of school trustees;

will be elected or appointed.

(5) The compensation, if any, of the members of:

(A) the permanent board of school trustees; and

(B) if covered in the plan, the interim board of school trustees.

(6) The disposition, if any, of assets and liabilities of each existing school corporation that:

(A) is included in the proposed community school corporation; and

(B) has been divided.

(7) The disposition of school aid bonds, if any.

(d) The petition referred to in subsection (c) must show:

(1) the date on which each person signed the petition; and

(2) the person's residence address on that date.

The petition may be executed in several counterparts, the total of which constitutes the petition described in this section. An affidavit of the person circulating a counterpart must be attached to the counterpart. The affidavit must state that each signature appearing on the counterpart was affixed in the person's presence and is the true and lawful signature of the signer. Each signer on the petition may withdraw the signer's signature from the petition before the petition is filed with the clerk of the circuit court. Names may not be added to the petition after the petition is filed with the clerk of the circuit court.

(e) After receipt of the petition referred to in subsection (c), the clerk of the circuit court shall make a certification under the clerk's hand and seal of the clerk's office as to:

(1) the number of signers of the petition;

(2) the number of signers of the petition who are registered voters residing in:

(A) the proposed community school corporation; or

(B) the part of the school corporation located in the clerk's county;

as disclosed by the voter registration records of the county;

(3) the number of registered voters residing in:

(A) the proposed community school corporation; or

(B) the part of the school corporation located in the clerk's county;

as disclosed by the voter registration records of the county; and

(4) the date of the filing of the petition with the clerk.

If a proposed community school corporation includes only part of a

voting precinct, the clerk of the circuit court shall ascertain from any means, including assistance from the county committee, the number of registered voters residing in the part of the voting precinct.

(f) The clerk of the circuit court shall make the certification referred to in subsection (e):

(1) not later than thirty (30) days after the filing of the petition under subsection (c), excluding from the calculation of that period the time during which the registration records are unavailable to the clerk; or

(2) within any additional time as is reasonably necessary to permit the clerk to make the certification.

In certifying the number of registered voters, the clerk shall disregard any signature on the petition not made in the ninety (90) days that immediately precede the filing of the petition with the clerk as shown by the dates set out in the petition. The clerk shall establish a record of the certification in the clerk's office and shall return the certification to the county committee.

(g) If the certification or combined certifications received from the clerk or clerks disclose that the petition was signed by at least fifty-five percent (55%) of the registered voters residing in the community school corporation, the county committee shall publish a notice in two (2) newspapers of general circulation in the community school corporation. The notice must:

(1) state that the steps necessary for the creation and establishment of the community school corporation have been completed; and

(2) set forth:

(A) the number of registered voters residing in the community school corporation who signed the petition; and

(B) the number of registered voters residing in the community school corporation.

(h) A community school corporation created by a petition under this section takes effect on the earlier of:

(1) July 1; or

(2) January 1;

that next follows the date of publication of the notice referred to in subsection (g).

(i) If a public official fails to perform a duty required of the official under this chapter within the time prescribed in this section and sections 21 through 24 of this chapter, the omission does not invalidate the proceedings taken under this chapter.

(j) An action:

(1) to contest the validity of the formation or creation of a community school corporation under this section;

(2) to declare that a community school corporation:

(A) has not been validly formed or created; or

(B) is not validly existing; or

(3) to enjoin the operation of a community school corporation;

may not be instituted later than thirty (30) days after the date of publication of the notice referred to in subsection (g).

As added by P.L.1-2005, SEC.7.

IC 20-23-4-21

Special election to create community school corporations; procedure

Sec. 21. (a) If the chairperson of the county committee does not receive the certification or combined certifications under section 20(f) of this chapter not later than ninety (90) days after the receipt by the county committee of the plan referred to in section 20(a) of this chapter, the judge of the circuit court of the county from which the county committee submitting the plan was appointed shall:

(1) certify the public question under IC 3-10-9-3; and

(2) order the county election board to conduct a special election in which the registered voters residing in the proposed community school corporation may vote to determine whether the corporation will be created.

(b) If:

(1) a primary election at which county officials are nominated; or

(2) a general election at which county officials are elected;

and for which the question can be certified in compliance with IC 3-10-9-3 is to be held not later than six (6) months after the receipt by the chairperson of the county committee of the plan referred to in section 20(a) of this chapter, regardless of whether the ninety (90) day period referred to in subsection (a) has expired, the judge shall order the county election board to conduct the special election to be held in conjunction with the primary or general election.

(c) If a primary or general election will not be held in the six (6) month period referred to in subsection (b), the special election shall be held:

(1) not earlier than sixty (60) days; and

(2) not later than one hundred twenty (120) days;

after the expiration of the ninety (90) day period referred to in subsection (a).

(d) The county election board shall give notice under IC 5-3-1 of the special election referred to in subsection (a).

(e) The notice referred to in subsection (d) of a special election must:

(1) clearly state that the election is called to afford the registered voters an opportunity to approve or reject a proposal for the formation of a community school corporation;

(2) contain:

(A) a general description of the boundaries of the community school corporation as set out in the plan;

(B) a statement of the terms of adjustment of:

(i) property;

(ii) assets;

(iii) debts; and

(iv) liabilities;

of an existing school corporation that is to be divided in the creation of the community school corporation;

(C) the name of the community school corporation;

(D) the number of members comprising the board of school trustees; and

(E) the method of selecting the board of school trustees of the community school corporation; and

(3) designate the date, time, and voting place or places at which the election will be held.

(f) A special election referred to in subsection (a) is under the direction of the county election board in the county. The election board shall take all steps necessary to carry out the special election. If the special election is not conducted at a primary or general election, the cost of conducting the election is:

(1) charged to each component school corporation embraced in the community school corporation in the same proportion as the component school corporation's assessed valuation is to the total assessed valuation of the community school corporation; and

(2) paid:

(A) from any current operating fund not otherwise appropriated of; and

(B) without appropriation by;

each component school corporation.

If a component school corporation is to be divided and its territory assigned to two (2) or more community corporations, the component school corporation's cost of the special election is in proportion to the corporation's assessed valuation included in the community school corporation.

(g) The county election board shall place the public question on the ballot in the form prescribed by IC 3-10-9-4. The public question must state "Shall the (here insert name) community school corporation be formed as provided in the Reorganization Plan of the County Committee for the Reorganization of School Corporations?". Except as otherwise provided in this chapter, the election is governed by IC 3.

(h) If a majority of the votes cast at a special election referred to in subsection (a) on the public question are in favor of the formation of the corporation, a community school corporation is created and takes effect on the earlier of:

(1) the July 1; or

(2) the January 1;

that next follows the date of publication of the notice referred to in subsection (d).

(i) If a public official fails to perform a duty required of the official under this section within the time prescribed in this section, the omission does not invalidate the proceedings taken under this section.

(j) An action:

(1) to contest the validity of the formation or creation of a

community school corporation under this section;
(2) to declare that a community school corporation:
(A) has not been validly formed or created; or
(B) is not validly existing; or
(3) to enjoin the operation of a community school corporation;
may not be instituted later than thirty (30) days after the date of the special election referred to in subsection (a).
As added by P.L.1-2005, SEC.7.

IC 20-23-4-22
Reorganization plan involving no change in boundaries or board of trustees; automatic effective date
Sec. 22. (a) This section applies to a proposed school corporation reorganization plan approved by the state board that involves no change in:
(1) territorial boundaries; or
(2) the board of school trustees or other governing body;
of a school corporation, other than a change in the time of election of board members or the time the board members take office.
(b) A plan referred to in subsection (a) automatically comes into being on the earlier of:
(1) the July 1; or
(2) the January 1;
that next follows the date of approval of the plan by the state board.
(c) If subsection (b) applies:
(1) an interim board of trustees member may not be appointed;
(2) the board members in office on the date the plan comes into being under subsection (b) continue to constitute the governing body of the school corporation until their successors are qualified; and
(3) the:
(A) terms of offices; and
(B) board memberships;
of the board members remain unchanged except to the extent the plan provides otherwise.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-23
Rejection of community school corporations and elections; options of county committee
Sec. 23. (a) If a proposal for the formation of a community school corporation is rejected by the voters at the special election provided for in this chapter, the county committee shall:
(1) subject to subsection (b), devise a new plan of reorganization considered more acceptable to the electors of the territory affected; or
(2) subject to subsection (c), direct the county election board or boards to resubmit the same plan rejected by the voters.
(b) The county committee shall submit a new plan devised under subsection (a)(1) to the state board for the state board's approval not

later than six (6) months after the date of the special election at which the proposal was rejected, subject to the same conditions and requirements concerning extensions of time and other matters provided in this chapter. If the new plan is approved by the state board, the procedures of this chapter for the creation of a community school corporation must be followed.

(c) The county committee may direct the county election board or boards to resubmit the plan referred to in subsection (a)(2) at a special election to be held not later than six (6) months after the special election at which the proposal was rejected. If a primary or general election for state offices is to be held not later than six (6) months after the special election at which the proposal was rejected, the special election must be held in conjunction with the primary or general election. The judge of the circuit court shall give notice by publication of the special election on request of the county committee. The special election is held in the same manner required for the holding of a special election under section 21 of this chapter. Officials concerned shall take all actions necessary to conduct the special election as required under section 21 of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-24

Failure of public official to perform duty within time prescribed; effect

Sec. 24. (a) Except as provided in subsection (b), if a public official fails to perform a duty required under this chapter or IC 20-23-16-1 through IC 20-23-16-11 within the time prescribed in this chapter or IC 20-23-16-1 through IC 20-23-16-11, the omission does not invalidate any proceedings taken by the official.

(b) This section:

(1) does not apply to the time within which a county committee must accept jurisdiction of all or part of a school corporation from another county committee following a petition under IC 20-23-16-1; and

(2) may not be construed to extend the time within which petitions may be filed by registered voters under this chapter or IC 20-23-16-1 through IC 20-23-16-11.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-25

Appeal procedure

Sec. 25. (a) A party aggrieved by the decision of the county committee after the hearing provided for under section 13 of this chapter may:

(1) appear before the state board when the state board holds public hearings on the reorganization plan involved; and

(2) state the grievance.

(b) A party aggrieved by the decision of the state board after the hearing provided for in section 13 of this chapter may appeal within thirty (30) days from the decision to the court in the county on any

question of adjustment of:

(1) property;

(2) debts; and

(3) liabilities;

among the school corporations involved. Notice of the appeal shall be given to the chairperson or secretary of the county committee ten (10) days before the appeal is filed with the court.

(c) The court may:

(1) determine the constitutionality and the equity of the adjustment or adjustments proposed; and

(2) direct the county committee to alter the adjustment or adjustments found by the court to be inequitable or violative of any provision of the Constitution of the State of Indiana or of the United States.

An appeal may be taken to the supreme court or the court of appeals in accordance with the rules of civil procedure of the state.

(d) A determination by the court with respect to the adjustment of:

(1) property;

(2) debts; and

(3) liabilities;

among the school corporations or areas involved does not otherwise affect the validity of the reorganization or creation of a school corporation or corporations under this chapter or IC 20-23-16-1 through IC 20-23-16-11.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-26

Community school corporations; powers and duties; officers

Sec. 26. (a) This section applies to each community school corporation.

(b) A community school corporation established under this chapter or IC 20-23-16-1 through IC 20-23-16-11, is a body corporate and politic. The corporation may:

(1) sue and be sued; and

(2) acquire, hold, and convey real and personal property necessary to the community school corporation's establishment and operation.

(c) A corporation has:

(1) all the powers, rights, duties, and obligations of the school cities of any class in which the school corporation would fall if it were organized as a school city; and

(2) the additional powers granted school corporations:

(A) in general; or

(B) school corporations in the population or other classifications in which the school corporation falls.

(d) The officers of the governing body are a:

(1) president;

(2) secretary;

(3) treasurer; and

(4) vice president, if the board of trustees consists of more than

three (3) members.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-27

Board of school trustees; election options; exception for community school corporations created before March 12, 1965

Sec. 27. (a) Subsections (b) and (c) do not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

(b) If the members of a governing body are elected, the members shall be elected in accordance with one (1) of the options set forth in subsection (c) or in accordance with section 35 of this chapter. The options must be set out in the plan with sufficient description to permit the plan to be operable with respect to the community school corporation. The description may be partly or wholly by reference to the applicable option.

(c) The options described in subsection (b) are the following:

(1) Members of a governing body:

(A) may reside anywhere in the school corporation; and

(B) shall be voted upon by all registered voters living within the school corporation voting at any governing body member election.

(2) The community school corporation shall be divided into two (2) or more residence districts with one (1) or more members of the governing body resident within each of the residence districts. The plan may also provide that one (1) or more members of the governing body may reside anywhere in the community school corporation. The plan:

(A) must set out the number of members to be elected from each district;

(B) may provide for the election of an equal number of members from each district; and

(C) must set out the number, if any, to be elected at large without reference to governing body member districts.

Under this option, all candidates must be voted on by all registered voters of the community school corporation voting at any governing body member election.

(3) The community school corporation shall be divided into three (3) residence districts of approximately equal population. In a district divided into three (3) residence districts, if:

(A) the governing body consists of three (3) members, one (1) member must reside in each residence district;

(B) the governing body consists of five (5) members, two (2) members may not reside in any one (1) residence district; and

(C) the governing body consists of seven (7) members, at least two (2) shall be elected from each residence district.

Candidates shall be voted on by all registered voters of the community school corporation voting at any governing body member election.

(4) The community school corporation shall be divided into two (2) or more electoral districts. Each member:

(A) serves from one (1) electoral district;

(B) must be a resident of the district; and

(C) must be voted upon by the registered voters residing within the electoral district and voting at any governing body member election.

The plan must set out the number to be elected from each electoral district and may provide for election of an equal number of members from each district. The plan must provide that not less than one (1) less than a majority of the governing body may reside anywhere in the community school corporation and must be voted upon by all its registered voters voting at any governing body member election.

(5) The community school corporation consists of one (1) electoral district that must embrace the entire community school corporation from which a majority of the members of the governing body shall be elected by all the registered voters of the community school corporation voting at a governing body member election. The other electoral districts must be subdivisions of the community school corporation. Each of the remaining members of the governing body:

(A) serves from one (1) of the latter electoral districts;

(B) must be a resident of that district; and

(C) must be voted upon by registered voters voting at a governing body member election.

The plan must set out the number to be elected from each district and may provide for the election of an equal number of members from the district.

(6) The community school corporation shall be divided into two (2) or more electoral districts. Each member:

(A) serves from one (1) electoral district;

(B) must be a resident of that district; and

(C) must be voted upon only by the registered voters residing within that district who vote at a governing body election.

The plan must set out the number of members to be elected from each electoral district in the school corporation and may provide for election of an equal number of members from each district.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-28

Board of school trustees; appointment options; exception for community school corporations created before March 12, 1965

Sec. 28. (a) Subsections (b) through (g) do not apply to a community school corporation created before March 12, 1965. A

community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

(b) If the members of the governing body are to be appointed, they shall be appointed in accordance with one (1) of the options described in subsection (c). The option must be set out in the plan with sufficient description to permit the plan to be operable with respect to each community school corporation. The description may be partly or wholly by reference to the applicable option provided in this section.

(c) The options described in subsection (b) are the following:

(1) Members of the governing body may reside anywhere in the community school corporation.

(2) The community school corporation shall be divided into two (2) or more governing body member districts, any one (1) of which may embrace the entire community school corporation. Each member:

(A) serves from a particular district; and

(B) must be a resident of the district.

The plan must set out the number to be appointed from each district and may provide for an equal number of members from each district.

(d) The plan, under either option in subsection (c), may provide that the first appointments of the governing body members are for staggered terms of not more than four (4) years. Thereafter, appointments shall be made for terms of four (4) years. All terms of office for appointive governing body members expire June 30 in the applicable year.

(e) A plan providing for the appointment of members of the governing body must designate the appointing authority. The authority may be the same for each governing body member and must be one (1) or more of the following:

(1) The judge of the circuit or superior court.

(2) The city executive.

(3) The legislative body of a city.

(4) The board of commissioners of a county.

(5) The county fiscal body.

(6) The town legislative body.

(7) The township executive.

(8) The township legislative body.

(9) A township executive and legislative body jointly.

(10) More than one (1) township executive and legislative body jointly.

(f) If an appointment is to be made by:

(1) a body, the appointment must be made by a majority vote of the body in official session;

(2) township executives, the appointment must be made by a majority vote of the executives taken in joint session; and

(3) township legislative bodies, the appointment must be made

by a majority vote of the total number of township legislative body members by a majority vote of the members, taken in joint session.

(g) If a member of the governing body, whether of the interim governing body or regular governing body, is to be appointed, and the beginning of the appointive member's term of office coincides with the date an individual assumes the office of the official who is to make the appointment, the appointment shall be made by the latter individual. If the appointing official or body fails to appoint a member of the first governing body within five (5) days after a community school corporation comes into being, or, for members appointed after the first board is appointed, within five (5) days after a member is to take office, the member of the governing body shall be appointed:

(1) by the judge of the circuit court; or

(2) in the case of a united school corporation, by the judge of the circuit court of the county having the most students enrolled in the united school corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-29

Repealed

(*Repealed by P.L.179-2011, SEC.34.)*

IC 20-23-4-29.1

School corporation governing body; election procedures

Sec. 29.1. (a) This section applies to each school corporation.

(b) If a plan provides for election of members of the governing body, the members of the governing body shall be elected at a general election. Each candidate must file a petition of nomination in accordance with IC 3-8-2.5 that is signed by the candidate and by ten (10) registered voters residing within the boundaries of the community school corporation. The filing must be made within the time specified by IC 3-8-2.5-4.

(c) All nominations shall be listed for each office in the form prescribed by IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in general elections are conducted. The precinct election boards serving in each county shall conduct the election for members of the governing body. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the governing body.

(d) If the plan provides that the members of the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The candidates who receive the most votes are elected.

(e) If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community

school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-11-2, by residence districts without party designation. The ballot must state the number of members to be voted on and the maximum number of members that may be elected from each residence district as provided in the plan. A ballot is not valid if more than the maximum number of members are voted on from a board member residence district. The candidates who receive the most votes are elected. However, if more than the maximum number that may be elected from a residence district are among those receiving the most votes, the candidates from the residence districts exceeding the maximum number who receive the fewest votes shall be eliminated in determining the candidates who are elected.

(f) If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The ballot must state the number of members to be voted on from the electoral district. The candidates residing in the electoral district who receive the most votes are elected.

As added by P.L.179-2011, SEC.11.

IC 20-23-4-30

School corporation governing body; tie votes; vacancies; terms

Sec. 30. (a) This section applies to each school corporation.

(b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.

(c) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:

(1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or

(2) the governing body fails to act within thirty (30) days after any vacancy occurs;

the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.

(d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.

(e) At the first general election in which members of the governing body are elected:

(1) a simple majority of the candidates elected as members of the governing body who receive the greatest number of votes shall be elected for four (4) year terms; and

(2) the balance of the candidates elected as members of the governing body receiving the next greatest number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

(f) Elected governing body members take office and assume their duties on January 1 after their election.

As added by P.L.1-2005, SEC.7. Amended by P.L.230-2005, SEC.78; P.L.179-2011, SEC.12.

IC 20-23-4-31

Board of school trustees; appointment of interim trustees

Sec. 31. (a) This section applies to each school corporation.

(b) If the plan provides for the election of members of the governing body of the community school corporation:

(1) the judge of the circuit court; or

(2) in the case of a united school corporation, the judge of the circuit court of the county having the most students enrolled in the united school corporation;

shall appoint interim governing body members in accordance with the plan approved by the county committee and the state board.

(c) The members of the governing body appointed serve until their successors are elected and qualified.

(d) Instead of appointment, the plan may provide for an alternative method of appointing the members of the interim governing body of a community or united school corporation. The appointment under this subsection must be made by one (1) or more of the class of officials listed in section 28(e) of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-32

Assumption and transfer of powers and duties

Sec. 32. (a) This section applies to each school corporation.

(b) The governing body does not assume its powers and duties until the date the community school corporation becomes effective. For thirty (30) days before the date on which the governing body of a community school corporation assumes office, an existing school corporation having territory that will be included within the boundaries of a community school corporation may not contract or place the school corporation under any further obligations, except upon written approval of the county committee.

(c) The transfer of:

(1) powers;

(2) duties;

(3) property rights;

(4) other assets;
(5) liabilities;
(6) contracts both as to rights and obligations; and
(7) all else connected with the transfer of authority from existing school corporations to the community school corporation;

takes place at the time of the formation and creation of the community school corporation and are vested in the community school corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-33

Attendance units; transportation

Sec. 33. (a) This section applies to each school corporation.

(b) The governing body shall:

(1) divide the community school corporation into the proper attendance units;
(2) adopt rules with respect to the units; and
(3) provide adequate and practical transportation if a reorganization plan provides for the transportation of students from one (1) part of a community school corporation to a central point.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-34

Voting method for community school corporations

Sec. 34. (a) This section applies to a community school corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the school board offices on the election ballot.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-35

School corporation; organization of governing body

Sec. 35. (a) The governing body of a school corporation may be organized under this section.

(b) The governing body consists of seven (7) members, elected as follows:

(1) Four (4) members elected from districts, with one (1) member serving from each electoral district. A member elected under this subdivision must be:
(A) a resident of the electoral district from which the member is elected; and
(B) voted upon by only the registered voters residing within the electoral district and voting at a governing body election.
(2) Three (3) members, who are voted upon by all the registered voters residing within the school corporation and voting at a governing body election, elected under this subdivision. The governing body shall establish three (3) residential districts as

follows:

(A) One (1) residential district must be the township that has the greatest population within the school corporation.

(B) Two (2) residential districts must divide the remaining area within the school corporation.

Only one (1) member who resides within a particular residential district established under this subdivision may serve on the governing body at a time.

(c) A member of the governing body who is:

(1) elected from an electoral or a residential district; or

(2) appointed to fill a vacancy from an electoral or a residential district;

must reside within the boundaries of the district the member represents.

(d) A vacancy on the governing body shall be filled by the governing body as soon as practicable after the vacancy occurs. A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term.

(e) The members of the governing body serving at the time a plan is amended under this section shall establish the electoral and residential districts described in subsection (b).

(f) The electoral districts described in subsection (b)(1):

(1) shall be drawn on the basis of precinct lines;

(2) may not cross precinct lines; and

(3) as nearly as practicable, be of equal population, with the population of the largest exceeding the population of the smallest by not more than fifteen percent (15%).

(g) The residential districts described in subsection (b)(2) may:

(1) be drawn in any manner considered appropriate by the governing body; and

(2) be drawn along township lines.

(h) The governing body shall certify the districts established under subsections (f) and (g) to:

(1) the state board; and

(2) the county election board of the county in which the school corporation is located.

(i) The governing body shall designate:

(1) three (3) of the districts established under this section to be elected at the first school board election that occurs after the effective date of the plan; and

(2) the remaining four (4) districts to be elected at the second school board election that occurs after the effective date of the plan.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-36

Voting method for school corporations

Sec. 36. (a) This section applies to a school corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for all other offices for

which candidates have qualified to be on the election ballot must be used for the governing body offices on the election ballot.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-37
Approval of state board for reorganization plan mandatory; supplemental effect of act

Sec. 37. (a) A consolidation or reorganization of a school corporation does not become effective until the consolidation or reorganization is approved by the state board.

(b) Except to the extent set forth in subsection (a), this chapter shall be construed as being supplemental to all laws appertaining to public schools in Indiana.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-38
Dissolution of county committees upon completion of reorganization

Sec. 38. (a) Whenever an entire county has been reorganized under this chapter or IC 20-23-16-1 through IC 20-23-16-11, by the creation of a community school corporation or corporations for the entire county, the county committee shall be dissolved. Where the term of any member of a county committee expires before the time of dissolution of the county committee, the judge shall fill a vacancy by replacement or reappointment for a term of four (4) years in accordance with sections 11 through 15 of this chapter. In the event the membership of an entire county committee shall at any time be vacant by resignation or otherwise, the judge shall appoint a new county committee in accordance with sections 11 through 15 of this chapter.

(b) After a county committee has been dissolved, if the local governing body or the state superintendent considers further reorganization necessary to improve educational opportunities for the students in the county, the local school trustees or the state superintendent shall submit proposed changes to the state board. If the changes proposed by the local governing body or the state superintendent are approved by the state board, the proposal becomes effective under the procedure specified in sections 20 through 24 of this chapter so far as the same are applicable.
As added by P.L.1-2005, SEC.7. Amended by P.L.1-2007, SEC.142.

IC 20-23-4-39
Donations; power to accept

Sec. 39. A county committee formed under this chapter and the state board may accept donations of money or other articles of value to assist in financing the studies authorized by this chapter.
As added by P.L.1-2005, SEC.7.

IC 20-23-4-40
Budgetary request of county committee; tax levy

Sec. 40. (a) To defray the expenses of the county study, a county committee may prepare and submit a budgetary request to the county council on or before August 1 of each year during the life of the committee. The county council may, upon receipt of a request, establish a uniform ad valorem tax levy on all real and personal property within the county, in an amount sufficient to raise an amount of money not to exceed the amount of the budget request.

(b) The county committee may request from the county council sufficient sums of money necessary to defray legal expenses incident to placing the county plan in operation.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-41

Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-23-4-42

Application of procedures concerning review of and public hearings concerning school facility plans and specifications

Sec. 42. (a) The procedures set forth in IC 20-19-2-12 concerning the review of, and public hearings concerning, plans and specifications for the construction of, addition to, or remodeling of school facilities apply equally to facilities to be used or leased by both community school corporations and school corporations that are not community school corporations.

(b) An action to enjoin school construction or the performance of any of the terms and conditions of a lease or the execution, sale, or delivery of bonds, on the ground that any approval should not have been granted, may not be instituted at any time later than fifteen (15) days after approval has been granted.

As added by P.L.1-2005, SEC.7. Amended by P.L.146-2008, SEC.459.

IC 20-23-4-43

Amendment of plan approved prior to May 1, 1984

Sec. 43. A plan approved by:

(1) a county committee or committees; and

(2) the state board before May 1, 1984;

may provide for or be amended to provide for delaying the commencement of the terms of some members of the governing body for one (1) year and for extending the terms of their predecessors for one (1) year where this is necessary to prevent a majority of the board from taking office at any one time.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-44

Tie votes

Sec. 44. (a) This section applies only to a school corporation with territory in a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy

thousand (170,000).

(b) This section applies if there is a:

(1) tie vote in an election for a member of the governing body of a school corporation; or

(2) vacancy on the governing body of a school corporation.

(c) Notwithstanding any other law, if a tie vote occurs among any of the candidates for the governing body or a vacancy occurs on the governing body, the remaining members of the governing body, even if the remaining members do not constitute a majority of the governing body, shall by a majority vote of the remaining members:

(1) select one (1) of the candidates who shall be declared and certified elected; or

(2) fill the vacancy by appointing an individual to fill the vacancy.

(d) An individual appointed to fill a vacancy under subsection (c)(2):

(1) must satisfy all the qualifications required of a member of the governing body; and

(2) shall fill the remainder of the unexpired term of the vacating member.

(e) If a tie vote occurs among the remaining members of the governing body or the governing body fails to act within thirty (30) days after the election or the vacancy occurs, the fiscal body (as defined in IC 3-5-2-25) of the township in which the greatest percentage of population of the school district resides shall break the tie or make the appointment. A member of the fiscal body who was a candidate and is involved in a tie vote may not cast a vote under this subsection.

(f) If the fiscal body of a township is required to act under this section and a vote in the fiscal body results in a tie, the deciding vote to break the tie vote shall be cast by the executive.

As added by P.L.1-2005, SEC.7.

IC 20-23-4-45

Authorization

Sec. 45. A community school corporation created or organized under this chapter may change its name at any time by adoption of a resolution by majority vote of the governing body.

As added by P.L.1-2005, SEC.7.

IC 20-23-5

Chapter 5. Community School Corporations: Territory Annexations

IC 20-23-5-1

"Acquiring school corporation"

Sec. 1. As used in this chapter,"acquiring school corporation" means the school corporation that acquires territory as a result of annexation.

As added by P.L.1-2005, SEC.7.

IC 20-23-5-2

"Annex"

Sec. 2. As used in this chapter, "annex", "annexing", "annexation", and "school annexation" mean any action whereby the boundaries of a school corporation are changed so that additional territory, constituting all or a part of any one (1) or more other school corporations, is transferred to the school corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-5-3

"Annexed territory"

Sec. 3. As used in this chapter, "annexed territory" means the territory acquired by an acquiring school corporation as a result of annexation from a losing school corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-5-4

"Losing school corporation"

Sec. 4. As used in this chapter, "losing school corporation" means a school corporation that loses territory to an acquiring school corporation by annexation.

As added by P.L.1-2005, SEC.7.

IC 20-23-5-5

"Resolution"

Sec. 5. As used in this chapter, "resolution" of a school corporation means a resolution adopted by the school corporation's governing body.

As added by P.L.1-2005, SEC.7.

IC 20-23-5-6

"School corporation"

Sec. 6. As used in this chapter, "school corporation" means:

(1) a school corporation created under IC 20-23-4; and

(2) any other school corporation established under any other statute of the state of Indiana, which has common boundaries with any school corporation or corporations formed under IC 20-23-4.

The term does not include any public school corporation located in

whole or any part in a county containing a consolidated city.
As added by P.L.1-2005, SEC.7.

IC 20-23-5-7
Annexations authorized

Sec. 7. Subject to the limitations and procedures in this chapter, a school corporation may annex territory from any other school corporation by resolutions of the acquiring and losing school corporations under section 8 of this chapter.
As added by P.L.1-2005, SEC.7.

IC 20-23-5-8
Annexation procedure

Sec. 8. An annexation may be effected by any school corporation as follows:

(1) The acquiring and the losing school corporations shall each adopt a substantially identical annexation resolution. The resolution must contain the following items:

(A) The name of the acquiring school corporation, which may differ from the name of the acquiring corporation at the time of the adoption of the resolution, after the effective date.

(B) A description of the annexed territory. The description shall as near as reasonably possible:

(i) be by streets and other boundaries known by common names; and

(ii) does not have to be by legal description unless the additional description is necessary to identify the annexed territory.

A notice is not defective if there is a good faith compliance with this section and if the area designated may be ascertained with reasonable certainty by persons skilled in the area of real estate description.

(C) The time the annexation takes place.

(D) Any terms and conditions facilitating education of students in the:

(i) annexed territory;

(ii) losing school corporation; or

(iii) acquiring school corporation.

The terms may provide for the continued attendance by students in the annexed territory at schools in the losing school corporation for specified periods after annexation on a transfer basis. If students will continue attendance in schools in the losing school corporation, transfer tuition for the students shall be paid by the acquiring school corporation to the losing school corporation:

(i) using the method; and

(ii) at the rates;

provided by the Indiana statutes governing the computation and payment of transfer tuition costs.

(E) Disposition of assets and liabilities of the losing school corporation to the acquiring school corporation.

(F) Allocation between the acquiring and losing school corporations of subsequently collected school taxes levied on property in the annexed territory.

(G) The amount, if any, to be paid by the acquiring school corporation to the losing school corporation on account of property received from the losing school corporation.

(H) Dispositions, allocations, and amounts transferred under this subsection must be equitable.

(2) After the adoption of the resolution, notice shall be given by publication in both the acquiring school corporation and the losing school corporation setting out:

(A) the text of the resolution; and

(B) a statement that the resolution has been adopted and that a right of remonstrance exists as provided in this chapter.

(3) It is not necessary to set out the remonstrance provisions of this chapter. A general reference to a right of remonstrance with a reference to this chapter is sufficient.

(4) The annexation takes effect:

(A) within thirty (30) days after publication; or

(B) at the time provided in the resolution;

whichever is later, unless within the period during which a remonstrance may be filed a remonstrance is filed in the circuit or superior court of the county where the annexed territory or any part of the annexed territory is located, by registered voters residing in the losing school corporation at least equal in number to the greater of ten percent (10%) of the number of registered voters residing in the losing school corporation or fifty-one percent (51%) of the number of registered voters residing in the annexed territory.

As added by P.L.1-2005, SEC.7.

IC 20-23-5-9

Notice requirements

Sec. 9. (a) The notice by publication required by section 8 of this chapter shall be made:

(1) two (2) times;

(2) a week apart; and

(3) in two (2) daily newspapers of general circulation, published in the English language and of general circulation in the acquiring school corporation and in the losing school corporation.

(b) If there is only one (1) or no daily newspaper in either school corporation, a weekly newspaper may be used.

(c) If there is only one (1) daily or weekly newspaper, publication in the newspaper is sufficient.

(d) If a newspaper is of general circulation in both the acquiring school corporation and the losing school corporation, publication in the newspaper qualifies as one (1) of the required publications in the

acquiring school corporation and the losing school corporation.

(e) Publication may be made jointly by the losing school corporation and acquiring school corporation.

(f) The remonstrance period runs from the second publication.

As added by P.L.1-2005, SEC.7.

IC 20-23-5-10

Remonstrances; form; filing; contents

Sec. 10. (a) A remonstrance under section 8 of this chapter must be in the following or a substantially similar form:

> "The undersigned hereby remonstrate against the annexation of the following described territory situated in _____ County, Indiana, whereby it would be transferred from _____ (the losing corporation) to _____ (the acquiring corporation):

(Description of the annexed territory sufficient to identify it.)".

The remonstrance may be filed in any number of counterparts. Each counterpart shall have attached to it the affidavit of the person circulating it that each signature appearing on the remonstrance was affixed in the presence of the person circulating the petition and is the true and lawful signature of the person who made the signature. The person who makes the affidavit does not have to be one (1) of the persons who signs the counterpart to which the affidavit is attached. The remonstrance must be accompanied by a complaint filed by one (1) or more of the remonstrators (who shall be treated as a representative of the entire class of remonstrators) and signed by the remonstrator or the remonstrator's attorney, stating the reasons for the remonstrance. The reasons for the remonstrance are limited to the following:

(1) There is a procedural defect in the manner in which the annexation is carried out that is jurisdictional.

(2) The annexed territory does not form a compact area abutting the acquiring corporation.

(3) The benefits to be derived from the annexation are outweighed by the detriments, taking into consideration the respective benefits and detriments to the schools and of the students residing in the acquiring school corporation, the losing school corporation, and the annexed territory.

(4) The:

(A) disposition of assets and liabilities of the losing school corporation;

(B) allocation of school tax receipts between the acquiring school corporation and the losing school corporation; and

(C) amount to be paid by the acquiring school corporation as set out in the annexation resolution;

are inequitable. Except with respect to subdivision (1), the allegations may be made in the statutory language.

(b) The plaintiff in a remonstrance under section 8 of this chapter must be the person whose name appears on the complaint. The defendants in a remonstrance under section 8 of this chapter shall be both the acquiring school corporation and the losing school

corporation. Service of process shall be made on the defendants as in other civil actions.

(c) To determine if a petition was timely filed, the time of filing is the time of filing with the clerk without regard to the time of issuance of the summons. If the thirtieth day falls on Sunday, a holiday, or any other day when the clerk's office is not open, the time shall be extended to the next day when the office is open.

(d) The issues in a remonstrance under section 8 of this chapter are made up by the complaint. The allegations in the complaint shall be treated as denied by each defendant. A responsive pleading may not be filed except that any defendant may, if appropriate, file a motion to dismiss the remonstrance on the ground that:

(1) the requisite number of qualified remonstrators have not signed the petition;

(2) the remonstrance was not timely filed; or

(3) the complaint does not state a cause of action.

A responsive pleading to this motion may not be filed. With respect to a motion under subdivisions (1) and (2), the allegations of the pleading shall be treated as denied by the remonstrators. To determine whether there are the requisite number of qualified remonstrators, a person may not withdraw the person's name after a remonstrance has been filed or add the person's name to the remonstrance. Any person may, however, at the trial of the cause and in support or derogation of the substantive matters in the complaint, introduce into evidence a verified statement that the person wishes the person's name added to or withdrawn from the remonstrance. The court may either hear all or a part of the matters raised by the motion to dismiss separately or may consolidate for trial all or a part of the matters with the matters relating to the substance of the case. A complaint may not be dismissed for failure to state a cause of action if a fair reading of the complaint supports one (1) of the grounds for remonstrance provided in subsection (a). The court may permit an amendment of the complaint if the amendment does not state a new ground of remonstrance.

(e) The trial of a remonstrance shall be conducted as other civil cases by the court without the intervention of a jury on the issues raised by the complaint or a motion to dismiss, or both. A change of venue from a judge may be permitted. A change of venue from the county may not be permitted. The court shall expedite the hearing of the case. The court's judgment, except with respect to any matter raised under subsection (a)(4), shall be either that:

(1) the annexation shall take place;

(2) the annexation shall not take place; or

(3) the remonstrance shall be dismissed.

If the court finds that the remonstrators have proved any of the reasons for the remonstrance described in subsection (a)(1) through (a)(4), the court's judgment shall be that the annexation may not take place. Unless the remonstrators have proved at least one (1) of the reasons for a remonstrance described in subsection (a)(1) through (a)(4), the court's judgment shall be that the annexation shall take

place. With respect to any matter raised under subsection (a)(4), the court's judgment may be either that the disposition, allocation, and amount set out in the annexing resolution is equitable or that it is inequitable. In the latter event, the court in the court's judgment shall provide for an equitable disposition, allocation, and amount. Costs shall follow judgment. Appeals may be taken from any judgment of the court in the same manner as appeals are taken in other civil cases.
As added by P.L.1-2005, SEC.7.

IC 20-23-5-11
Adoption of plans for governing bodies of school corporations

Sec. 11. (a) Within sixty (60) days after the annexation takes place, the governing body of the acquiring school corporation and losing school corporation shall adopt a plan determining the manner in which the governing body shall be constituted. The plan shall be adopted in accordance with the requirements and procedures of IC 20-23-8, except as set out in subsection (b).

(b) The adoption of a plan by the governing body in accordance with IC 20-23-8-10 and its submission to the state board under IC 20-23-8-15 are the only procedures required when an existing plan is changed as follows:

(1) All governing body members are elected at large, and there are no governing body member residency districts.

(2) Governing body members are elected from governing body member residency districts, and the annexed territory is added to or deleted from one (1) or more districts.

(3) A governing body member is appointed from a given area or district, and the annexed territory is added to or deleted from one (1) or more districts or areas.

(4) A governing body member is elected solely by the voters in a school governing body member district, but the addition or deletion of the annexed territory to or from an existing district does not constitute a denial of equal protection of the laws.

If a school corporation elects or appoints members of its governing body both from a school governing body member district encompassing the entire school corporation and from smaller districts, the governing body of the acquiring school corporation shall add the annexed territory both to the district consisting of the entire school corporation and to one (1) or more smaller districts. In a comparable situation, the losing school corporation shall delete the annexed territory both from the district consisting of the entire school corporation and from any smaller district or districts. The change in the plan becomes effective upon its approval by the state board. The application of this subsection does not limit the initiation of, or further changes in, any plan under IC 20-23-8.
As added by P.L.1-2005, SEC.7.

IC 20-23-5-12
Disposition of assets and liabilities of losing school corporation; allocation of school tax receipts and amount to be paid by

acquiring school corporation; standards

Sec. 12. (a) With respect to whether the disposition of the assets and liabilities of the losing school corporation, allocation of school tax receipts, and the amount to be paid by the acquiring school corporation is equitable, the court, subject to subsection (b), shall be satisfied that the annexing resolution conforms substantially to the following standards:

(1) The acquiring school corporation shall assume a part of all installments of principal and interest on any indebtedness of the losing school corporation (other than current obligations or temporary borrowing) that fall due after the end of the last calendar year in which the losing school corporation is entitled to receive current tax receipts from property tax levies on the property of the annexed territory. The part consists of the following:

(A) All installments relating to any indebtedness incurred in connection with the acquisition or construction of any building located in the annexed territory.

(B) A proportion of all installments relating to any other indebtedness that is the same proportion as the valuation of the real property in the annexed territory bears to the valuation of all the real property in the losing school corporation, as the indebtedness is assessed for general taxation immediately before annexation.

(2) The acquiring school corporation shall make the payments and assume the obligations provided for a school corporation acquiring territory or a building or buildings under IC 20-47-5.

(b) Standards under subsection (a) may not be applicable to the extent the losing school corporation and acquiring school corporation otherwise agree in a situation where all or a majority of the students in the annexed territory have been transferred from the losing school corporation to the acquiring school corporation for the five (5) school years immediately preceding the transfer. The agreement between school corporations may not prejudice the rights of bondholders or lessors whose rights against the losing school corporation and acquiring school corporation shall, upon enforcement, be allocated between the losing school corporation and acquiring school corporation in accordance with subsection (a)(1) and (a)(2).

As added by P.L.1-2005, SEC.7. Amended by P.L.231-2005, SEC.21; P.L.2-2006, SEC.94.

IC 20-23-5-13

Effective date of annexation in case of remonstrance; limitations on new annexation proceeding following adverse judgment

Sec. 13. (a) If a remonstrance is filed on grounds other than the grounds in section 10(a)(4) of this chapter, annexation does not become effective until final judgment in the remonstrance suit. Judgment may not be considered to be final until:

(1) the time for taking an appeal has expired; or

(2) final judgment in the appeal is entered.

A judgment of the trial court dismissing a remonstrance is a final judgment. If judgment is against the annexation, a further annexation of the annexed territory may not take place for two (2) years after the date the remonstrance was filed. A final judgment may not prevent either the acquiring school corporation or acquiring school corporation and losing school corporation from rescinding the annexation resolution. If the suit is dismissed without prejudice, the two (2) year prohibition does not apply unless a subsequent annexation resolution is adopted primarily for the purpose of harassment and not for some other purpose, including the correction of procedural irregularities or a substantial change in the annexed territory or the annexation resolution.

(b) If the remonstrance relates solely to any matter raised under section 10(a)(4) of this chapter, the annexation takes effect at the time provided under section 8 of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-5-14

Repeal of conflicting laws; supplemental effect of chapter

Sec. 14. (a) Laws or parts of laws in conflict with this chapter are repealed. This chapter may not be construed to repeal any part of IC 20-23-4 or any statute concerning the consolidation of two (2) or more school corporations, to which this chapter is supplementary, except to the extent that IC 20-23-4 conflicts with this section.

(b) An annexation that is undertaken under or that results by operation of any section of this chapter may require, for its effectiveness, any approval of any county committee or state commission or committee created under, or referred to in, IC 20-23-4.

As added by P.L.1-2005, SEC.7.

IC 20-23-6

Chapter 6. Consolidation of School Corporations

IC 20-23-6-1

"Trustees"

Sec. 1. As used in this chapter, "trustees" means the:

(1) township trustee and township board; or

(2) governing body;

of each school corporation joining in the resolution provided for in this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-6-2

Authorization to consolidate

Sec. 2. The governing body of two (2) or more school corporations, whether:

(1) towns;

(2) cities;

(3) townships;

(4) joint schools; or

(5) consolidated schools;

situated in the same or adjoining counties may consolidate their respective school corporations in the manner and upon the conditions prescribed in this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-6-3

Joint resolutions; contents; notice requirements; petition for election

Sec. 3. (a) If the governing bodies of at least two (2) school corporations desire to consolidate school corporations, the governing bodies may meet together and adopt a joint resolution declaring intention to consolidate school corporations. The resolution must set out the following information concerning the proposed consolidation:

(1) The name of the proposed new school corporation.

(2) The number of members on the governing body and the manner in which they shall be elected or appointed.

(A) If members are to be elected, the resolution must provide for:

(i) the manner of the nomination of members;

(ii) who shall constitute the board of election commissioners;

(iii) who shall appoint inspectors, judges, clerks, and sheriffs; and

(iv) any other provisions desirable in facilitating the election.

(B) Where applicable and not in conflict with the resolution, the election is governed by the general election laws of Indiana, including the registration laws.

(3) Limitations on residences, term of office, and other qualifications required of the members of the governing body. A resolution may not provide for an appointive or elective term of more than four (4) years. A member may succeed himself or herself in office.

(4) Names of present school corporations that are to be merged together as a consolidated school corporation.

In addition, the resolution may specify the time when the consolidated school corporation comes into existence.

(b) The number of members on the governing body as provided in the resolution may not be less than three (3) or more than seven (7). However, the joint resolution may provide for a board of nine (9) members if the proposed consolidated school corporation is formed out of two (2) or more school corporations that:

(1) have entered into an interlocal agreement to construct and operate a joint high school; or

(2) are operating a joint high school that has an enrollment of at least six hundred (600) in grades 9 through 12 at the time the joint resolution is adopted.

(c) The members of the governing body shall, after adopting a joint resolution, give notice by publication once each week for two (2) consecutive weeks in a newspaper of general circulation, if any, in each of the school corporations. If a newspaper is not published in the school corporation, publication shall be made in the nearest newspaper published in the county in which the school corporation is located. The governing bodies of school corporations shall meet one (1) week following the date of the appearance of the last publication of notice of intention to consolidate. If a protest has not been filed, as provided in this chapter, the governing bodies shall declare by joint resolution the consolidation of the school corporations to be accomplished, to take effect as provided in section 8 of this chapter. However, on or before the sixth day following the last publication of the notice of intention to consolidate, twenty percent (20%) of the legal voters residing in any school corporation may petition the governing body of the school corporations for an election to determine whether or not the majority of the voters of the school corporation is in favor of consolidation.

As added by P.L.1-2005, SEC.7.

IC 20-23-6-4

Amendment of joint resolution of provisions regarding superintendent

Sec. 4. (a) If the joint resolution under section 3 of this chapter provides that the consolidated schools shall be under the direction of the county superintendent of schools, the resolution may be amended by following the procedure in this section to provide that the consolidated schools are under the direction of a superintendent selected by the governing body of the new consolidated school corporation. The change shall be effected by a resolution adopted by a majority of the members of the governing body at a meeting held

within the limits of the consolidated school corporation. All the members of the governing body shall receive or waive written notice of the:

(1) date;
(2) time;
(3) place; and
(4) purpose;

of the meeting. The resolution and proof of service or waiver of the notice shall be made a part of the records of the governing body. An amendment takes effect after the adoption of a resolution at the time a superintendent is selected by the governing body and commences the superintendent's duties. The superintendent shall serve under a contract in the same manner and under the same rules governing the employment and service of other licensed personnel. The superintendent's original contract and succeeding contracts may be for a period of from one (1) to five (5) years.

(b) The joint resolution of a consolidated school corporation may not be amended under this section unless the corporation is entitled at the time the governing body adopts an amending resolution under:

(1) the rules established by the state board or its successor; or
(2) any appropriation or other statute;

to an additional unit or administrative unit of state support if the governing body employs a licensed superintendent devoting full time to administration or supervision of schools of the corporation.

(c) In all instances of reorganization under this chapter after March 11, 1965, the consolidated school corporation shall be under the direction of a superintendent selected by its governing body.

As added by P.L.1-2005, SEC.7.

IC 20-23-6-5

Petitions protesting consolidations; notice of election

Sec. 5. (a) If a petition is filed in one (1) or more of the school corporations protesting consolidation as provided in this chapter by the legal voters of any school corporation the governing body of which proposes to consolidate, the governing body in each school corporation in which a protest petition is filed shall certify the public question to each county election board of the county in which the school corporation is located. The county election board shall call an election of the voters of the school corporation to determine if a majority of the legal voters of the corporation is in favor of consolidating the school corporations.

(b) If a protest is filed in more than one (1) school corporation, the elections shall be held on the same day. Each county election board shall give notice by publication once each week for two (2) consecutive weeks in a newspaper of general circulation in the school corporation. If a newspaper is not published in the:

(1) township;
(2) town; or
(3) city;

the notice shall be published in the nearest newspaper published in

the county or counties, that on a day and at an hour to be named in the notice, the polls will be open at the usual voting places in the various precincts in the corporation for taking the vote of the legal voters upon whether the school corporation shall be consolidated with the other school corporations joining in the resolution.

(c) The public question shall be placed on the ballot in the form provided by IC 3-10-9-4 and must state: "Shall (insert name of school corporation) be consolidated with (insert names of other school corporations)?".

(d) Notice shall be given not later than thirty (30) days after the petition is filed. The election shall be held not less than ten (10) days or more than twenty (20) days after the last publication of the notice.

(e) The governing body of each school corporation in which an election is held is bound by the majority vote of those voting. However, if the election falls within a period of not more than six (6) months before a primary or general election, the election shall be held concurrently with the primary or general election.

(f) If a majority of those voting in any one (1) school corporation votes against the plan of consolidation, the plan fails. However, the failure does not prevent any or all the school corporations from taking further initial action for the consolidation of school corporations under this chapter.

(g) Whenever twenty percent (20%) of the legal voters residing in any school corporation, jointly with twenty percent (20%) of the legal voters in each of one (1) or more other school corporations:

(1) prepare a resolution; and

(2) petition the trustees of their respective school corporations to consolidate the school corporations, as set out in the resolution;

each governing body petitioned shall call the school election provided for in this chapter in its school corporations.

(h) Notice of the election shall be published within thirty (30) days after the filing of the resolution with the governing body of the school corporation where it is last filed. However, if any of the petitioned governing bodies agrees to the consolidation as set out in the resolution, an election in that school corporation may not be required under the resolution.

(i) Notice as set out in this section shall be given, and a protest requesting an election may be filed in conformity with section 3 of this chapter.

As added by P.L.1-2005, SEC.7. Amended by P.L.1-2006, SEC.315.

IC 20-23-6-6

Election procedure; form of ballot

Sec. 6. (a) On the day and hour named in the notice filed under section 5 of this chapter, polls shall be opened and the votes of the registered voters shall be taken upon the public question of consolidating school corporations. The election shall be governed by IC 3, except as provided in this chapter.

(b) The county election board shall conduct the election. The

public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall (here insert the names of the school corporations that the resolution proposes to consolidate) be consolidated into a consolidated school corporation?".

(c) A brief statement of the provisions in the resolution for appointment or election of a governing body may be placed on the ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes cast for and against the consolidation of the school corporations shall be filed with:

(1) the governing body of the school corporations subject to the election;

(2) the state superintendent; and

(3) the county recorder of each county in which a consolidated school corporation is located;

together with a copy of the resolution.

(d) If a majority of the votes cast at each of the elections is in favor of the consolidation of two (2) or more school corporations, the trustees of the school corporations shall proceed to consolidate the schools and provide the necessary buildings and equipment. In any school corporation where a petition was not filed and an election was not held, the failure on the part of the voters to file a petition for an election shall be considered to give the consent of the voters of the school corporation to the consolidation as set out in the resolution.

(e) If the special election is not conducted at a primary or general election, the expense of the election shall be borne by the school corporation or each of the school corporations subject to the election and shall be paid out of the school general fund.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.95.

IC 20-23-6-7

Consolidated schools under management of original trustees

Sec. 7. (a) Each school of the consolidated schools is under the control and management of the original governing body until the consolidated school corporation comes into existence at the time provided in section 8 of this chapter. When the consolidated school corporation comes into existence, the term of office of each of the original members of the governing body expires.

(b) The term of any township trustee does not expire. However, the duties and powers of the trustee as a school township trustee may be altered or changed by any resolution and the consolidation provided for in this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-6-8

Consolidated school boards; oath; organizational meetings; membership; compensation

Sec. 8. (a) Consolidated schools are under the control and management of the consolidated governing body created under this chapter, and a new consolidated school corporation comes into existence:

(1) at the time specified in the resolutions provided in section 3 or 4 of this chapter; or

(2) if a time is not specified, at the following times:

(A) If a protest has not been filed and the creation is accomplished by the adoption of a joint resolution following publication of notice as provided in section 3 of this chapter, thirty (30) days after the adoption of the joint resolution.

(B) If the creation is accomplished after an election as provided in section 6 of this chapter, thirty (30) days after the election.

(b) The members of the governing body shall:

(1) take an oath to faithfully discharge the duties of office; and

(2) meet at least five (5) days before the time the new consolidated school corporation comes into existence to organize.

(c) The governing body shall meet to reorganize on August 1 of each year and at any time the personnel of the board is changed. At the organization or reorganization meeting, the members of the governing body shall elect the following:

(1) A president.

(2) A secretary.

(3) A treasurer.

(d) The treasurer, before starting the duties of the treasurer's office, shall execute a bond to the acceptance of the county auditor. The fee for the bond shall be paid from the school general fund of the consolidated school corporation. Any vacancy occurring in the membership in any governing body, other than vacancy in the office of an ex officio member, shall be filled in the following manner:

(1) If the membership was originally made by appointment, the vacancy shall be filled by appointment by the legislative body of the:

(A) city;

(B) town;

(C) township; or

(D) other body;

or other official making the original appointment.

(2) If the membership was elected, the vacancy shall be filled by a majority vote of the remaining members of the governing body of the consolidated school corporation.

(e) The members of the governing body, other than the township executive or ex officio member, shall receive compensation for services as fixed by resolution of the governing body. The members, other than the township executive or any ex officio member, may not receive more than two hundred dollars ($200) annually. Any:

(1) township executive; or

(2) ex officio member of the governing body;

shall serve without additional compensation.

(f) The governing body of a consolidated school corporation may elect and appoint personnel it considers necessary.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.96.

IC 20-23-6-9

Abandonment of old school corporations; transfer of property and obligations to new corporations; disposition of unneeded property; procedure

Sec. 9. (a) When any:

(1) school town;
(2) school city;
(3) school township;
(4) joint school; or
(5) consolidated school;

has become consolidated by resolution or election and the new governing body has been appointed and legally organized, the former school township, school town, school city, joint school, or consolidated school is considered abandoned.

(b) All school:

(1) property;
(2) rights;
(3) privileges; and
(4) any indebtedness;

from the abandoned school is considered to accrue to and be assumed by the new consolidated school corporation.

(c) The title of property shall pass to and become vested in the new consolidated school corporation. All debts of the former school corporations shall be assumed and paid by the new consolidated school corporation. All the privileges and rights conferred by law upon the former:

(1) school town;
(2) school city;
(3) school township;
(4) joint school; or
(5) consolidated school;

are granted to the newly consolidated school corporation.

(d) This subsection applies when the consolidated governing body of a consolidated school corporation decides that property acquired under subsection (b) from a township is no longer needed for school purposes. The governing body shall offer the property as a gift for park and recreation purposes to the township that owned the property before the school was consolidated. If the township board accepts the offer, the governing body shall give the township a quitclaim deed to the property. The deed must state that the township is required to use the property for park and recreation purposes. If the township board refuses the offer, the governing body may sell the property in the manner provided in subsection (e).

(e) This subsection provides the procedure for the sale of school property that is no longer needed for school purposes by the governing body of a consolidated school corporation. The governing body shall cause the property to be appraised at a fair cash value by:

(1) one (1) disinterested resident freeholder of the school corporation offering the property for sale; and
(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana. One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the property. The appraisals shall be made under oath and spread of record upon the records of the governing body. A sale may not be made for less than the appraised value, and the sale must be made for cash. The sale shall take place after the governing body gives notice under IC 5-3-1 of the terms, date, time, and place of sale.

(f) Proceeds from a sale under subsection (e) shall be placed in a capital projects fund of the consolidated school corporation or other fund designated as the fund that is available for capital outlay of the school corporation.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.97; P.L.113-2006, SEC.13.

IC 20-23-6-10

School board of consolidated school corporation joining with other existing entities

Sec. 10. (a) The governing body of a consolidated school corporation formed under this chapter may join with other:

(1) townships;
(2) school towns;
(3) school cities;
(4) joint schools; or
(5) consolidated schools;

to decide whether a consolidation shall take place.

(b) The provisions concerning:

(1) resolutions;
(2) petitions; and
(3) elections;

set out in this chapter apply.

(c) The new resolution may change the name of the consolidated school corporation or the number of members of the newly consolidated governing body under this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-6-11

Filing copies of consolidation resolution; school corporations to be separate and distinct from any civil corporation

Sec. 11. A governing body shall, after the members have taken their oath of office, cause a copy of the resolution to consolidate to be filed with the county recorder in the county in which the new school district is located. Any consolidated school district is declared to be and is made a school corporation for school purposes, separate and distinct from any civil corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-6-12

Reorganization by school corporations to become community school corporations

Sec. 12. (a) This section provides an alternative method for a

school corporation to be reorganized as a community school corporation.

(b) The following may petition directly to the state board to be reorganized as a community school corporation:

(1) A consolidated school corporation organized under section 3 of this chapter.

(2) A metropolitan school district organized under IC 20-23-7-2 or IC 20-23-7-12.

(c) The following apply to a school corporation that petitions directly to the state board under subsection (b):

(1) The school corporation is not required to do the following:

(A) Seek approval of a county committee established by IC 20-23-4-11.

(B) Pursue a joint meeting of a county committee and the state board under IC 20-23-4-18.

(2) The state board may waive the attainment of any standard required for reorganization as a community school corporation under this chapter.

As added by P.L.1-2005, SEC.7. Amended by P.L.231-2005, SEC.22.

IC 20-23-6-13

"Majority"

Sec. 13. If the term "majority" is used in connection with any law providing for the submission to an electorate of the question of the consolidation of two (2) or more school corporations, in all laws enacted before March 13, 1959, concerning school consolidation, and in particular IC 20-23-6 and IC 20-23-7, the term means the greater number of votes cast and counted either for or against the proposition of consolidation. Any additions to the certificate of the votes cast, other than the number of votes cast for and against the proposition of consolidation, shall be considered as surplusage and of no effect, and the intention of IC 20-23-6 and of IC 20-23-7 shall be so interpreted.

As added by P.L.1-2005, SEC.7.

IC 20-23-6-14

Liberal construction of existing laws

Sec. 14. All laws enacted pertaining to the consolidation of school corporations shall be liberally construed to effect the following purposes for which the laws were enacted:

(1) Better schools.

(2) Ease of administration.

(3) Economy of operation.

As added by P.L.1-2005, SEC.7.

IC 20-23-6-15

Quo warranto challenge to consolidate

Sec. 15. An action to test or question the legality of a consolidated school corporation may only be brought in an action of quo warranto in the name of the state on information filed by the prosecuting

attorney of the county in which the principal office of the consolidated school corporation is located where attempts are made or have been made to consolidate or join together school corporations under the provisions of IC 20-23-6 or IC 20-23-7, and an election on the question of consolidation has been held and the certificate certifying the vote is filed as provided by law or, an election is not held and the number of days allowed by statutes for filing a petition for an election has expired.
As added by P.L.1-2005, SEC.7.

IC 20-23-6-16
Community school corporation; state policy

Sec. 16. It is the policy of the state that whenever a community school corporation (as defined in IC 20-23-4-3) seeks to:

(1) reorganize into a community school corporation under IC 20-23-4 or IC 20-23-16-1 through IC 20-23-16-11;
(2) enter into a territorial annexation under IC 20-23-5 either as an acquiring school corporation or a losing school corporation (as defined in IC 20-23-5-4);
(3) consolidate with another school corporation under IC 20-23-6; or
(4) consolidate with another school corporation into one (1) metropolitan school district under IC 20-23-7;

the school corporation shall give consideration to the educational opportunities for students, local community interest, the effect on the community as a whole, and the economic interests of the community relative to establishing the boundaries of the school corporation that is involved in the school corporation reorganization, consolidation, or annexation attempt.
As added by P.L.1-2005, SEC.7.

IC 20-23-6-17
Transfer of territory from city to consolidated school corporation; authorization to grant and accept; supplemental effect of chapter

Sec. 17. (a) If the territory of a third class city is in a part of the territory of a consolidated school corporation, the third class city may lease to the consolidated school corporation a building and the property the building is on that is owned by the city for school purposes for a period of at least five (5) consecutive years.

(b) The common council of the city shall authorize a lease under subsection (a) and the authorization may be made:

(1) without appraisement;
(2) without compensation; or
(3) upon terms agreed upon.

(c) The possession and use of a specified part of property that a city leases under this section may be reserved by the city for city use. A lease made under this section shall be in the form of a deed or other written instrument that may be recorded. The grant must state that if the property is no longer needed for school purposes, the property reverts back to the city. A consolidated school corporation

acting through its board of school trustees may accept a lease:

(1) without appraisement;

(2) without compensation; or

(3) upon agreed upon terms;

by its board of school trustees.

(d) This section, being necessary and intended to remedy deficiencies in laws existing on June 30, 1955, relating to powers of certain municipal corporations and of certain school corporations, does not repeal the provisions of those laws governing corporations but supplements and clarifies those laws, and to that end shall be liberally construed.

As added by P.L.1-2005, SEC.7. Amended by P.L.1-2006, SEC.316.

IC 20-23-6-18

Prairie Township School Corporation; mandatory consolidation

Sec. 18. (a) Before January 1, 2011, Prairie Township School Corporation shall reorganize by consolidating with an adjacent school corporation under this chapter.

(b) If the governing body of Prairie Township School Corporation does not comply with this section before January 1, 2011, the state board shall, after December 31, 2010, develop a reorganization plan for the school corporation and require the governing body to implement the plan.

As added by P.L.182-2009(ss), SEC.310. As amended by P.L.1-2010, SEC.76.

IC 20-23-7

Chapter 7. Consolidation of County School Corporations and Metropolitan School Districts

IC 20-23-7-1

Purpose

Sec. 1. It is the purpose of this chapter to provide for the organization of public schools in Indiana to:

(1) promote the best interests of the students of Indiana;

(2) provide for the organization of additional forms of local school government;

(3) preserve and ensure an economical and efficient school system in accordance with the desires of the people in local communities; and

(4) improve the education of the students of Indiana as guaranteed by the laws and Constitution of the State of Indiana.

As added by P.L.1-2005, SEC.7.

IC 20-23-7-2

Metropolitan school district; consolidation procedure

Sec. 2. (a) In any county or adjoining counties at least two (2) school corporations, including school townships, school towns, school cities, consolidated school corporations, joint schools, metropolitan school districts, township school districts, or community school corporations, regardless of whether the consolidating school corporations are of the same or of a different character, may consolidate into one (1) metropolitan school district. Subject to subsection (h), the consolidation must be initiated by following either of the following procedures:

(1) The township trustee, board of school trustees, board of education, or other governing body (the trustee, board, or other governing body is referred to elsewhere in this section as the "governing body") of each school corporation to be consolidated shall:

(A) adopt substantially identical resolutions providing for the consolidation; and

(B) publish a notice setting out the text of the resolution one (1) time under IC 5-3-1.

The resolution must set forth any provision for staggering the terms of the board members of the metropolitan school district elected under this chapter. If, not more than thirty (30) days after publication of the resolution, a petition of protest, signed by at least twenty percent (20%) of the registered voters residing in the school corporation is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside, a referendum election shall be held as provided in subsection (c).

(2) Instead of the adoption of substantially identical resolutions in each of the proposed consolidating school corporations under subdivision (1), a referendum election under subsection (c)

shall be held on the occurrence of all of the following:

(A) At least twenty percent (20%) of the registered voters residing in a particular school corporation sign a petition requesting that the school corporation consolidate with another school corporation (referred to in this subsection as "the responding school corporation").

(B) The petition described in clause (A) is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside.

(C) Not more than thirty (30) days after the service of the petition by the clerk of the circuit court to the governing body of the responding school corporation under subsection (b) and the certification of signatures on the petition occurs under subsection (b), the governing body of the responding school corporation adopts a resolution approving the petition and providing for the consolidation.

(D) An approving resolution has the same effect as the substantially identical resolutions adopted by the governing bodies under subdivision (1), and the governing bodies shall publish the notice provided under subdivision (1) not more than fifteen (15) days after the approving resolution is adopted. However, if a governing body that is a party to the consolidation fails to publish notice within the required fifteen (15) day time period, a referendum election still must be held as provided in subsection (c).

If the governing body of the responding school corporation does not act on the petition within the thirty (30) day period described in clause (C), the governing body's inaction constitutes a disapproval of the petition request. If the governing body of the responding school corporation adopts a resolution disapproving the petition or fails to act within the thirty (30) day period, a referendum election as described in subsection (c) may not be held and the petition requesting the consolidation is defeated.

(b) Any petition of protest under subsection (a)(1) or a petition requesting consolidation under subsection (a)(2) must show in the petition the date on which each person has signed the petition and the person's residence on that date. The petition may be executed in several counterparts, the total of which constitutes the petition. Each counterpart must contain the names of voters residing within a single county and shall be filed with the clerk of the circuit court of the county. Each counterpart must have attached to it the affidavit of the person circulating the counterpart that each signature appearing on the counterpart was affixed in that person's presence and is the true and lawful signature of each person who made the signature. Any signer may file the petition or any counterpart of the petition. Each signer on the petition may before and may not after the filing with the clerk withdraw the signer's name from the petition. A name may not be added to the petition after the petition has been filed with the clerk. After the receipt of any counterpart of the petition, each circuit

court clerk shall certify:

(1) the number of persons signing the counterpart;

(2) the number of persons who are registered voters residing within that part of the school corporation located within the clerk's county, as disclosed by the voter registration records in the office of the clerk or the board of registration of the county, or wherever registration records may be kept;

(3) the total number of registered voters residing within the boundaries of that part of the school corporation located within the county, as disclosed in the voter registration records; and

(4) the date of the filing of the petition.

Certification shall be made by each clerk of the circuit court not more than thirty (30) days after the filing of the petition, excluding from the calculation of the period any time during which the registration records are unavailable to the clerk, or within any additional time as is reasonably necessary to permit the clerk to make the certification. In certifying the number of registered voters, the clerk of the circuit court shall disregard any signature on the petition not made within the ninety (90) days immediately before the filing of the petition with the clerk as shown by the dates set out in the petition. The clerk of the circuit court shall establish a record of the certification in the clerk's office and shall serve the original petition and a copy of the certification on the county election board under IC 3-10-9-3 and the governing bodies of each affected school corporation. Service shall be made by mail or manual delivery to the governing bodies, to any officer of the governing bodies, or to the administrative office of the governing bodies, if any, and shall be made for all purposes of this section on the day of the mailing or the date of the manual delivery.

(c) The county election board in each county where the proposed metropolitan school district is located, acting jointly where the proposed metropolitan school district is created and where it is located in more than one (1) county, shall cause any referendum election required under either subsection (a)(1) or (a)(2) to be held in the entire proposed metropolitan district at a special election. The special election shall be not less than sixty (60) days and not more than ninety (90) days after the service of the petition of protest and certification by each clerk of the circuit court under subsection (a)(1) or (a)(2) or after the occurrence of the first action requiring a referendum under subsection (a)(2). However, if a primary or general election at which county officials are to be nominated or elected, or at which city or town officials are to be elected in those areas of the proposed metropolitan school district that are within the city or town, is to be held after the sixty (60) days and not more than six (6) months after the service or the occurrence of the first action, each election board may hold the referendum election with the primary or general election.

(d) Notice of the special election shall be given by each election board by publication under IC 5-3-1.

(e) Except where it conflicts with this section or cannot be

practicably applied, IC 3 applies to the conduct of the referendum election. If the referendum election is not conducted at a primary or general election, the cost of conducting the election shall be charged to each component school corporation included in the proposed metropolitan school district in the same proportion as its assessed valuation bears to the total assessed valuation of the proposed metropolitan school district and shall be paid from any current operating fund of each component school corporation not otherwise appropriated, without appropriation.

(f) The question in the referendum election shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the school corporations of _____ be formed into one (1) metropolitan school district under IC 20-23-7?" (in which blanks the respective name of the school districts concerned will be inserted).

(g) If:

(1) a protest petition with the required signatures is not filed after the adoption of substantially identical resolutions of the governing bodies providing for or approving the consolidation as described in subsection (a)(1); or

(2) a referendum election occurs in the entire proposed metropolitan district and a majority of the voters in each proposed consolidating school corporation vote in the affirmative;

a metropolitan school district is created and comes into existence in the territory subject to the provisions and under the conditions described in this chapter. The boundaries include all of the territory within the school corporations, and it shall be known as "Metropolitan School District of _____, Indiana" (the name of the district concerned will be inserted in the blank). The name of the district shall be decided by a majority vote of the metropolitan governing board of the metropolitan school district at the first meeting. The metropolitan governing board of the new metropolitan school district shall be composed and elected under this chapter. The failure of any public official or body to perform any duty within the time provided in this chapter does not invalidate any proceedings taken by that official or body, but this provision shall not be construed to authorize a delay in the holding of a referendum election under this chapter.

(h) If the governing body of a school corporation is involved in a consolidation proposal under subsection (a)(1) or (a)(2) that fails to result in a consolidation, the:

(1) governing body of the school corporation may not initiate a subsequent consolidation with another school corporation under subsection (a)(1); and

(2) residents of the school corporation may not file a petition requesting a consolidation with another school corporation under subsection (a)(2);

for one (1) year after the date on which the prior consolidation proposal failed.

As added by P.L.1-2005, SEC.7.

IC 20-23-7-3

Metropolitan school district; duties

Sec. 3. (a) The metropolitan school district shall conduct the educational activities of all the schools in the district in compliance with:

(1) state law; and

(2) the laws of the state of Indiana with reference to public education.

(b) The control and administration of the schools of the metropolitan school district are vested in a governing body whose:

(1) composition;

(2) duties;

(3) manner of election; and

(4) powers;

are described in this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-7-4

Metropolitan school district; division into board member districts

Sec. 4. (a) At the first meeting of the board of commissioners of the county after the creation of the metropolitan school district as provided in this chapter, the board of commissioners shall divide the district into three (3) governing body districts approximately equal in population. Not more than one (1) year after the effective date of each United States decennial census, the board of commissioners shall readjust the boundaries of the districts to equalize the districts by population.

(b) Instead of the division provided under subsection (a), any resolution or petition provided in section 2(a) or 2(b) of this chapter may:

(1) provide that the metropolitan school district to be created shall be divided into two (2) or more governing body districts;

(2) describe the governing body member districts;

(3) provide that one (1) or more members of the governing body must reside within each of the governing body member districts;

(4) set out the number of members to serve from each designated district;

(5) provide that the governing body member districts need not be equal in size or population, and that one (1) board member district may include all the area in the metropolitan school district;

(6) specify that the number of governing body members to be resident in each district need not be an equal number; and

(7) eliminate all requirements that there be governing body member districts.

(c) If the resolution or petition:

(1) does not provide for governing body member districts and designate the number of governing body members to be resident in each district; or

(2) provides for the elimination of governing body member

districts;

subsection (a) controls. If either subsection (a) or (b) applies, candidates shall be voted upon by all the registered voters of the metropolitan school district voting at any governing body member election.

As added by P.L.1-2005, SEC.7.

IC 20-23-7-5

Metropolitan board of education; membership powers and duties

Sec. 5. (a) The rights, powers, and duties of the metropolitan school district shall be vested in the governing body that must be composed of:

(1) three (3);

(2) five (5); or

(3) seven (7) members;

who have resided in the district for at least two (2) years before taking office. The resolution or petition provided by section 2(a) or 2(b) of this chapter may designate the number of members of the governing body. If a designation is not made concerning the number of members of a governing body, the governing body is composed of five (5) members.

(b) If section 4(a) of this chapter applies to a metropolitan school district, the following rules apply:

(1) If the governing body consists of three (3) members, one (1) member shall reside in each residence district.

(2) If the governing body consists of five (5) members, not more than two (2) shall reside in any one (1) residence district.

(3) If the governing body consists of seven (7) members, at least two (2) shall reside in any one (1) residence district.

(c) If a governing body member moves the member's residence within the metropolitan school district from one (1) governing body member district to another or when governing body member district boundaries are moved so that the member's place of residence changes from one (1) governing body member district to another, the member does not on this account become disqualified as a governing body member but may continue to hold office as a member of the governing body.

As added by P.L.1-2005, SEC.7.

IC 20-23-7-6

First metropolitan board of education; composition; meetings; organization; compensation

Sec. 6. (a) The first metropolitan board of education shall be composed of the:

(1) trustees; and

(2) members of school boards;

of the school corporations forming the metropolitan board of education.

(b) The members of the metropolitan board of education shall serve ex officio as members subject to the laws concerning length of

terms, powers of election, or appointment and filling vacancies applicable to their respective offices.

(c) If a metropolitan school district is comprised of only two (2) board members, the two (2) members shall appoint a third board member not more than ten (10) days after the creation of the metropolitan school district. If the two (2) members are unable to agree on or do not make the appointment of a third board member within the ten (10) day period after the creation of the metropolitan school district, the third member shall be appointed not more than twenty (20) days after the creation of the metropolitan school district by the judge of the circuit court of the county in which the metropolitan school district is located. If the metropolitan school district is located in two (2) or more counties, the judge of the circuit court of the county containing that part of the metropolitan school district having more students than the part or parts located in another county or counties shall appoint the third member. The members of the metropolitan board of education serve until their successors are elected or appointed and qualified.

(d) The first meeting of the first metropolitan board of education shall be held not more than one (1) month after the creation of the metropolitan school district. The first meeting shall be called by the superintendent of schools, or township trustee of a school township, of the school corporation in the district having the largest number of students. At the first meeting, the board shall organize, and each year during the first ten (10) days after the board members that are elected or appointed to a new term take office, the board shall reorganize, by electing a president, a vice president, a secretary, and a treasurer.

(e) The secretary of the board shall keep an accurate record of the minutes of the metropolitan board of education, and the minutes shall be kept in the superintendent's office. When a metropolitan school district is formed, the metropolitan superintendent shall act as administrator of the board and shall carry out the acts and duties as designated by the board. A quorum consists of a majority of the members of the board. A quorum is required for the transaction of business. The vote of a majority of those present is required for a:

(1) motion;
(2) ordinance; or
(3) resolution;

to pass.

(f) The board shall conduct its affairs in the manner described in this section. Except in unusual cases, the board shall hold its meetings at the office of the metropolitan superintendent or at a place mutually designated by the board and the superintendent. Board records are to be maintained and board business is to be conducted from the office of the metropolitan superintendent or a place designated by the board and the superintendent.

(g) The metropolitan board of education shall have the power to pay to a member of the board:

(1) a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars ($125) per year; and

(2) for travel to and from a member's home to the place of the meeting within the district, a sum for mileage equal to the amount per mile paid to state officers and employees. The rate per mile shall change when the state government changes its rate per mile.

As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.13.

IC 20-23-7-7

Transfer of authority from existing school corporations to metropolitan districts

Sec. 7. (a) The transfer of:

(1) powers;
(2) duties;
(3) property;
(4) property rights;
(5) other assets;
(6) liabilities;
(7) contracts, both as to rights and obligations; and
(8) other issues connected with the transfer of authority from existing school corporations to the metropolitan school district;

shall take place at the time of the first meeting of the metropolitan board of education not more than one (1) month after the creation of the board.

(b) The transfer of the items listed in subsection (a) are vested in the metropolitan school district at the time of the first meeting of the metropolitan board of education.

As added by P.L.1-2005, SEC.7.

IC 20-23-7-8

Repealed

(*Repealed by P.L.179-2011, SEC.34.)*

IC 20-23-7-8.1

Metropolitan board of education; nomination and election of members

Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.

(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.

(c) Nominees for the board shall be listed on the general election ballot:

(1) in the form prescribed by IC 3-11-2;
(2) by board member districts; and

(3) without party designation.

The ballot must state the number of board members to be voted on and the maximum number of members that may be elected from each board member district as provided under section 5 of this chapter. A ballot that contains more votes than the maximum number allowed from a board member district is invalid.

(d) The precinct election boards in each county serving at the general election shall conduct the election for school board members.

(e) Voting and tabulation of votes shall be conducted in accordance with IC 3, and the candidates who receive the most votes are elected to the board.

(f) If there are more candidates from a particular board member district than may be elected from the board member district under section 5 of this chapter:

(1) the number of candidates elected is the greatest number that may be elected from the board member district;

(2) the candidates elected are those who, among the candidates from the board member district, receive the most votes; and

(3) the other candidates from the board member district are eliminated.

(g) If there is a tie vote among the candidates for the board, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

(h) If, at any time after the first board member election, a vacancy on the board occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the board, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

(1) appointing a person from the board member district from which the person who vacated the board was elected; or

(2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(i) At a general election held on the earlier of:

(1) more than sixty (60) days after an elected board member vacates membership on the board; or

(2) immediately before the end of the term for which the vacating member was elected;

a successor to a board member appointed under subsection (h) shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a successor board member to fill a vacancy for a two (2) year balance of a term,

candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the fewest votes at the election at which the successor is elected shall serve for a two (2) year term.

(j) At the first general election where members of the board are elected under this section, the elected candidates who constitute a simple majority of the elected candidates and who receive the most votes shall be elected for four (4) year terms, and the other elected candidates shall be elected for two (2) year terms.

(k) Board members shall be elected for four (4) year terms after the first election and shall take office January 1 following their election.

As added by P.L.179-2011, SEC.14.

IC 20-23-7-9

Voting method for metropolitan or consolidated school corporations

Sec. 9. (a) This section applies to a metropolitan or consolidated school corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for other offices for which candidates have qualified to be on the election ballot shall be used for the school board offices on the election ballot.

As added by P.L.1-2005, SEC.7.

IC 20-23-7-10

Metropolitan superintendent of schools appointment; terms of contracts; term of office; duties of board

Sec. 10. (a) The metropolitan board of education shall appoint a metropolitan superintendent of schools who shall serve under contract in the same manner and under the same laws that govern the employment and service of other licensed school personnel. The metropolitan superintendent of schools' salary and expense allowance is fixed by the metropolitan board of education. The metropolitan superintendent of schools' original contract:

(1) must be for a period of one (1) to five (5) years; and

(2) may be changed or extended by mutual agreement.

(b) Appointments to fill a vacancy for a metropolitan superintendent of schools shall be made under this chapter.

(c) The board shall:

(1) act upon the recommendations of the metropolitan superintendent of schools; and

(2) make other decisions and perform other duties as required by law.

(d) A:

(1) county superintendent;

(2) city school superintendent; or

(3) town superintendent;

in a metropolitan school district shall continue in the superintendents' respective employment at the same salary, paid in the same manner and according to the same terms as agreed to before the formation of the metropolitan school district.

(e) A metropolitan board of education shall:

(1) assign administrative duties; and

(2) designate:

(A) one (1) of the superintendents in the metropolitan school district; or

(B) a competent and qualified person as determined by the board;

to perform the duties of the metropolitan superintendent of the metropolitan school district as set forth in this chapter.

(f) A metropolitan board of education shall appoint a superintendent of the metropolitan school district and other administrative supervisory officers as provided in this chapter if:

(1) the previous superintendent's term expired;

(2) the previous superintendent's contract of employment ended; or

(3) the previous superintendent:

(A) died; or

(B) resigned.

(g) The appointment and salary of the metropolitan superintendent of schools appointed under subsection (f) shall be made, set, and paid as provided in this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-7-11

Metropolitan school district in more than one county; special duties

Sec. 11. If a metropolitan school district formed under this chapter includes territory in more than one (1) county, the respective counties, boards, commissions, and officers of each of the counties shall perform duties required to form a metropolitan school district jointly and severally, including:

(1) dividing the territory into board member districts;

(2) levying and collecting taxes;

(3) allocating receipts;

(4) filing petitions for nomination;

(5) printing and distributing ballots,

(6) tabulating and certifying election results; and

(7) filling vacancies.

As added by P.L.1-2005, SEC.7.

IC 20-23-7-12

Metropolitan school districts in school townships; methods of creation; membership of first metropolitan board of education; duties

Sec. 12. (a) As used in this section, "county" means the county in which the school township is located.

(b) As used in this section, "school township" means a school township in Indiana that:

(1) for the last full school semester immediately preceding:

(A) the adoption of a preliminary resolution by the township trustee and the township board under subsection (f); or

(B) the adoption of a resolution of disapproval by the township trustee and the township board under subsection (g);

had an ADM of at least six hundred (600) students in kindergarten through grade 12 in the public schools of the school township; or

(2) is part of a township in which there were more votes cast for township trustee outside the school township than inside the school township in the general election at which the trustee was elected and that preceded the adoption of the preliminary or disapproving resolution.

(c) As used in this section, "township board" means the township board of a township in which the school township is located.

(d) As used in this section, "township trustee" means the township trustee of the township in which the school township is located.

(e) In a school township, a metropolitan school district may be created by complying with this section. A metropolitan school district created under this section shall have the same boundaries as the school township. After a district has been created under this section, the school township that preceded the metropolitan school district is abolished. The procedures or provisions governing the creation of a metropolitan school district under another section of this chapter do not apply to the creation of a district under this section. After a metropolitan school district is created under this section, the district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:

(1) The township trustee shall call a meeting of the township board. At the meeting, the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:

(A) by two (2) publications one (1) week apart in a newspaper of general circulation published in the school township; or

(B) if there is no newspaper as described in clause (A), in a newspaper of general circulation in the county;

of the adoption of the resolution setting forth the text of the resolution.

(2) On the thirtieth day after the date of the last publication of the notice under subdivision (1) and if a protest has not been

filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day after the date of the last publication of the notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, not more than ten (10) days after the filing of a petition:

(A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or

(B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the _____ School Township of _____ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the special election is not conducted at a primary or general election, the school township shall pay the expense of holding the election out of the school general fund that is appropriated for this purpose.

(k) A metropolitan school district shall, subject to section 7 of this chapter, be created on the thirtieth day after the date of the adoption of the confirming resolution under subsection (f) or an election held under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of _____ Township, _____ County, Indiana". The first metropolitan board of education in a metropolitan

school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and 8.1 of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until January 1 following the election of a metropolitan school board at the first general election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

As added by P.L.1-2005, SEC.7. Amended by P.L.1-2006, SEC.317; P.L.2-2006, SEC.98; P.L.1-2007, SEC.143; P.L.179-2011, SEC.15.

IC 20-23-7-13

Specification of date of creation of school corporations or school districts in petitions or resolutions

Sec. 13. In the resolution creating a county school corporation or metropolitan school district or in the petitions requesting the creation of or requesting a referendum on the question of creating a corporation or district under section 2 or 12 of this chapter, the resolutions or petitions may specify when a school corporation or school district shall be created and the corporation or district shall then be created at the time provided in the resolutions or petitions.

As added by P.L.1-2005, SEC.7. Amended by P.L.231-2005, SEC.23.

IC 20-23-8

Chapter 8. Governing Body Composition Change

IC 20-23-8-1

"Circuit court"

Sec. 1. As used in this chapter, "circuit court" means:

(1) the circuit court of the county in which a school corporation is located; or

(2) if a school corporation is located in more than one (1) county, the circuit court of the county in which the largest number of registered voters of the school corporation are residents.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-2

"Clerk"

Sec. 2. As used in this chapter, "clerk" means:

(1) the clerk of the circuit court of the county in which a school corporation is located; or

(2) if a school corporation is located in more than one (1) county, the clerks in each of the counties in which the school corporation is located.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-3

"County election board"

Sec. 3. As used in this chapter, "county election board" means:

(1) the county election board in the county in which a school corporation is located; or

(2) if a school corporation is located in more than one (1) county, the county election boards of the counties in which the school corporation is located, acting jointly.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-4

"Plan"

Sec. 4. As used in this chapter, "plan" means the manner in which the governing body of a school corporation is constituted, including the number, qualifications, length of terms, manner, and time of selection, either by appointment or by election of the members of the governing body.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-5

"School corporation"

Sec. 5. As used in this chapter, "school corporation" means a local public school corporation established under the laws of Indiana. The term does not include a school township or a school corporation covered by IC 20-23-12, IC 20-23-17, or IC 20-23-17.2.

As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.16.

IC 20-23-8-6
"Voter"

Sec. 6. As used in this chapter, "voter", with respect to a petition, means a registered voter in the school corporation as determined in this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-7
Contents of plan

Sec. 7. (a) A plan or proposed plan must contain the following items:

(1) The number of members of the governing body, which shall be:
(A) three (3);
(B) five (5); or
(C) seven (7);
members.

(2) Whether the governing board shall be elected, appointed, or both.

(3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.

(4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.

(5) If the governing board will have members who are elected and members who are appointed, the following information:
(A) The number of appointed members.
(B) When and by whom each of the appointed members are appointed.
(C) A general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.
(D) The number of elected members.
(E) A general description of the manner of election that conforms with the requirements of IC 20-23-4-27.

(6) The limitations on:
(A) residence;
(B) term of office; and
(C) other qualifications;
required by members of the governing body.

(7) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.

(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000), the governing body described in a plan may have up to nine (9) members.

As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.17.

IC 20-23-8-8
Limitations on the plan

Sec. 8. (a) A plan is subject to the following limitations:

(1) A member of the governing body may not serve for a term of more than four (4) years, but a member may succeed himself or herself in office. This limitation does not apply to members who hold over during an interim period to effect a new plan awaiting the selection and qualification of a member under the new plan.

(2) The plan, if the members are:

(A) to be elected, shall conform with one (1) of the types of board organization permitted by IC 20-23-4-27; or

(B) appointed, shall conform with one (1) of the types permitted by IC 20-23-4-28.

(3) The terms of the members of the governing body, either elected to or taking office on or before the time the plan takes effect, may not be shortened. The terms of the members taking office under the plan may be shortened to make the plan workable on a permanent basis.

(4) If the plan provides for electoral districts, where a member of the governing body is elected solely by the voters of a single district, the districts must be as near as practicable equal in population. The districts shall be reapportioned and their boundaries changed, if necessary, by resolution of the governing body before the election next following the effective date of the subsequent decennial census to preserve the equality by resolution of the governing body.

(5) The plan shall comply with the:

(A) Constitution of the State of Indiana; and

(B) Constitution of the United States;

including the equal protection clauses of both constitutions.

(6) The provisions of IC 20-23-4-26 through IC 20-23-4-33 relating to the board of trustees of a community school corporation and to the community school corporation, including provisions relating to powers of the board and corporation and provisions relating to the mechanics of selection of the board, where elected and where appointed, apply to a governing body set up by a plan under this chapter and to the school corporation.

(b) The limitations set forth in this section do not have to be specifically set forth in a plan but are a part of the plan. A plan shall be construed, if possible, to comply with this chapter. If a provision of the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The provisions of a plan are severable.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.99.

IC 20-23-8-9
Authorization to change plan

Sec. 9. The plan of school board organization of a governing body may be changed in accordance with the procedures set out in this chapter.
As added by P.L.1-2005, SEC.7.

IC 20-23-8-10
Initiation of plan change

Sec. 10. (a) A change in a plan may be initiated by one (1) of the following procedures:

(1) By filing a petition signed by at least ten percent (10%) of the voters of the school corporation with the clerk of the circuit court.

(2) By a resolution adopted by the governing body of the school corporation.

(3) By ordinance adopted by a city legislative body under section 13 of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 7 of this chapter.
As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.18.

IC 20-23-8-11
Filing and certification of petitions

Sec. 11. (a) A voter is entitled to file a petition under this chapter with the clerk of the circuit court to:

(1) initiate a plan;

(2) protest a plan; or

(3) initiate an alternative plan.

(b) If a voter files a petition under subsection (a), the filing and certification of the petition is governed by the following provisions:

(1) The petition must show:

(A) the date that a person has signed the petition; and,

(B) in order to identify the person as a registered voter of the school corporation, the person's residence on that date.

(2) The petition may be executed in several counterparts, the total of which constitutes a petition. A counterpart must:

(A) contain the names of voters residing within a single county;

(B) be filed with the clerk of the circuit court of that county;

(C) have attached to it the affidavit of the person circulating the counterpart stating that each signature:

(i) appearing on the counterpart was affixed in the person's presence; and

(ii) is the true and lawful signature of the person who made the signature.

(3) A person who signs a petition or a counterpart may file the petition or a counterpart.

(4) All counterparts constituting a petition shall be filed on the same day.

(5) A person who signs a petition filed under subsection (a) may withdraw the person's name from the petition before the petition

is filed with the clerk. Names may not be added to a petition after the petition has been filed with the clerk.

(6) After the receipt of a petition, the clerk shall:

(A) strike all signatures appearing on the petition more than once; and

(B) make a certification under the clerk's hand and seal of the office as to the following:

(i) The number of signatures on the petition that are not duplicates representing persons who are registered voters residing within that part of the school corporation located within the county, as disclosed by the voter registration records in the office of the clerk or the board of registration of the county, or wherever the registration records are kept.

(ii) The total number of registered voters residing within the boundaries of that part of the school corporation located within the county, as disclosed in the records described in item (i).

(iii) The date of the filing of the petition with the clerk.

(7) The clerk shall:

(A) certify a petition not more than thirty (30) days after the filing of the petition, excluding time when the registration records are unavailable to the clerk, or within additional time as is reasonably necessary not to exceed an additional thirty (30) days, to permit the clerk to make a certification;

(B) establish a record of the certification at the clerk's office; and

(C) file:

(i) the original petition; and

(ii) a copy of the clerk's certification;

with the governing body.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-12

Action by the governing body on a petition

Sec. 12. The governing body shall, by resolution adopted not more than thirty (30) days after a petition is filed with it, either approve or disapprove a plan. The failure to take action within the thirty (30) day period constitutes disapproval of the plan.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-13

School corporations in certain cities; increase in membership of governing body

Sec. 13. (a) This section applies to a school corporation located in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(b) The city legislative body may adopt an ordinance to increase the membership of the governing body of a school corporation to seven (7) members.

(c) The ordinance must provide the following:

(1) The additional members of the governing body are to be appointed by the city executive.

(2) If the plan is subsequently changed to provide for the election of governing body members:

(A) the membership of the governing body may not be less than seven (7); and

(B) the members of the governing body are to be elected.

(3) The initial terms of the members appointed under this section.

(4) The effective date of the ordinance.

(d) An ordinance adopted under this section:

(1) supersedes a part of the plan that conflicts with the ordinance;

(2) must be filed with the state superintendent under section 22 of this chapter; and

(3) may only be amended or repealed by the city legislative body.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-14

Notice of plan and further petitions

Sec. 14. (a) Not more than ten (10) days after a governing body has:

(1) initiated;

(2) approved; or

(3) disapproved;

a plan initiated by the petition filed with it, the governing body shall publish a notice one (1) time in a newspaper of general circulation in the county of the school corporation. If a newspaper of general circulation is not published in the county of the school corporation, the governing body shall publish a notice one (1) time in a newspaper of general circulation published in a county adjoining the county of the school corporation.

(b) The notice must set out the text of a plan initiated by the governing body or another plan filed with the governing body before the preparation of the notice. The notice must also state the right of a voter, as provided in this section, to file a petition for alternative plans or a petition protesting the adoption of a plan or plans to which the notice relates.

(c) If the governing body fails to publish a notice required by this section, the governing body shall, not more than five (5) days after the expiration of the ten (10) day period for publication of notice under this section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk a petition protesting a plan initiated or approved by the governing body or a petition submitting an alternative plan as

follows:

(1) A petition protesting a plan shall be signed by at least twenty percent (20%) of the voters of the school corporation or five hundred (500) voters of the school corporation, whichever is less.

(2) A petition submitting an alternative plan shall be signed by at least twenty percent (20%) of the voters of the school corporation.

A petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

(1) adoption;

(2) defeat at a special election held under section 16 of this chapter; or

(3) combination with another plan by the state board under section 15 of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-15

Submission of plans to state board of education; publication of notice of plan

Sec. 15. (a) Not more than thirty (30) days after the expiration of the one hundred twenty (120) day period for filing a petition, plans that have been published in accordance with section 14 of this chapter, whether the plans were initiated by the governing body or in connection with a petition, shall be submitted to the state board.

(b) The state board shall:

(1) review a plan;

(2) revise a plan, if possible, to:

(A) cure ambiguities; and

(B) ensure that the plan complies with the limitations set out in section 8 of this chapter;

(3) if a plan provides for electoral districts, verify that the districts are, as near as practicable, equal in population according to the decennial census immediately preceding the first petition or resolution initiating the plan; and

(4) certify a plan, with revisions, to the governing body and to the clerk.

The state board may combine plans if the state board determines that the plans are substantially similar. In making its determinations, the commission may, but is not obligated to, hold hearings and shall make an investigation as it considers necessary. If the state board holds a hearing, the state board may hear the evidence through hearing examiners, who do not have to be members of the state board. The state board shall send a certified record of its

determinations to the governing body, the clerk, and the county election board.

(c) Not more than sixty (60) days after receiving a plan submitted by a governing body under section 14 of this chapter, the state board shall publish notice of the plan in accordance with section 14 of this chapter, unless the state board determines that the plan or the petition does not meet the requirements of this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-16

Special election

Sec. 16. (a) If:

(1) the governing body has disapproved a plan submitted;

(2) an alternative plan has been filed; or

(3) a petition of protest has been filed;

the county election board shall hold a special election at a date to be determined by the county election board not more than ninety (90) days after the receipt of the determination of the state board on a plan in the form certified by the state board.

(b) If a special election under subsection (a) can be held not more than six (6) months after the receipt of the determination from the state board in conjunction with a primary or general election at which:

(1) county officials are to be elected or nominated; or

(2) city or town officials are to be elected in those areas of the school corporations that are within the city or town;

the county election board may delay the special election until the date of the regular election.

(c) If a school corporation is located in more than one (1) county, the county election board of the county containing the greatest percentage of population of the school corporation shall determine the date of an election held under this section.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-17

Form of election notice and ballot

Sec. 17. (a) The clerk shall create the form of notice of the election and the ballot not more than thirty (30) days after receiving the certification from the state board as required by section 15 of this chapter. The notice must:

(1) state the date when the election shall take place; and

(2) describe generally the plans to be voted upon.

(b) The text of the public question on the ballot must include a description of the plan proposed, including:

(1) the number of members on the board;

(2) the number of electoral or resident member districts, if any;

(3) the number of at-large districts, if any;

(4) a general description of the geographical boundaries of the districts, referring to civil boundaries where applicable or merely general descriptions, such as the north half or north part

of a civil geographical district or the territory north of a geographical boundary; and

(5) other information sufficient to distinguish a plan from other plans.

If the text of the public question includes a description of the plan regarding how the current board is organized, as required by subsection (d), the plan must be identified as the existing plan.

(c) If only one (1) plan is proposed, the ballot shall be prepared so that voters who wish to vote on the plan must cast either an affirmative vote or a negative vote.

(d) If more than one (1) plan is proposed, the plan organizing the governing body must appear on the ballot as an option. The text of the public question must include a description of the existing plan that meets the criteria specified in subsection (b). The ballot must be prepared so that voters who wish to vote on the plans may vote for only one (1) plan.

(e) The text of the public question must be placed on the ballot in the form prescribed by IC 3-10-9-4.

(f) Subject to IC 3-12-1, the notice or ballot is not invalid if there has been a good faith effort to comply with this section.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-18

Conduct of election

Sec. 18. (a) The county election board shall give notice of an election under section 16 of this chapter after receiving the form of notice and ballot from the clerk. The county election board shall publish notice one (1) time in two (2) newspapers of general circulation in the school corporation, or if only one (1) newspaper is of general circulation, then in that newspaper. The publication may not be made less than ten (10) days nor more than forty-five (45) days before the election. Any other notice of the election or requirement for the time of printing ballots, whether prescribed by IC 3 or otherwise, is not required to be given or observed. A person may not vote at the special election unless the person is then qualified as a registered voter.

(b) IC 3 applies to the conduct of an election under this chapter, except if the provisions of this chapter are in conflict with provisions of IC 3 or if IC 3 cannot be practicably applied.

(c) If the special election is not conducted at a primary or general election, the school corporation shall pay the cost of conducting the election from the school corporation's general fund not otherwise appropriated without appropriation.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-19

When plan adopted

Sec. 19. (a) A plan shall be adopted in the following circumstances:

(1) At the expiration of one hundred twenty (120) days after the

publication of notice by the governing body if:

(A) the governing body has initiated or approved the plan;

(B) a petition has not been filed either protesting the plan or setting forth an alternative plan; and

(C) the state board has reviewed and certified the plan.

(2) If only one (1) plan is on the ballot and it receives more affirmative than negative votes, the plan is adopted at the expiration of thirty (30) days following the special election.

(3) If more than one (1) plan is on the ballot, the plan receiving the most votes is adopted at the expiration of thirty (30) days after the special election.

(b) The plan is effective:

(1) at the time provided in the plan; or

(2) if a time is not provided or if the time provided is inapplicable due to the lapse of time of the proceedings under this chapter, either on the January 1 or July 1 following the time of adoption of the plan.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-20

Limitation on actions

Sec. 20. An action to:

(1) contest the validity of the adoption of a plan to declare that the plan has not been validly adopted; or

(2) enjoin the operation of a plan;

may not be instituted with respect to the adoption of the plan under section 19(a)(1) of this chapter at any time later than the one hundred twenty (120) days following the publication of the notice required by section 14 of this chapter or under section 19(a)(2) or 19(a)(3) of this chapter at any time later than the thirtieth day following the election at which the plan is adopted.

As added by P.L.1-2005, SEC.7.

IC 20-23-8-21

Limitation on elections and adoption of plan

Sec. 21. An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if either of the following applies:

(1) A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court that no appeal or further approval can be taken.

(2) The plan provides solely for changes in items specified in section 7(a)(5) of this chapter.

As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.19.

IC 20-23-8-22

Plans to be filed with state superintendent

Sec. 22. (a) A school corporation shall file with the state superintendent:

(1) a transcript showing the acts and resolutions related to the school corporation's formation; and

(2) a description, if not otherwise contained in the transcript under subdivision (1), of the structure and manner of selection of its governing body.

(b) The transcript or description under subsection (a) shall be filed not more than sixty (60) days after the school corporation's creation or the school corporation's adoption of a new plan.

(c) A school corporation shall file with the state superintendent, before August 1 of each year, a list of names and addresses of:

(1) members of its governing body; and

(2) the school corporation's officers along with the expiration of the officer's respective terms.

(d) A school corporation shall file any change to a list under subsection (c) not later than thirty (30) days after the change occurs.
As added by P.L.1-2005, SEC.7.

IC 20-23-8-23
Failure of public officials to perform duties; actions; attorney's fees; cost and fees of employees

Sec. 23. (a) The failure of a public official or body to perform the duties specified in this chapter within the time limits prescribed does not invalidate any proceedings taken by the official or board.

(b) If a public official or body refuses to perform duties within the time limits provided in this chapter, the official or body may be mandated to perform the duties in an action filed in the circuit or superior court by a voter or by the governing body.

(c) The court shall award reasonable attorney's fees to a voter who brings an action under this section against a governing body or public official and prevails. The governing body or employer of a public official shall pay costs and fees incurred by or on behalf of an employee in defense of a claim or suit for a loss occurring because of acts or omissions within the scope of the employee's employment, regardless of whether the employee can or cannot be held personally liable for the loss.
As added by P.L.1-2005, SEC.7.

IC 20-23-8-24
Court orders on plans

Sec. 24. If a United States or an Indiana court enters a binding temporary or permanent order directing or approving a change in the manner of selecting the governing body, any governing body selected under the order is the legal governing body of the school corporation, until its manner of selection is changed under this or any other applicable Indiana statute.
As added by P.L.1-2005, SEC.7.

IC 20-23-8-25
Special elections; supervision by county election board; expenses

Sec. 25. (a) In implementing a plan adopted under this chapter,

requiring the holding of a special election, the county election board, or county election boards in the case of a multicounty school corporation, shall hold, manage, and supervise a special election.

(b) The county election board shall pay the costs of a special election.

(c) A school corporation shall reimburse the county election board from the school corporation's general fund money not otherwise appropriated, without appropriation, if a special election occurs under this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-9

Chapter 9. Annexation of a Township School Corporation

IC 20-23-9-1

"Annexing corporation"

Sec. 1. As used in this chapter, "annexing corporation" refers to a school corporation that has annexed all or part of any territory of a township school.

As added by P.L.1-2005, SEC.7.

IC 20-23-9-2

"Township"

Sec. 2. As used in this chapter, "township" refers to a township where any part of a township school was located.

As added by P.L.1-2005, SEC.7.

IC 20-23-9-3

"Township school"

Sec. 3. As used in this chapter, "township school" refers to:

(1) a township school that loses territory to an annexing corporation as a result of an annexation;

(2) the township school's successor; or

(3) the township.

As added by P.L.1-2005, SEC.7.

IC 20-23-9-4

Petition of appeal

Sec. 4. (a) An annexing corporation may file a petition of appeal with the department of local government finance for emergency financial relief.

(b) The annexing corporation shall serve the petition on the following:

(1) The department.

(2) The township.

(3) The township school.

(4) Any other annexing corporation that annexed the township school on the same date.

(c) All annexing corporations are parties to the petition.

As added by P.L.1-2005, SEC.7.

IC 20-23-9-5

Factfinding hearing

Sec. 5. If the department of local government finance receives a petition of appeal under section 4 of this chapter, the department of local government finance shall hold a factfinding hearing.

As added by P.L.1-2005, SEC.7. Amended by P.L.182-2009(ss), SEC.311.

IC 20-23-9-6

Determinations at factfinding hearings

Sec. 6. (a) At a factfinding hearing under section 5 of this chapter, the department of local government finance shall determine the following:

(1) Whether the township school has made all payments required by any statute, including the following:

(A) P.L.32-1999.

(B) IC 20-23-5-12.

(C) The resolution or plan of annexation of the township school, including:

(i) any amendment to the resolution or plan;

(ii) any supporting or related documents; and

(iii) any agreement between the township school and an annexing corporation relating to the winding up of affairs of the township school.

(2) The amount, if any, by which the township school is in arrears on any payment described in subdivision (1).

(3) Whether the township school has filed with the department of local government finance all reports concerning the affairs of the township school, including all transfer tuition reports required for the two (2) school years immediately preceding the date on which the township school was annexed.

(b) In determining the amount of arrears under subsection (a)(2), the department of local government finance shall consider all amounts due to an annexing corporation, including the following:

(1) Any transfer tuition payments due to the annexing corporation.

(2) All levies, excise tax distributions, and state distributions received by the township school and due to the annexing corporation, including levies and distributions received by the township school after the date on which the township school was annexed.

(3) All excessive levies that the township school agreed to impose and pay to an annexing corporation but failed to impose.

(c) If, in a hearing under this section, the department of local government finance determines that a township school has:

(1) under subsection (a)(1), failed to make a required payment; or

(2) under subsection (a)(3), failed to file a required report;

the department may act under section 7 of this chapter.

As added by P.L.1-2005, SEC.7. Amended by P.L.231-2005, SEC.24; P.L.182-2009(ss), SEC.312.

IC 20-23-9-7

Powers of department after determination; payments

Sec. 7. (a) If the department of local government finance makes a determination under section 6(c) of this chapter, the department:

(1) may prohibit a township from:

(A) acquiring real estate;

(B) making a lease or incurring any other contractual obligation calling for an annual outlay by the township

exceeding ten thousand dollars ($10,000);

(C) purchasing personal property for a consideration greater than ten thousand dollars ($10,000); and

(D) adopting or advertising a budget, tax levy, or tax rate for any calendar year;

until the township school has made all required payments under section 6(a)(1) of this chapter and filed all required reports under section 6(a)(3) of this chapter; and

(2) shall certify to the treasurer of state the amount of arrears determined under section 6(a)(2) of this chapter.

(b) Upon being notified of the amount of arrears certified under subsection (a)(2), the treasurer of state shall make payments from the funds of state to the extent, but not in excess, of any amounts appropriated by the general assembly for distribution to the township school, deducting the payments from any amount distributed to the township school.

As added by P.L.1-2005, SEC.7. Amended by P.L.182-2009(ss), SEC.313.

IC 20-23-9-8

Excess levy

Sec. 8. The department may grant permission to a township school or a township to impose an excess levy to satisfy its obligations under this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-10

Chapter 10. Merger of School Corporations Within Counties

IC 20-23-10-1

"Concurrent resolutions"

Sec. 1. As used in this chapter, "concurrent resolutions" means substantially identical resolutions adopted by the governing bodies of the school corporations in a county.

As added by P.L.1-2005, SEC.7.

IC 20-23-10-2

"Governing body"

Sec. 2. As used in this chapter, "governing body" means the board or commission charged by law with the responsibility of administering the affairs of a school corporation, including a board of school commissioners, metropolitan board of education, board of school trustees, or board of trustees. In the case of a school township, the term means the trustees and township board acting jointly.

As added by P.L.1-2005, SEC.7.

IC 20-23-10-3

"Merger"

Sec. 3. As used in this chapter, "merger" means the merger of all the school corporations in a county into a single school corporation in which the rights and obligations of each school corporation, including the right to receive tax and other money, are transferred into a new corporation to be known in this chapter as the merged corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-10-4

"School corporation in the county"

Sec. 4. As used in this chapter, "school corporation in the county" means all the school corporations that have territory in a county.

As added by P.L.1-2005, SEC.7.

IC 20-23-10-5

Merger resolution; contents

Sec. 5. School corporations in a county may merge in the following manner:

(1) The governing bodies of the school corporations shall adopt a concurrent resolution providing for the merger.

(2) The resolutions in subdivision (1) shall be adopted not later than sixty (60) days after the date the first concurrent resolution is adopted by a governing body. The resolutions must provide for the following:

(A) The makeup of board member districts, including that:

(i) board members shall be elected from the entire merged school corporation, but residence requirements may provide that members live in different districts;

(ii) the board member districts need not be equal in size or population, and one (1) board member district may include the area in the merged school corporation;

(iii) the number of members of the governing body of the merged school corporation to be elected from a board member district need not be equal in number; and

(iv) concurrent resolutions may also eliminate requirements that there be board member districts.

(B) The number of members on the governing body of the merged school corporation must be:

(i) three (3);

(ii) five (5); or

(iii) seven (7);

members.

(C) The time the merged school corporation comes into existence.

If a time is not provided when the merged school corporation comes into existence or if a final judgment in the remonstrance proceeding is delayed beyond the time set in the concurrent resolutions, the merged school corporation comes into existence on July 1 following the adoption of the resolutions or the final judgment, whichever occurs last.

As added by P.L.1-2005, SEC.7.

IC 20-23-10-6

Notice of adoption of concurrent resolutions; effective date of merger

Sec. 6. (a) After the last concurrent resolution under section 5 of this chapter is adopted, notice of the adoption of the concurrent resolutions shall be given by stating:

(1) the substance of the concurrent resolutions;

(2) that the resolutions have been adopted; and

(3) that a right of remonstrance exists as provided in this chapter.

It is not necessary to set out the remonstrance provisions of the statute, but a general reference to the right of remonstrance with a reference to this chapter is sufficient.

(b) The notice under subsection (a) shall be made two (2) times, one (1) week apart in two (2) daily newspapers, published in the English language and of general circulation in the county. If there is only one (1) daily or weekly newspaper in the county, publication in that newspaper is sufficient.

(c) The merger shall take effect at the time provided in section 5 of this chapter unless, not more than thirty (30) days after the first publication of the notice, a remonstrance is filed in the circuit or superior court of the county by registered voters equal in number to at least ten percent (10%) of the registered voters of a school corporation in the county.

As added by P.L.1-2005, SEC.7.

IC 20-23-10-7

Remonstrances; form

Sec. 7. (a) A remonstrance under section 6 of this chapter:

(1) must be in substantially the following form:

The undersigned hereby remonstrates against the merger of the school corporations in _____ county;

(2) may be filed in counterparts that must have attached:

(A) the affidavit of the person circulating it;

(B) a statement that each signature appearing on the remonstrance was affixed in the presence of the person circulating the remonstrance; and

(C) a statement that each signature is the true and lawful signature of the person who made it;

(3) shall be accompanied by a complaint filed by one (1) or more of the remonstrators (who shall be treated as a representative of the entire class of remonstrators); and

(4) shall be signed by the remonstrator or the remonstrator's attorney, stating the reasons for the remonstrance, where these reasons are limited to the following:

(A) There is a procedural defect in the manner that the merger is carried out which is jurisdictional.

(B) The benefits to be derived from the merger are outweighed by its detriments, taking into consideration the respective benefits and detriments of the students and inhabitants residing in the school corporations of the county.

(b) A person who makes an affidavit under subsection (a) does not have to be one (1) of the persons who signs the counterpart attached to the affidavit.

(c) The plaintiff in the suit is the person whose name appears on the complaint. The defendants in a remonstrance under section 6 of this chapter are the school corporations in the county. Service of process shall be made on the defendants as in other civil actions.

(d) To determine whether the petition was timely filed, the time of filing is the time of filing with the clerk of the circuit court without regard to the time of issuance of the summons. If the thirtieth day falls on Sunday, a holiday, or another day when the clerk's office is not open, the time is extended to the next day when the clerk's office is open.

(e) The issues in a remonstrance suit are made up by the complaint, the allegations of the complaint being considered denied by the defendant or defendants. A responsive pleading does not need to be filed. However, a defendant may file a motion to dismiss the suit on the ground:

(1) that the requisite number of qualified remonstrators have not signed the petition;

(2) that the remonstrance was not timely filed; or

(3) that the complaint does not state a cause of action.

(f) A responsive pleading to a motion to dismiss under subsection (e) does not need to be filed.

(g) With respect to a motion under subsection (e)(1) and (e)(2),

the allegations are considered denied by the remonstrators.

(h) To determine whether there are the requisite number of qualified remonstrators under subsection (e)(1), a person may not:

(1) withdraw the person's name after a remonstrance has been filed; or

(2) add the person's name to a remonstrance that has been filed.

(i) At a trial for a remonstrance suit, a person may, in support or derogation of the substantive matters in the complaint, introduce into evidence a verified statement that the person wishes that the person's name be added to or withdrawn from the remonstrance.

(j) The court may either hear all or a part of the matters raised by a motion to dismiss separately or may consolidate for trial all or a part of the matters with the matters relating to the substance of the case.

(k) A complaint may not be dismissed for failure to state a cause of action, if a fair reading of the complaint makes out one (1) of the grounds for remonstrance and suit provided in subsection (a).

(l) An amendment of the complaint may be permitted in the discretion of the court if the complaint does not state a new ground of remonstrance.

(m) The trial of a remonstrance suit shall be conducted as other civil cases by a court without the intervention of a jury on the issues raised by the:

(1) complaint; or

(2) motion to dismiss.

(n) In a remonstrance suit:

(1) a change of venue from a judge, but no change of venue from the county, is permitted;

(2) the court will expedite the hearing of the case; and

(3) the court's judgment must be either that:

(A) the merger takes place;

(B) the merger does not take place; or

(C) the remonstrance is dismissed.

As added by P.L.1-2005, SEC.7.

IC 20-23-10-8

Election of board members of merged school corporations

Sec. 8. (a) The board members of a merged school corporation shall be elected at the first general election following the merged school corporation's creation, and vacancies shall be filled in accordance with IC 20-23-4-30.

(b) Until the first election under subsection (a), the board of trustees of the merged school corporation consists of:

(1) the members of the governing body of a school corporation in the county other than a school township; and

(2) the township trustee of a school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. The name may be changed by unanimous vote of the governing body of the merged school corporation.

As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.20.

IC 20-23-10-9

Powers of merged school corporation

Sec. 9. A merged school corporation has the powers provided in IC 20-23-4-26 through IC 20-23-4-33.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.100.

IC 20-23-11

Chapter 11. Joint Schools in Adjacent States

IC 20-23-11-1

Authorization to maintain joint school

Sec. 1. If a school trustee or board of school trustees of any school corporation in Indiana that is adjacent to a school corporation of another state believes the best interests of the public schools can be promoted by purchasing school grounds, repairing or erecting a schoolhouse or schoolhouses, and maintaining a school jointly between the two (2) adjacent school corporations, the school trustee or school trustees of the school corporation of Indiana so situated may enter into an agreement with the school authorities of the adjacent school corporation to:

(1) purchase school grounds or repair or construct a school building;

(2) purchase school furniture, equipment, appliances, or fuel; or

(3) employ teachers and maintain a school;

if, in the judgment of the school trustee or trustees of Indiana, the best interests of the public school can be promoted by doing so.

As added by P.L.1-2005, SEC.7.

IC 20-23-11-2

Authorization for trustees to levy taxes

Sec. 2. The trustee or trustees of Indiana may perform duties in maintaining the joint school as are otherwise provided by law for maintaining the public schools in Indiana.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.101.

IC 20-23-11-3

School corporation duties

Sec. 3. In carrying out this chapter, the school corporation shall pay the proportion of the cost of purchasing school grounds, repairing or erecting new building or buildings, and in maintaining the joint school, as the school trustees of the two (2) adjacent school corporations determines is equitable and just.

As added by P.L.1-2005, SEC.7.

IC 20-23-12

Chapter 12. Election of Governing Body Members in Gary

IC 20-23-12-1

Applicability of chapter

Sec. 1. IC 20-23-8 does not apply to:

(1) a school corporation; or

(2) the governing body of a school corporation;

covered by this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-12-2

"School corporation"

Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

As added by P.L.1-2005, SEC.7.

IC 20-23-12-3

Governing body; members

Sec. 3. (a) The governing body of the school corporation consists of seven (7) members elected as follows:

(1) On a nonpartisan basis.

(2) In a general election in the county.

(b) Six (6) of the members shall be elected from the school districts drawn under section 4 of this chapter. Each member:

(1) is elected from the school district in which the member resides; and

(2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

(c) One (1) of the members elected:

(1) is the at-large member of the governing body;

(2) may reside in any of the districts drawn under section 4 of this chapter; and

(3) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.21.

IC 20-23-12-4

Districts

Sec. 4. The districts are drawn on the same lines as the common council districts referred to in IC 36-4-6-3.

As added by P.L.1-2005, SEC.7.

IC 20-23-12-5

Candidates for district positions on governing body; election

Sec. 5. (a) The six (6) members who are elected for a position on

the governing body described under section 3(b) of this chapter are determined as follows:

(1) Each prospective candidate must file a nomination petition with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the election at which the members are to be elected that includes the following information:

(A) The name of the prospective candidate.

(B) The district in which the prospective candidate resides.

(C) The signatures of at least one hundred (100) registered voters residing in the school corporation.

(D) The fact that the prospective candidate is running for a district position.

(E) A certification that the prospective candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the district may vote for a candidate.

(3) The candidate within each district who receives the greatest number of votes in the district is elected.

(b) The at-large member elected under section 3(c) of this chapter is determined as follows:

(1) Each prospective candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the at-large member is to be elected. The petition must include the following information:

(A) The name of the prospective candidate.

(B) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(C) The fact that the prospective candidate is running for the at-large position on the governing body.

(D) A certification that the prospective candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate who:

(A) runs for the at-large position on the governing body; and

(B) receives the greatest number of votes in the school corporation;

is elected to the at-large position.

As added by P.L.1-2005, SEC.7. Amended by P.L.230-2005, SEC.79; P.L.1-2006, SEC.318.

IC 20-23-12-6

Residency requirements

Sec. 6. (a) A candidate who runs for a position on the governing body described under section 3(b) of this chapter must reside in the school corporation district for which the candidate filed.

(b) A candidate who runs for the at-large position on the governing body described in section 3(c) of this chapter must reside in the school corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-12-7
Balloting procedures

Sec. 7. The state board, with assistance from the county election board, shall establish:

(1) balloting procedures under IC 3 for the election; and

(2) all other procedures required to implement this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-12-8
Term of office

Sec. 8. (a) The term of each person elected to serve on the governing body is four (4) years.

(b) The term of each person elected to serve on the governing body begins the January 1 that next follows the person's election.

As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.22.

IC 20-23-12-9
Schedule of elections

Sec. 9. The members are elected as follows:

(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2012 and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2014 and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the general election to be held in 2012 and every four (4) years thereafter.

As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.23.

IC 20-23-12-10
Vacancies

Sec. 10. (a) A vacancy on the governing body is created when:

(1) a member:

(A) dies;

(B) resigns from the governing body;

(C) ceases to be a resident of the school corporation;

(D) fails to attend, except for reason of chronic illness, six (6) regularly scheduled meetings of the governing body in any twelve (12) month period; or

(E) ceases to be a resident of the school district in which the member was elected; or

(2) a vacancy is created under any other law.

(b) The governing body shall temporarily fill a vacancy on the governing body as soon as practicable after the vacancy occurs.

As added by P.L.1-2005, SEC.7.

IC 20-23-12-11

List of members and officers of school corporation

Sec. 11. Before August 1 of each year, the school corporation shall file with the state superintendent a list of the:

(1) names and addresses of members of the school corporation's governing body;

(2) names and addresses of the school corporation's officers; and

(3) expiration dates of the terms of the school corporation's members and officers.

The school corporation shall file any change in the list not later than thirty (30) days after the change occurs.

As added by P.L.1-2005, SEC.7.

IC 20-23-13

Chapter 13. Election of Governing Body Members in Hammond Community School Corporation

IC 20-23-13-1

Board of trustees established

Sec. 1. (a) In a community school corporation established under IC 20-23-4 that:

(1) has a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000); and

(2) is the successor in interest to a school city having the same population;

the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.

(b) The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this chapter.

As added by P.L.1-2005, SEC.7. Amended by P.L.230-2005, SEC.80; P.L.179-2011, SEC.24.

IC 20-23-13-2

Repealed

(*Repealed by P.L.179-2011, SEC.34.)*

IC 20-23-13-2.1

Method of election; ballots

Sec. 2.1. (a) As used in this section, "county election board" includes a board of elections and registration established under IC 3-6-5.2.

(b) The voters of the school corporation shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.

(c) Each candidate for election to the governing body must file a petition of nomination with the county election board in each county in which a school corporation subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:

(1) The petition must be signed by at least two hundred (200) legal voters of the school corporation.

(2) Each petition may nominate only one (1) candidate.

(3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.

(d) After all the petitions described in subsection (c) are filed with the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be

elected so that the names of the candidates nominated appear on the ballot:

(1) in alphabetical order;

(2) without party designation; and

(3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

As added by P.L.179-2011, SEC.25.

IC 20-23-13-3

Legislative intent

Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in:

(1) IC 20-23-4-27;

(2) IC 20-23-4-29.1;

(3) IC 20-23-4-30; and

(4) IC 20-23-4-31;

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.26.

IC 20-23-14

Chapter 14. Election of Governing Body Members in Lake Station

IC 20-23-14-1

Application of chapter

Sec. 1. This chapter applies to a school corporation for which a referendum has been held:

(1) as required by statute; and

(2) in which a majority of the votes cast approves electing the members of the governing body.

As added by P.L.1-2005, SEC.7.

IC 20-23-14-2

"School corporation"

Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).

As added by P.L.1-2005, SEC.7.

IC 20-23-14-3

Governing body; members

Sec. 3. (a) The governing body of the school corporation consists of five (5) members elected on a nonpartisan basis.

(b) Three (3) of the members are elected from the school districts referred to in section 4 of this chapter by eligible voters residing in the school districts. Each member:

(1) is elected from the school district in which the member resides; and

(2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

(c) Two (2) of the members:

(1) are elected by eligible voters residing in the school corporation;

(2) are at-large members of the governing body; and

(3) upon election and in conducting the business of the governing body, represent the interests of the entire school corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-14-4

Districts

Sec. 4. The school districts for the election of the members of the governing body under section 3(b) of this chapter are as follows:

(1) Commencing at the Southeast corner of Section 16; thence West along the center line of 29th Avenue (South line of Section 16) to Deep River; thence Southwesterly along the center line of Deep River to State Road 51; thence South along the center line of State Road 51 to 33rd Avenue to Montgomery

Street (the North-South center line of Section 20); thence North along the center line of Montgomery Street to 31st Avenue; then West along the center line of 31st Avenue to Grand Boulevard; then North along the center line of Grand Boulevard to Riverside Drive; then Northeasterly along the center line of Riverside Drive to Laporte Street; thence North along the center line of Laporte Street to Fairview Avenue; thence Easterly along the center line of Fairview Avenue to State Road 51; thence North along the center line of State Road 51 to Central Avenue; thence East along the center line of Central Avenue to the county line; thence South along the county line to the point of beginning.

(2) Commencing at the Northeast Corner of Section 9-36-7; thence South along the county line to Central Avenue; thence West along the center line of Central Avenue to State Road 51; thence South along the center line of State Road 51 to Fairview Street; thence Westerly along the center line of Fairview Avenue to Laporte Street; thence South along the center line of Laporte Street to Riverside Drive; thence Southwesterly along the center line of Riverside Drive to Grand Boulevard; thence North along the center line of Grand Boulevard to Court Street; thence West along the center line of Court Street to Howard Street; thence Northerly along the center line of Howard Street to the Borman Tri-State Highway (I-80 and I-94); thence Westerly along the center line of the Borman Tri-State Highway to the Little Calumet River Bed; thence meandering along the center line of the Little Calumet River Bed first in a Northeasterly direction, then in a Southwesterly direction, then in a Northerly direction to Burns Ditch; thence Westerly along the center line of Burns Ditch to Clay Street; then North along the center line of Clay Street to 15th Avenue; thence East along the center line of 15th Avenue to Gibson Street; thence North along Gibson Street to the Indiana Toll Road; thence Easterly along the North Line of the Indiana Toll Road to Lake Street; thence North along the East Line of Lake Street to the Wabash Railroad; thence East along the Wabash Railroad to the point of beginning.

(3) Commencing at the Southeast corner of Section 18-36-7; thence West along the center line of 29th Avenue to Hancock Street; thence South along the center line of Hancock Street to Deep River; thence Southwesterly along the center line of Deep River to Gibson Street; thence North along the center line of Gibson Street to 29th Avenue; thence West along 29th Avenue, including residences on both the North and South sides of 29th Avenue to Clay Street; thence South along the center line of Clay Street to Liverpool Road; thence Westerly along the center line of Liverpool Road to Benton Street; thence North along the center line of Benton Street to 29th Avenue; thence West along the center line of 29th Avenue to State Street; thence North along the center line of State Street to Marquette Road; thence

Easterly along the center line of Marquette Road to Clay Street; thence North along the center line of Clay Street to Burns Ditch; thence Easterly along the center line of Burns Ditch to the Little Calumet River Bed; thence meandering along the center line of the Little Calumet River Bed first in a Southerly direction, then in a Northeasterly direction, and then in a Southerly direction to the Borman Tri-State Highway (I-80 and I-94); then Easterly along the center line of the Borman Tri-State Highway to Howard Street; thence Southerly along the center line of Howard Street to Court Street; thence East along the center line of Court Street to Grand Boulevard; thence South along the center line of Grand Boulevard to the point of beginning.

As added by P.L.1-2005, SEC.7.

IC 20-23-14-5 Version a

Candidates; eligibility

Note: This version of section amended by P.L.7-2011, SEC.8. See also following version of this section amended by P.L.179-2011, SEC.27.

Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

(1) Each prospective candidate must file a nomination petition with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the primary election at which the members are to be elected that includes the following information:

(A) The name of the prospective candidate.

(B) Whether the prospective candidate is a district candidate or an at-large candidate.

(C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.

(D) The signatures of at least one hundred (100) registered voters residing in the school corporation.

(2) Each prospective candidate for a district position must:

(A) reside in the district; and

(B) have resided in the district for at least the three (3) years immediately preceding the election.

(3) Each prospective candidate for an at-large position must:

(A) reside in the school corporation; and

(B) have resided in the school corporation for at least the three (3) years immediately preceding the election.

(4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:

(A) be a registered voter;

(B) have been a registered voter for at least the three (3) years immediately preceding the election; and

(C) be a high school graduate or have received a:

(i) high school equivalency certificate; or

(ii) state general educational development (GED) diploma

under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

(5) A prospective candidate may not:

(A) hold any other elective or appointive office; or

(B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.

As added by P.L.1-2005, SEC.7. Amended by P.L.230-2005, SEC.81; P.L.7-2011, SEC.8.

IC 20-23-14-5 Version b

Candidates; eligibility

Note: This version of section amended by P.L.179-2011, SEC.27. See also preceding version of this section amended by P.L.7-2011, SEC.8.

Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

(1) Each prospective candidate must file a petition of nomination with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the general election at which the members are to be elected. The petition of nomination must include the following:

(A) The name of the prospective candidate.

(B) Whether the prospective candidate is a district candidate or an at-large candidate.

(C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.

(D) The signatures of at least one hundred (100) registered voters residing in the school corporation.

(2) Each prospective candidate for a district position must:

(A) reside in the district; and

(B) have resided in the district for at least the three (3) years immediately preceding the election.

(3) Each prospective candidate for an at-large position must:

(A) reside in the school corporation; and

(B) have resided in the school corporation for at least the three (3) years immediately preceding the election.

(4) Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:

(A) be a registered voter;

(B) have been a registered voter for at least the three (3) years immediately preceding the election; and

(C) be a high school graduate or have received a:

(i) high school equivalency certificate; or

(ii) state general educational development (GED) diploma under IC 20-20-6.

(5) A prospective candidate may not:

(A) hold any other elective or appointive office; or

(B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.
As added by P.L.1-2005, SEC.7. Amended by P.L.230-2005, SEC.81; P.L.179-2011, SEC.27.

IC 20-23-14-6
Election of district and at-large positions

Sec. 6. (a) With regard to a district position referred to in section 3(b) of this chapter, the candidate who receives the greatest number of votes of all candidates for that position is elected.

(b) With regard to the at-large positions referred to in section 3(c) of this chapter, the two (2) at-large candidates who receive the greatest number of votes of all at-large candidates are elected.
As added by P.L.1-2005, SEC.7. Amended by P.L.1-2006, SEC.319.

IC 20-23-14-7
Balloting procedures

Sec. 7. The state board, with assistance from the county election board, shall establish:

(1) balloting procedures under IC 3 for the election; and
(2) all other procedures required to implement this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-14-8
Term of office

Sec. 8. (a) The term of each person elected to serve on the governing body is four (4) years.

(b) The term of each person elected to serve on the governing body begins on the January 1 that next follows the person's election.
As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.28.

IC 20-23-14-9
Schedule of elections

Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the general election to be held in 2012 and every four (4) years thereafter.
(2) Two (2) of the members are elected at the general election to be held in 2014 and every four (4) years thereafter.

As added by P.L.1-2005, SEC.7. Amended by P.L.179-2011, SEC.29.

IC 20-23-14-10
Vacancies

Sec. 10. The governing body shall temporarily fill a vacancy on the governing body as soon as practicable after the vacancy occurs. The member chosen must reside in the same district as the vacating member. A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term.
As added by P.L.1-2005, SEC.7.

IC 20-23-15

Chapter 15. Election of Governing Body Members in South Bend

IC 20-23-15-1

"County"

Sec. 1. As used in this chapter, "county" means the county in which the school corporation is located.

As added by P.L.1-2005, SEC.7.

IC 20-23-15-2

"School corporation"

Sec. 2. As used in this chapter, "school corporation" means a school corporation that:

(1) is located in a county having a population of:

(A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or

(B) more than two hundred thousand (200,000) but less than three hundred thousand (300,000); and

(2) has at least twenty thousand (20,000) students.

As added by P.L.1-2005, SEC.7.

IC 20-23-15-3

Referendum

Sec. 3. (a) A school corporation shall hold a referendum at the first primary election after this chapter becomes applicable to the school corporation in which the registered voters who reside within the boundaries of the school corporation are entitled to vote as to whether the school corporation shall elect the members of the governing body of the school corporation under sections 6 through 11 of this chapter.

(b) The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum.

As added by P.L.1-2005, SEC.7. Amended by P.L.1-2009, SEC.121.

IC 20-23-15-4

Notice of referendum

Sec. 4. (a) The circuit court clerk of the county shall provide notice of the referendum to the registered voters who reside within the boundaries of the school corporation:

(1) at least one (1) time;

(2) in at least one (1) newspaper of general circulation that is published in the county; and

(3) not earlier than March 15 or later than April 15 of the year in which the referendum is held.

(b) The notice published under subsection (a) must:

(1) state that the referendum is called to afford the registered voters an opportunity to vote on whether members of the governing body will be elected;

(2) state that the referendum will be held at the next primary

election to be held on the first Tuesday after the first Monday in May;

(3) state that the referendum will be held on a nonpartisan basis and that all registered voters residing within the boundaries of the (insert the name of school corporation) may vote in the referendum; and

(4) designate that the voting place or places at which the referendum will be held must be those that are:

(A) used for the next primary election; and

(B) located within the boundaries of the (insert the name of school corporation).

(c) The referendum question must be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state:

"Shall the members of the board of school trustees of the (insert the name of school corporation) be elected in the general election from five (5) districts and from two (2) at-large positions in the school corporation?".

As added by P.L.1-2005, SEC.7.

IC 20-23-15-5

Tally of votes

Sec. 5. (a) Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum and shall certify those two (2) totals to the county election board.

(b) The clerk of the circuit court of the county shall, immediately after the votes cast in the referendum have been counted, certify the results to the state board.

(c) If a majority of the votes cast in the referendum favors the election of the members of the governing body, sections 6 through 11 of this chapter concerning the manner in which the members of the governing body shall be elected apply.

As added by P.L.1-2005, SEC.7.

IC 20-23-15-6

School corporation governing body; election; district and at-large elections

Sec. 6. (a) The governing body of the school corporation consists of seven (7) members who shall be elected:

(1) on a nonpartisan basis; and

(2) in the general election held in the county.

(b) Five (5) of the members shall be elected from the school districts in which the members reside as established under section 7 of this chapter.

(c) Two (2) of the members shall be elected at large.

As added by P.L.1-2005, SEC.7.

IC 20-23-15-7

Establishment of districts

Sec. 7. The state board shall, before July 1 immediately following the referendum, establish the school districts for the election of the

members of the governing body under section 6(b) of this chapter as follows:

(1) The districts shall be drawn on the basis of precinct lines.

(2) The districts must be, as nearly as practicable, of equal population, with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%).

(3) The district lines must not cross precinct lines.

As added by P.L.1-2005, SEC.7.

IC 20-23-15-8

Candidates for district positions on governing bodies; eligible voters

Sec. 8. If a candidate runs for one (1) of the district positions on the governing body, as provided under section 6(b) of this chapter, the following apply:

(1) An individual who runs for one (1) of the district positions on the governing body must reside within that district.

(2) Upon filing an intention to run under this chapter, the candidate must specify that the candidate is running for a district position.

(3) Only eligible voters residing in the candidate's district may vote for the candidate.

(4) The candidate who receives the greatest number of votes of all candidates for the position wins.

As added by P.L.1-2005, SEC.7. Amended by P.L.1-2006, SEC.320.

IC 20-23-15-9

Candidates for at-large positions; eligible voters

Sec. 9. If a candidate runs for one (1) of the at-large positions on the governing body, as provided under section 6(c) of this chapter, the following apply:

(1) An individual who runs for one (1) of the at-large positions on the governing body must reside within the boundaries of the school corporation.

(2) Upon filing an intention to run under this chapter, the candidate must specify that the candidate is running for an at-large position.

(3) Eligible voters from all districts may vote for the candidate.

(4) The two (2) candidates who receive the greatest number of votes win.

As added by P.L.1-2005, SEC.7.

IC 20-23-15-10

Balloting procedures

Sec. 10. The state board shall establish:

(1) balloting procedures for the election under the statutes governing elections; and

(2) all other procedures required to implement this chapter.

As added by P.L.1-2005, SEC.7.

IC 20-23-15-11
Term of office

Sec. 11. (a) Except as otherwise provided in this section, a person elected to serve on the governing body:

(1) begins the person's term on January 1 of the year following the person's election; and

(2) serves a four (4) year term.

(b) The two (2) members of the governing body who were last selected under the selection process in effect for the school corporation before a referendum is held under this chapter shall serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter. However, if this subsection applies to more than two (2) members, the circuit court judge for the county shall select two (2) of these members to serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter.

(c) The terms of all other members of the governing body who were selected to serve on the governing body before a referendum is held under this chapter expire December 31 of the year in which the referendum is held.

(d) In the initial general election held to elect members of the governing body under this chapter, five (5) of the members shall be elected by voters from their districts as follows:

(1) Three (3) of the members elected shall serve for four (4) year terms.

(2) Two (2) of the members elected shall serve for two (2) year terms.

(e) In the second general election held to elect members of the governing body under this chapter, four (4) of the members shall be elected as follows:

(1) Two (2) of the members shall be elected by voters from their district and shall serve four (4) year terms.

(2) Two (2) of the members shall be elected at large and shall serve four (4) year terms.

As added by P.L.1-2005, SEC.7.

IC 20-23-15-12
Vacancies

Sec. 12. (a) A vacancy on the governing body must be filled temporarily by the governing body as soon as practicable after the vacancy occurs.

(b) A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term and shall be chosen from the same district as the vacating member if the vacating member held a district position.

As added by P.L.1-2005, SEC.7.

IC 20-23-16

Chapter 16. School Corporation Organization; Miscellaneous Provisions

IC 20-23-16-1

United school corporation

Sec. 1. If a united school corporation is created from existing school corporations that are each entirely located in one (1) county, the county committees of the counties in which the school corporations are located shall jointly prepare a plan for the united school corporation. For the purpose of submission to the state board, the plan shall be included in the comprehensive plan of the county that has the largest number of students residing in the proposed united school corporation. If an existing school corporation from which a united school corporation is created contains territory in two (2) or more counties, the county committee of the county containing that part of the school corporation that has the most students shall include the entire corporation in its plan in the absence of a written agreement with the county committee of the adjoining county to the contrary.

As added by P.L.1-2005, SEC.7.

IC 20-23-16-2

Repealed

(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-3

Membership of community school corporation operating joint high school

Sec. 3. With respect to a proposed community school corporation formed out of two (2) or more school corporations operating a joint high school that has an enrollment of at least six hundred (600) in grades 9 through 12 at the time of the adoption of a preliminary plan adopted under IC 20-23-4-11 through IC 20-23-4-17 and section 1 of this chapter, the preliminary plan or final plan adopted under IC 20-23-4-11 through IC 20-23-4-17 and section 1 of this chapter may provide for a board of nine (9) members.

As added by P.L.1-2005, SEC.7. Amended by P.L.231-2005, SEC.26; P.L.1-2006, SEC.321; P.L.1-2010, SEC.77.

IC 20-23-16-4

Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-23-16-5

Transfer of pupils of rejected school corporation territory

Sec. 5. School corporations adjacent to rejected segments of proposed reorganized school corporations shall accept on transfer, in the manner required by law, pupils of the rejected school corporation territory.

As added by P.L.1-2005, SEC.7.

IC 20-23-16-6
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-7
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-8
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-9
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-10
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-11
Invalid school corporations in certain counties; effect on bonds issued

Sec. 11. (a) In a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000), if, after April 17, 1963:

(1) proceedings have been undertaken in good faith to form a community school corporation by the consolidation of two (2) or more prior established school corporations;

(2) the community school corporation is held, by a final order and decision of a court, to be invalidly formed and nonexistent; and

(3) the order and decision are not subject to further judicial review;

any bonds issued (before the final order and decision of the court) in the name of the community school corporation to provide funds to be applied on the cost of construction and equipment of a school building are not invalid by reason of the final order and decision of the court but constitute the valid and binding obligation of the prior established school corporation in the territory where the school building was or is being constructed, the same as if the bonds had been validly issued in the name of the prior established school corporation.

(b) This section applies only if the bonds at the time of their issuance would have been within the limitation of indebtedness imposed by the Constitution of the State of Indiana on the prior established school corporation.

As added by P.L.1-2005, SEC.7.

IC 20-23-16-12
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-13
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-14
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-15
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-16
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-17
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-18
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-19
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-20
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-21
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-22
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-23
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-24
Repealed

(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-25

Metropolitan superintendent of schools; duties

Sec. 25. A metropolitan superintendent of schools shall:

(1) act as the general administrator of the metropolitan school district; and

(2) make recommendations to the board concerning:

(A) the conduct of the schools;

(B) the employment and dismissal of personnel;

(C) the purchase of supplies;

(D) the construction of buildings; and

(E) other matters pertaining to the conduct of the school within the framework of the school laws of this state;

(3) attend meetings of the board except when the superintendent's reappointment is under consideration;

(4) carry out the orders of the board; and

(5) make other decisions and perform other duties that are prescribed by law.

As added by P.L.1-2005, SEC.7.

IC 20-23-16-26

Metropolitan board and school districts; powers and duties

Sec. 26. (a) A metropolitan board of education shall:

(1) make decisions pertaining to the general conduct of the schools, and these decisions shall be enforced and entered into the minutes recorded by the secretary of the board; and

(2) exercise powers previously exercised under the law, by or through:

(A) township trustees;

(B) meetings or petitions of the township trustees of the county; and

(C) county boards of education previously existing.

The offices of township trustee or county board or county boards of education as far as the conduct of public schools is concerned are abolished as of noon on the day the metropolitan school district is created and comes into existence.

(b) The metropolitan superintendent of schools and other persons employed for administrative or supervisory duties may be considered to be supervisors of instruction and are eligible, subject to the rules adopted by the state board, to qualify for teaching units in accordance with law.

(c) The government of the common schools of a district is vested in the board. The board shall function with the authority, powers, privileges, duties, and obligations previously granted to or required of school cities and their governing boards regarding the:

(1) purchase of supplies;

(2) purchase and sale of:

(A) buildings;

(B) grounds; and

(C) equipment;
(3) erection of buildings;
(4) employment and dismissal of school personnel;
(5) insuring property and employees;
(6) making and executing of a budget;
(7) borrowing money; and
(8) paying the salaries and expenses of the:
(A) county superintendent; and
(B) employees;
as approved by the board.

(d) A board is a body corporate and politic by the name and style of "The Metropolitan School District of _____, Indiana" with the right to prosecute and defend suits and shall act as necessary to the proper administration of the common schools of the county.

(e) The school district shall:
(1) be vested with rights, titles, and interests of the district's predecessor township or town school corporations;
(2) assume, pay, and be liable for the:
(A) indebtedness;
(B) obligations;
(C) liabilities; and
(D) duties;
of the predecessor corporations from whatever source derived; and
(3) institute and defend suits arising out of the school district's:
(A) liabilities;
(B) obligations;
(C) duties; and
(D) rights;
assumed by a metropolitan school district.

(f) The treasurer, before entering upon the duties of the office, shall execute a bond to the acceptance of the county auditor. The bond may not be greater than the largest sum of money that will be in the possession of the treasurer at any one (1) time. The board of education may purchase the bond from a reliable surety company and pay for it out of the special school revenue of the metropolitan district.

(g) The powers set forth in this section shall not be considered as or construed to:
(1) limit the power and authority of a school board; or
(2) restrict or modify powers or authority granted by another law not in conflict with the provisions of this section.

As added by P.L.1-2005, SEC.7. Amended by P.L.2-2006, SEC.102.

IC 20-23-16-27
Repealed

(Repealed by P.L.2-2006, SEC.199.)

IC 20-23-16-28
Repealed

(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-29
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-30
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-31
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-32
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-33
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-34
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-35
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-36
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-37
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-38
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-39
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-40
Repealed
(*Repealed by P.L.231-2005, SEC.52.)*

IC 20-23-16-41

Authorization to hire and fix salaries of necessary clerical personnel in certain schools; authorization to pay salaries out of special school funds

Sec. 41. (a) School boards, boards of school trustees, boards of school commissioners, and school township trustees may hire and fix the salaries for clerical personnel as necessary to assist principals of schools in which at least twelve (12) teachers are employed.

(b) The board or trustees that hire personnel under subsection (a) may pay the salaries of the personnel out of the special school funds belonging to their respective school corporations in the manner provided by law for the payment of other school expenses.

As added by P.L.1-2005, SEC.7.

IC 20-23-17

Chapter 17. Election of Members of the Governing Body of the School City of Mishawaka

IC 20-23-17-1

Application of chapter

Sec. 1. This chapter applies to a school corporation:

(1) located in a city that has a population of more than forty-six thousand five hundred (46,500) but less than fifty thousand eight hundred (50,800); and

(2) for which a referendum has been held:

(A) as required by statute; and

(B) in which a majority of the votes cast approves choosing the members of the governing body as provided in this chapter.

As added by P.L.179-2011, SEC.30.

IC 20-23-17-2

Applicability of other laws

Sec. 2. IC 20-23-8 does not apply to a school corporation or the governing body of a school corporation governed by this chapter.

As added by P.L.179-2011, SEC.30.

IC 20-23-17-3

Governing body; members elected and appointed; petition of nomination; time for filing

Sec. 3. (a) The governing body of the school corporation consists of five (5) members chosen as follows:

(1) Three (3) members shall be elected by the voters of the school corporation at a general election to be held in the county and every four (4) years thereafter.

(2) One (1) member shall be appointed by the city executive.

(3) One (1) member shall be appointed by the city legislative body.

(b) The members elected under subsection (a)(1) shall be elected as follows:

(1) On a nonpartisan basis.

(2) In a general election held in the county.

(3) By the registered voters of the entire school corporation.

(c) The following apply to an election of members of the governing body of the school corporation under subsection (a)(1):

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate seeking election.

As added by P.L.179-2011, SEC.30.

IC 20-23-17-4
Term of office

Sec. 4. The term of each individual chosen to serve on the governing body is four (4) years, beginning January 1 following the individual's election or appointment.
As added by P.L.179-2011, SEC.30.

IC 20-23-17-5
Members represent interests of entire school corporation

Sec. 5. Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.
As added by P.L.179-2011, SEC.30.

IC 20-23-17-6
Vacancies

Sec. 6. (a) A vacancy in the office of an elected member of the governing body shall be filled temporarily by the city legislative body as soon as practicable after the vacancy occurs.

(b) A vacancy in the office of an appointed member of the governing body of the school corporation shall be filled by the appointing authority that appointed the member whose office is vacant.

(c) An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.
As added by P.L.179-2011, SEC.30.

IC 20-23-17-7
Statement filed with state superintendent; requirements

Sec. 7. (a) Before August 1 of each year, the school corporation shall file with the state superintendent the following information:

(1) A list containing the names and addresses of each member of the governing body and the date of the expiration of each member's term of office.

(2) A list containing the names and addresses of each of the school corporation's officers and the date of the expiration of each officer's term of office.

(b) The school corporation shall notify the state superintendent of any change in the information previously filed under subsection (a) not later than thirty (30) days after the change occurs.
As added by P.L.179-2011, SEC.30.

IC 20-23-17-8
Schedule of election and appointment of members

Sec. 8. (a) This section applies if the voters of the school corporation approve choosing the members of the governing body under this chapter in a referendum described in section 1 of this

chapter.

(b) This subsection applies to the appointed member of the governing body whose term expires December 31, 2011. Before December 31, 2011, the city legislative body shall appoint the successor of this member for a term that expires January 1, 2013. The successors of the member appointed under this subsection shall:

(1) be elected at the 2012 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

(2) take office as provided in section 4 of this chapter.

(c) This subsection applies to the appointed member of the governing body whose term expires December 31, 2012. The successors of the member described in this subsection shall:

(1) be elected at the 2012 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

(2) take office as provided in section 4 of this chapter.

(d) This subsection applies to the appointed member of the governing body whose term expires December 31, 2013. The successors of this member shall be appointed by the city legislative body as provided in section 3(a)(3) of this chapter and take office as provided in section 4 of this chapter.

(e) The appointed members of the governing body whose terms expire December 31, 2014, may serve as members of the governing body under this chapter for the remainder of their appointed terms. The successors of these members shall be chosen as follows:

(1) One (1) member shall:

(A) be elected at the 2014 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

(B) take office as provided in section 4 of this chapter.

(2) One (1) member shall be appointed by the city executive as provided in section 3(a)(2) of this chapter and take office as provided in section 4 of this chapter.

(f) On January 1, 2013, all powers, duties, and functions adhering to the appointed governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established by this chapter.

(g) On January 1, 2013, the property and records of the appointed governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established by this chapter.

As added by P.L.179-2011, SEC.30.

IC 20-23-17.2

Chapter 17.2. Election of School Board Members in East Chicago

IC 20-23-17.2-1

Applicability of chapter

Sec. 1. This chapter applies to a school corporation located in a city that has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-2

Applicability of other laws

Sec. 2. IC 20-23-8 does not apply to a school corporation or the governing body of a school corporation governed by this chapter.

As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-3

Governing body; members; method of election; term; represent interests of entire school corporation

Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:

(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.

(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.

(3) All members shall be elected on a nonpartisan basis.

(4) All members shall be elected at the general election held in the county in 2012 and each four (4) years thereafter.

(b) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-4

Member districts

Sec. 4. The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the common council districts of the city that are drawn under IC 36-4-6.

As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-5

Election of members by district and at-large; petition of nomination; requirements

Sec. 5. (a) The following apply to an election of members of the governing body of the school corporation under section 3(a)(1) of this chapter:

(1) Each candidate must file a petition of nomination with the

circuit court clerk not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address and the district in which the candidate resides.

(C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.

(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.

(b) The following apply to an election of the members of the governing body of the school corporation under section 3(a)(2) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:

(A) The name of the candidate.

(B) The candidate's residence address.

(C) The signatures of at least one hundred (100) registered voters residing within the school corporation.

(D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) Three (3) candidates shall be elected at large. The three (3) candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.

As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-6

Eligible voters

Sec. 6. Voters who reside within the boundaries of the school corporation may vote for the candidates elected under section 3 of this chapter. Each voter may vote only for:

(1) one (1) candidate to represent the district in which the voter resides; and

(2) three (3) at-large candidates.

As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-7
Balloting procedures

Sec. 7. The state board, with assistance from the county election board, shall establish balloting procedures under IC 3 for the election and all other procedures required to implement this chapter.
As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-8
Term of office

Sec. 8. The term of each person elected to serve on the governing body of the school corporation is four (4) years, beginning January 1 following the election.
As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-9
Elected at general election

Sec. 9. The members of the governing body of the school corporation shall be elected at the general election to be held in 2012 and every four (4) years thereafter.
As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-10
Vacancies

Sec. 10. A vacancy in the office of a member of the governing body of the school corporation shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs. An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.
As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-11
Statement filed with state superintendent; requirements

Sec. 11. (a) Before August 1 of each year, the school corporation shall file with the state superintendent the following information:

(1) A list containing the names and addresses of each member of the governing body of the school corporation and the date of the expiration of each member's term of office.

(2) A list containing the names and addresses of each of the school corporation's officers and the date of the expiration of each officer's term of office.

(b) The school corporation shall notify the state superintendent of any change in the information previously filed under subsection (a) not later than thirty (30) days after the change occurs.
As added by P.L.179-2011, SEC.31.

IC 20-23-17.2-12
Schedule of election; transfer of powers, duties, and functions; transfer of property and records

Sec. 12. (a) Notwithstanding any other law, the terms of the

members of the governing body of the school corporation who hold office on December 31, 2012, expire January 1, 2013.

(b) On January 1, 2013, all powers, duties, and functions adhering to the governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established under this chapter.

(c) On January 1, 2013, the property and records of the governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established under this chapter.

(d) This section expires July 1, 2016.

As added by P.L.179-2011, SEC.31.

IC 20-24

ARTICLE 24. CHARTER SCHOOLS

IC 20-24-1

Chapter 1. Definitions

IC 20-24-1-1

Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-2005, SEC.8.

IC 20-24-1-2

"ADM of the previous year"

Sec. 2. "ADM of the previous year" has the meaning set forth in IC 20-43-1-7.

As added by P.L.1-2005, SEC.8. Amended by P.L.2-2006, SEC.103.

IC 20-24-1-3

"Charter"

Sec. 3. "Charter" means a contract between an organizer and a sponsor for the establishment of a charter school.

As added by P.L.1-2005, SEC.8.

IC 20-24-1-3.5

"Charter board"

Sec. 3.5. "Charter board" refers to the Indiana charter school board established under IC 20-24-2.1.

As added by P.L.91-2011, SEC.3.

IC 20-24-1-4

"Charter school"

Sec. 4. "Charter school" means a public elementary school or secondary school established under this article that:

(1) is nonsectarian and nonreligious; and

(2) operates under a charter.

As added by P.L.1-2005, SEC.8.

IC 20-24-1-5

"Conversion charter school"

Sec. 5. "Conversion charter school" means a charter school established under IC 20-24-11 by the conversion of an existing school into a charter school. The term includes a new school to which students from other schools in the school corporation are assigned or transferred.

As added by P.L.1-2005, SEC.8.

IC 20-24-1-6

"Current ADM"

Sec. 6. "Current ADM" has the meaning set forth in

IC 20-43-1-10.
As added by P.L.1-2005, SEC.8. Amended by P.L.2-2006, SEC.104.

IC 20-24-1-6.2
"Fund"
Sec. 6.2. "Fund", for purposes of IC 20-24-12, refers to the charter school facilities assistance fund.
As added by P.L.91-2011, SEC.4.

IC 20-24-1-7
"Organizer"
Sec. 7. "Organizer" means a group or an entity that:
(1) has been determined by the Internal Revenue Service to be operating under nonprofit status or has applied for such determination; and
(2) enters into a contract under this article to operate a charter school.
As added by P.L.1-2005, SEC.8.

IC 20-24-1-7.5
"Program"
Sec. 7.5. "Program", for purposes of IC 20-24-12, refers to the charter school facilities assistance program under IC 20-24-12.
As added by P.L.91-2011, SEC.5.

IC 20-24-1-8
"Proposal"
Sec. 8. "Proposal" refers to a proposal from an organizer to establish a charter school.
As added by P.L.1-2005, SEC.8.

IC 20-24-1-9
"Sponsor"
Sec. 9. "Sponsor" means, for a charter school, one (1) of the following:
(1) A governing body.
(2) A state educational institution that offers a four (4) year baccalaureate degree.
(3) The executive (as defined in IC 36-1-2-5) of a consolidated city.
(4) The charter board.
(5) A nonprofit college or university that provides a four (4) year educational program for which it awards a baccalaureate or more advanced degree, including the following:
Anderson University
Bethel College
Butler University
Calumet College of St. Joseph
DePauw University
Earlham College

Franklin College
Goshen College
Grace College
Hanover College
Holy Cross College
Huntington University
Indiana Tech
Indiana Wesleyan University
Manchester College
Marian University
Martin University
Oakland City University
Rose-Hulman Institute of Technology
Saint Joseph's College
Saint Mary-of-the-Woods College
Saint Mary's College
Taylor University
Trine University
University of Evansville
University of Indianapolis
University of Notre Dame
University of Saint Francis
Valparaiso University
Wabash College.

As added by P.L.1-2005, SEC.8. Amended by P.L.2-2007, SEC.208; P.L.91-2011, SEC.6.

IC 20-24-2

Chapter 2. Charter Schools Generally

IC 20-24-2-1

Purposes of charter schools

Sec. 1. A charter school may be established under this article to provide innovative and autonomous programs that do the following:

(1) Serve the different learning styles and needs of public school students.

(2) Offer public school students appropriate and innovative choices.

(3) Provide varied opportunities for professional educators.

(4) Allow public schools freedom and flexibility in exchange for exceptional levels of accountability.

(5) Provide parents, students, community members, and local entities with an expanded opportunity for involvement in the public school system.

As added by P.L.1-2005, SEC.8.

IC 20-24-2-2

Discrimination prohibited

Sec. 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.

(4) Gender.

(5) National origin.

(6) Religion.

(7) Ancestry.

As added by P.L.1-2005, SEC.8.

IC 20-24-2.1

Chapter 2.1. Indiana Charter School Board

IC 20-24-2.1-1

Establishment; membership

Sec. 1. (a) The Indiana charter school board is established for the purpose of sponsoring charter schools throughout Indiana.

(b) The charter board is a statewide charter school sponsor composed of the following seven (7) members appointed to four (4) year terms:

(1) Two (2) members, who may not be members of the same political party, appointed by the governor.

(2) One member who has previous experience with or on behalf of charter schools appointed by the state superintendent.

(3) Four (4) members, who may not be legislators, appointed as follows:

(A) One (1) member appointed by the president pro tempore of the senate.

(B) One (1) member appointed by the minority leader of the senate.

(C) One (1) member appointed by the speaker of the house of representatives.

(D) One (1) member appointed by the minority leader of the house of representatives.

(c) The governor shall appoint the chairperson of the charter board.

(d) A majority of the members appointed to the charter board constitutes a quorum. The affirmative votes of a majority of the voting members appointed to the charter board are required for the charter board to take action.

(e) Each member of the charter board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.91-2011, SEC.7.

IC 20-24-2.1-2

Duties

Sec. 2. The charter board, with assistance from the department, shall:

(1) establish a process to:

(A) review a proposal to establish a charter school under IC 20-24-3-4;

(B) make a decision on the proposal as required under IC 20-24-3-9; and

(C) monitor charter schools sponsored by the charter board; and

(2) publish guidelines concerning the review process described in subdivision (1);

not later than December 31, 2011.

As added by P.L.91-2011, SEC.7.

IC 20-24-2.1-3

Staff

Sec. 3. The department shall provide staff to carry out the duties of the charter board under this chapter until the time when the charter board begins receiving administrative fees pursuant to IC 20-24-7-4(e). At that time, the charter board may hire staff to carry out the duties of the charter board under this chapter.

As added by P.L.91-2011, SEC.7.

IC 20-24-2.1-4

Funding

Sec. 4. Funding for the charter board consists of administrative fees collected under IC 20-24-7-4.

As added by P.L.91-2011, SEC.7.

IC 20-24-2.2

Chapter 2.2. Monitoring and Accountability of Sponsors

IC 20-24-2.2-1

Information on department Internet web site

Sec. 1. The department shall establish a charter school page on the department's Internet web site that includes information on the following:

(1) All approved sponsors, including the sponsors' processes for the following:

(A) Monitoring approved schools at regular intervals.

(B) Establishing minimum standards for renewing a charter or not renewing a charter.

(C) Processes and standards for school closure, including the transfer of academic records to other schools and postsecondary educational institutions.

(2) All pending applications for a charter.

(3) All approved applications for a charter.

(4) All rejected applications for a charter.

(5) Annual performance data that includes the same demographic and performance data required from school corporations.

As added by P.L.91-2011, SEC.8.

IC 20-24-2.2-2

Minimum standards for charter renewal

Sec. 2. The minimum standards for renewal and the standards to avoid closure imposed by sponsors on the charter school in the charter school agreement must include a requirement that the charter school not fall within the application of IC 20-31-9-4, notwithstanding IC 20-31-9-1.

As added by P.L.91-2011, SEC.8.

IC 20-24-2.2-3

Sponsor hearing; consequences

Sec. 3. (a) After giving at least thirty (30) days notice, the state board may require a sponsor to appear at a hearing conducted by the state board if the sponsor has renewed a charter or failed to close a charter school that does not meet the minimum standards in the charter agreement, as posed on the department's Internet web site.

(b) After the hearing, the state board may implement one (1) or more of the following actions unless the state board finds sufficient justification for the charter school's performance under the state school accountability system:

(1) Transfer the sponsorship of the charter school identified in subsection (a) to the charter board.

(2) Order the closure of the charter school identified in subsection (a) on the date set by the state board.

(3) Order the reduction of any administrative fee collected under IC 20-24-7-4 that is applicable to the charter school

identified in subsection (a) to an amount not greater than fifty percent (50%) of the amount allowed under IC 20-24-7-4.

(c) In determining whether to impose consequences under subsection (b), the state board must consider the following:

(1) Enrollment of students with special challenges such as drug or alcohol addiction, prior withdrawal from school, prior incarceration, or other special circumstances.

(2) High mobility of the student population resulting from the specific purpose of the charter school.

(3) Annual improvement in the performance of students enrolled in the charter school, as measured by IC 20-31-8-1, compared with the performance of students enrolled in the charter school in the immediately preceding school year.

As added by P.L.91-2011, SEC.8.

IC 20-24-2.2-4

Suspension of sponsor's ability to sponsor new charter schools

Sec. 4. If the state board has closed or transferred sponsorship of at least twenty-five percent (25%) of the charter schools chartered by one (1) sponsor under section 3 of this chapter, the sponsor's authority to sponsor new charter schools may be suspended by the state board until the state board approves the sponsor to sponsor new charter schools. A determination under this section to suspend a sponsor's authority to sponsor new charter schools must identify the deficiencies that, if corrected, will result in the approval of the sponsor to sponsor new charter schools.

As added by P.L.91-2011, SEC.8.

IC 20-24-3

Chapter 3. Establishment of Charter Schools

IC 20-24-3-1

Sponsor may grant charter

Sec. 1. A sponsor may grant a charter to an organizer to operate a charter school under this article.

As added by P.L.1-2005, SEC.8.

IC 20-24-3-2

Prohibition against sponsor granting charter to for-profit organizer

Sec. 2. A sponsor may not grant a charter to a for-profit organizer.

As added by P.L.1-2005, SEC.8.

IC 20-24-3-3

Organizer's dissolution; disposition of remaining assets and funds

Sec. 3. The organizer's constitution, charter, articles, or bylaws must contain a clause providing that upon dissolution:

(1) all remaining assets, except funds specified in subdivision (2), shall be used for nonprofit educational purposes; and

(2) remaining funds received from the department shall be returned to the department not more than thirty (30) days after dissolution.

As added by P.L.1-2005, SEC.8.

IC 20-24-3-4

Proposal to establish charter school; required contents

Sec. 4. (a) An organizer may submit to the sponsor a proposal to establish a charter school.

(b) A proposal must contain at least the following information:

(1) Identification of the organizer.

(2) A description of the organizer's organizational structure and governance plan.

(3) The following information for the proposed charter school:

(A) Name.

(B) Purposes.

(C) Governance structure.

(D) Management structure.

(E) Educational mission goals.

(F) Curriculum and instructional methods.

(G) Methods of pupil assessment.

(H) Admission policy and criteria, subject to IC 20-24-5.

(I) School calendar.

(J) Age or grade range of students to be enrolled.

(K) A description of staff responsibilities.

(L) A description of the physical plant.

(M) Budget and financial plans.

(N) Personnel plan, including methods for selection, retention, and compensation of employees.

(O) Transportation plan.
(P) Discipline program.
(Q) Plan for compliance with any applicable desegregation order.
(R) The date when the charter school is expected to:
(i) begin school operations; and
(ii) have students attending the charter school.
(S) The arrangement for providing teachers and other staff with health insurance, retirement benefits, liability insurance, and other benefits.
(T) Any other applications submitted to a sponsor in the previous five (5) years.
(4) The manner in which the sponsor must conduct an annual audit of the program operations of the charter school.
(c) This section does not waive, limit, or modify the provisions of:
(1) IC 20-29 in a charter school where the teachers have chosen to organize under IC 20-29; or
(2) an existing collective bargaining agreement for noncertificated employees (as defined in IC 20-29-2-11).
As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.9.

IC 20-24-3-5
Establishment of charter school in a consolidated city; approval of legislative body required
Sec. 5. (a) This section applies only to a sponsor that is the executive of a consolidated city.
(b) Before issuing a charter, the sponsor must receive the approval of a majority of the members of the legislative body (as defined in IC 36-1-2-9) of the consolidated city for the establishment of a charter school. The sponsor may issue charters for charter schools located in the consolidated city.
As added by P.L.1-2005, SEC.8.

IC 20-24-3-5.5
Public hearing by sponsor
Sec. 5.5. (a) This section applies to a sponsor that is not the executive of a consolidated city.
(b) Before issuing a charter, the sponsor must conduct a public hearing concerning the establishment of the proposed charter school. At the public hearing, the governing body of the school corporation in which the proposed charter school will be located must be given an opportunity to comment on the effect of the proposed charter school on the school corporation, including any foreseen negative impacts on the school corporation.
As added by P.L.91-2011, SEC.10.

IC 20-24-3-6
Granting of charter; provision of noncharter school required
Sec. 6. (a) Except as provided in subsection (b), if a governing body grants a charter to establish a charter school, the governing

body must provide a noncharter school that students of the same age or grade levels may attend.

(b) The department may waive the requirement that a governing body provide a noncharter school under subsection (a) upon the request of the governing body.

As added by P.L.1-2005, SEC.8.

IC 20-24-3-7

Revocation of charter

Sec. 7. The sponsor may revoke the charter of a charter school that does not, by the date specified in the charter:

(1) begin school operations; and

(2) have students attending the charter school.

As added by P.L.1-2005, SEC.8.

IC 20-24-3-8

Attendance by more than 50% of students in school corporation; department approval required

Sec. 8. Before granting a charter under which more than fifty percent (50%) of the students in a school corporation will attend a charter school, the governing body of the school corporation must receive the approval of the department.

As added by P.L.1-2005, SEC.8.

IC 20-24-3-9

Notification of acceptance or rejection of proposal

Sec. 9. A sponsor must notify an organizer that submits a proposal under section 4 of this chapter of the:

(1) acceptance of the proposal; or

(2) rejection of the proposal;

not later than seventy-five (75) days after the organizer submits the proposal.

As added by P.L.1-2005, SEC.8. Amended by P.L.169-2005, SEC.13.

IC 20-24-3-10

Department notification; annual report

Sec. 10. (a) A sponsor must notify the department of the following:

(1) Receipt of a proposal.

(2) Acceptance of a proposal.

(3) Rejection of a proposal, including the reasons for the rejection.

(4) The length of time for which a charter is granted.

(5) School goals, educational program design, and an education management organization operating a school, if applicable.

(6) The name and address of the education management organization, and the name of the chief operating officer of the education management organization, if applicable.

(b) The department shall annually do the following:

(1) Compile the information received under subsection (a) into

a report.

(2) Submit the report in an electronic format under IC 5-14-6 to the legislative council.

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.11.

IC 20-24-3-11

Rejection of proposal; amendment or submission to another sponsor; appeal

Sec. 11. If a sponsor rejects a charter school proposal, the organizer may:

(1) amend the charter school proposal and resubmit the proposal to the same sponsor;

(2) submit a charter school proposal to another sponsor; or

(3) appeal the decision to the charter school review panel established by section 12 of this chapter.

As added by P.L.1-2005, SEC.8.

IC 20-24-3-12

Charter school review panel; composition; meeting to consider proposal; permissible findings

Sec. 12. (a) This section applies if the sponsor rejects a proposal.

(b) The organizer may appeal the decision of the sponsor to the charter school review panel established by subsection (c).

(c) The charter school review panel is established. The members of the panel are as follows:

(1) The governor or the governor's designee.

(2) The state superintendent, who shall chair the panel.

(3) A member of the state board appointed by the state superintendent.

(4) A person with financial management experience appointed by the governor.

(5) A community leader with knowledge of charter school issues appointed jointly by the governor and the state superintendent.

A member shall serve a two (2) year term and may be reappointed to the panel upon expiration of the member's term.

(d) All decisions of the panel shall be determined by a majority vote of the panel's members.

(e) Upon the request of an organizer, the panel shall meet to consider the organizer's proposal and the sponsor's reasons for rejecting the proposal. The panel must allow the organizer and sponsor to participate in the meeting.

(f) After the panel meets under subsection (e), the panel shall make one (1) of the following findings and issue the finding to the organizer and the sponsor:

(1) A finding that supports the sponsor's rejection of the proposal.

(2) A finding that:

(A) recommends that the organizer amend the proposal; and

(B) specifies the changes to be made in the proposal if the

organizer elects to amend the proposal.

(3) A finding that approves the proposal.

The panel shall issue the finding not later than forty-five (45) days after the panel receives the request for review.

(g) If the panel makes a finding described in subsection (f)(1), the finding is final.

(h) If the panel makes a finding described in subsection (f)(2), the organizer may amend the proposal according to the panel's recommendations and resubmit the proposal directly to the panel.

(i) If the panel makes a finding described in subsection (f)(3), the proposal is considered conditionally approved. The approval shall be considered final upon delivery to the panel of written notice from the organizer and an eligible sponsor that the sponsor has agreed to serve as a sponsor for the proposal approved by the panel.

(j) Proposals approved under this section shall not be counted under any numerical limits placed upon a sponsor or set of sponsors.

As added by P.L.1-2005, SEC.8.

IC 20-24-3-13

Repealed

(*Repealed by P.L.91-2011, SEC.31.)*

IC 20-24-3-14

University sponsors; board of trustees responsible; public meeting required

Sec. 14. (a) This section applies to university sponsors.

(b) Except as provided in subsection (c), the ultimate responsibility for choosing to sponsor a charter school and responsibilities for maintaining sponsorship rest with the university's board of trustees.

(c) The university's board of trustees may vote to assign sponsorship authority and sponsorship responsibilities to another person or entity that functions under the direction of the university's board. A decision made under this subsection shall be communicated in writing to the department and the charter school review panel.

(d) Before a university may sponsor a charter school, the university must conduct a public meeting with public notice in the county where the charter school will be located.

As added by P.L.1-2005, SEC.8.

IC 20-24-3-15

Repealed

(Repealed by P.L.91-2011, SEC.31.)

IC 20-24-3-16

Service as organizer and sponsor prohibited

Sec. 16. An entity or multiple divisions of the same entity may not serve simultaneously as both the organizer and the sponsor of the same charter school.

As added by P.L.1-2005, SEC.8.

IC 20-24-4

Chapter 4. The Charter

IC 20-24-4-1 Version a

Charter requirements

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 1. A charter must meet the following requirements:

(1) Be a written instrument.

(2) Be executed by a sponsor and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Be granted for:

(A) not less than three (3) years; and

(B) a fixed number of years agreed to by the sponsor and the organizer.

(6) Provide for:

(A) a review by the sponsor of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect; and

(B) renewal, if the sponsor and the organizer agree to renew the charter.

(7) Specify the grounds for the sponsor to:

(A) revoke the charter before the end of the term for which the charter is granted; or

(B) not renew a charter.

(8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:

(A) Evidence of improvement in:

(i) assessment measures, including the ISTEP program and the graduation examination;

(ii) attendance rates;

(iii) graduation rates (if appropriate);

(iv) increased numbers of Core 40 diplomas (if appropriate); and

(v) increased numbers of academic honors diplomas (if appropriate).

(B) Evidence of progress toward reaching the educational goals set by the organizer.

(9) Describe the method to be used to monitor the charter school's:

(A) compliance with applicable law; and

(B) performance in meeting targeted educational performance.

(10) Specify that the sponsor and the organizer may amend the charter during the term of the charter by mutual consent and

describe the process for amending the charter.

(11) Describe specific operating requirements, including all the matters set forth in the application for the charter.

(12) Specify a date when the charter school will:

(A) begin school operations; and

(B) have students attending the charter school.

(13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.

(14) Specify that records provided by the charter school to the department or sponsor that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.

(15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.

As added by P.L.1-2005, SEC.8.

IC 20-24-4-1 Version b

Charter requirements

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 1. (a) A charter must meet the following requirements:

(1) Be a written instrument.

(2) Be executed by a sponsor and an organizer.

(3) Confer certain rights, franchises, privileges, and obligations on a charter school.

(4) Confirm the status of a charter school as a public school.

(5) Be granted for:

(A) not less than three (3) years; and

(B) a fixed number of years agreed to by the sponsor and the organizer.

(6) Provide for the following:

(A) A review by the sponsor of the charter school's performance, including the progress of the charter school in achieving the academic goals set forth in the charter, at least one (1) time in each five (5) year period while the charter is in effect.

(B) Renewal, if the sponsor and the organizer agree to renew the charter.

(7) Specify the grounds for the sponsor to:

(A) revoke the charter before the end of the term for which the charter is granted; or

(B) not renew a charter.

(8) Set forth the methods by which the charter school will be held accountable for achieving the educational mission and goals of the charter school, including the following:

(A) Evidence of improvement in:

(i) assessment measures, including the ISTEP and end of

course assessments;
(ii) attendance rates;
(iii) graduation rates (if appropriate);
(iv) increased numbers of Core 40 diplomas and other college and career ready indicators including advanced placement participation and passage, dual credit participation and passage, and International Baccalaureate participation and passage (if appropriate);
(v) increased numbers of academic honors and technical honors diplomas (if appropriate);
(vi) student academic growth;
(vii) financial performance and stability; and
(viii) governing board performance and stewardship, including compliance with applicable laws, rules and regulations, and charter terms.

(B) Evidence of progress toward reaching the educational goals set by the organizer.

(9) Describe the method to be used to monitor the charter school's:

(A) compliance with applicable law; and

(B) performance in meeting targeted educational performance.

(10) Specify that the sponsor and the organizer may amend the charter during the term of the charter by mutual consent and describe the process for amending the charter.

(11) Describe specific operating requirements, including all the matters set forth in the application for the charter.

(12) Specify a date when the charter school will:

(A) begin school operations; and

(B) have students attending the charter school.

(13) Specify that records of a charter school relating to the school's operation and charter are subject to inspection and copying to the same extent that records of a public school are subject to inspection and copying under IC 5-14-3.

(14) Specify that records provided by the charter school to the department or sponsor that relate to compliance by the organizer with the terms of the charter or applicable state or federal laws are subject to inspection and copying in accordance with IC 5-14-3.

(15) Specify that the charter school is subject to the requirements of IC 5-14-1.5.

(b) A charter school shall set annual performance targets in conjunction with the charter school's sponsor. The annual performance targets shall be designed to help each school meet applicable federal, state, and sponsor expectations.

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.12.

IC 20-24-5

Chapter 5. Student Admissions and Enrollment

IC 20-24-5-1

Nonconversion charter schools open to all Indiana students

Sec. 1. A charter school, including a conversion charter school, must be open to any student who resides in Indiana.

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.13.

IC 20-24-5-2

Repealed

(*Repealed by P.L.91-2011, SEC.31.)*

IC 20-24-5-3

Repealed

(*Repealed by P.L.91-2011, SEC.31.)*

IC 20-24-5-4

Admission policies

Sec. 4. (a) Except as provided in this chapter, a charter school may not establish admission policies or limit student admissions in any manner in which a public school is not permitted to establish admission policies or limit student admissions.

(b) Notwithstanding subsection (a), a charter school may operate as a single gender school if approved to do so by the sponsor. A single gender charter school must be open to any student of the gender the school serves who resides in Indiana.

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.14.

IC 20-24-5-5

Limits on attendance

Sec. 5. (a) Except as provided in subsections (b), (c), and (d), a charter school must enroll any eligible student who submits a timely application for enrollment.

(b) This subsection applies if the number of applications for a program, class, grade level, or building exceeds the capacity of the program, class, grade level, or building. If a charter school receives a greater number of applications than there are spaces for students, each timely applicant must be given an equal chance of admission. The organizer must determine which of the applicants will be admitted to the charter school or the program, class, grade level, or building by random drawing in a public meeting.

(c) A charter school may limit new admissions to the charter school to:

(1) ensure that a student who attends the charter school during a school year may continue to attend the charter school in subsequent years; and

(2) allow the siblings of a student who attends a charter school to attend the charter school.

(d) This subsection applies to an existing school that converts to

a charter school under IC 20-24-11. During the school year in which the existing school converts to a charter school, the charter school may limit admission to:

(1) those students who were enrolled in the charter school on the date of the conversion; and

(2) siblings of students described in subdivision (1).

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.15.

IC 20-24-6

Chapter 6. Employment of Teachers and Other Personnel; Collective Bargaining

IC 20-24-6-1

Employees; collective bargaining agreements; accrual of and financial responsibility for benefits

Sec. 1. (a) Individuals who work at a charter school are employees of the charter school or of an entity with which the charter school has contracted to provide services.

(b) Teachers in a conversion charter school may be employees of the charter school or of both the charter school and the school corporation that sponsored the charter school, as determined by the provisions of the charter.

(c) All benefits accrued by teachers as employees of the conversion charter school are the financial responsibility of the conversion charter school.

(d) All benefits accrued by a teacher during the time the teacher was an employee only of the school corporation that sponsored the charter school are the financial responsibility of the school corporation. The school corporation shall pay those benefits directly or reimburse the conversion charter school for the cost of the benefits.

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.16.

IC 20-24-6-2

Teachers; voluntary service and hiring

Sec. 2. Individuals must choose to be teachers at a charter school voluntarily, and a charter school must voluntarily choose those individuals to be its teachers.

As added by P.L.1-2005, SEC.8.

IC 20-24-6-3

Collective bargaining permitted

Sec. 3. Employees of a charter school may organize and bargain collectively under IC 20-29.

As added by P.L.1-2005, SEC.8.

IC 20-24-6-4

Repealed

(*Repealed by P.L.91-2011, SEC.31.)*

IC 20-24-6-5

Teachers; licensing requirements

Sec. 5. (a) At least ninety percent (90%) of the individuals who teach full time in a charter school must either:

(1) hold a license to teach in a public school in Indiana under IC 20-28-5; or

(2) be in the process of obtaining a license to teach in a public school in Indiana under the transition to teaching program

established by IC 20-28-4-2;

unless the charter school requests and the state board approves a waiver for a lower percentage.

(b) An individual who does not qualify under subsection (a) may teach full time in a charter school if the individual meets one of the following criteria:

(1) The individual is in the process of obtaining a license to teach in a charter school in Indiana under IC 20-28-5-16.

(2) The individual holds at least a bachelor's degree with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited postsecondary educational institution in the content or related area in which the individual teaches.

Individuals qualifying under subsection (b) may not exceed ten percent (10%) of the full time teaching staff unless the charter school requests and the state board approves a waiver for a higher percentage.

(c) An individual described in subsection (a)(2) must complete the transition to teaching program not later than three (3) years after beginning to teach at a charter school.

(d) An individual who holds a part-time teaching position in a charter school must hold at least a bachelor's degree with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited postsecondary educational institution in the content or related area in which the individual teaches.

(e) An individual who provides to students in a charter school a service:

(1) that is not teaching; and

(2) for which a license is required under Indiana law;

must have the appropriate license to provide the service in Indiana.

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.17.

IC 20-24-6-6

Substitute teachers

Sec. 6. A charter school may employ a substitute teacher or an individual who holds a limited license to teach in the same manner in which a noncharter public school may employ a substitute teacher or an individual who holds a limited license to teach.

As added by P.L.1-2005, SEC.8.

IC 20-24-6-7

Participation of employees in retirement fund

Sec. 7. (a) A charter school may participate in any of the following:

(1) The Indiana state teachers' retirement fund in accordance with IC 5-10.4.

(2) The public employees' retirement fund in accordance with IC 5-10.3.

(3) Another employee pension or retirement fund.

(b) Except as provided in subsection (e), a person who teaches in a charter school is a member of the Indiana state teachers' retirement

fund. Service in a charter school is creditable service for purposes of IC 5-10.4.

(c) Except as provided in subsection (e), a person who:

(1) is a local school employee of a charter school; and

(2) is not eligible to participate in the Indiana state teachers' retirement fund;

is a member of the public employees' retirement fund.

(d) The boards of the Indiana state teachers' retirement fund and the public employees' retirement fund shall implement this section through the organizer of the charter school, subject to and conditioned upon receiving any approvals either board considers appropriate from the Internal Revenue Service and the United States Department of Labor.

(e) Charter school employees may participate in a private pension or retirement program, if the organizer of the charter school offers the opportunity to participate in the program.

As added by P.L.1-2005, SEC.8. Amended by P.L.2-2006, SEC.105; P.L.234-2007, SEC.226.

IC 20-24-6-8

Decision to grant charter; not subject to restraint by collective bargaining agreement

Sec. 8. The decision by a sponsor whether to grant a charter is not subject to restraint by a collective bargaining agreement.

As added by P.L.1-2005, SEC.8.

IC 20-24-6-9

Repealed

(*Repealed by P.L.91-2011, SEC.31.)*

IC 20-24-6-10

Transfer of teacher to nonconversion charter school; continuation of seniority status

Sec. 10. (a) The governing body:

(1) must grant a transfer of not more than two (2) years; and

(2) may grant a transfer for a period in addition to the period required in subdivision (1);

to a teacher of a noncharter school in the school corporation who wishes to teach and has been accepted to teach at a nonconversion charter school.

(b) During the term of the transfer under subsection (a):

(1) the teacher's seniority status under law continues as if the teacher were an employee of a noncharter school in the school corporation; and

(2) the teacher's years as a charter school employee shall not be considered for purposes of permanent or semipermanent status with the school corporation under IC 20-28-6, IC 20-28-7.5, or IC 20-28-8.

As added by P.L.1-2005, SEC.8. Amended by P.L.90-2011, SEC.8.

IC 20-24-7

Chapter 7. Fiscal Matters

IC 20-24-7-1

Organizer as fiscal agent

Sec. 1. (a) The organizer is the fiscal agent for the charter school.

(b) The organizer has exclusive control of:

(1) funds received by the charter school; and

(2) financial matters of the charter school.

(c) The organizer shall maintain separate accountings of all funds received and disbursed by the charter school.

As added by P.L.1-2005, SEC.8.

IC 20-24-7-2

Charter school student information; distribution of state funds; calculation of share of local funds

Sec. 2. (a) Not later than the date established by the department for determining ADM, and after May 31 each year, the organizer shall submit to the department the following information on a form prescribed by the department:

(1) The number of students enrolled in the charter school.

(2) The name and address of each student.

(3) The name of the school corporation in which the student has legal settlement.

(4) The name of the school corporation, if any, that the student attended during the immediately preceding school year.

(5) The grade level in which the student will enroll in the charter school.

The department shall verify the accuracy of the information reported.

(b) This subsection applies after December 31 of the calendar year in which a charter school begins its initial operation. The department shall distribute to the organizer the state tuition support distribution. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution of state tuition support under IC 20-43-2 to other school corporations.

As added by P.L.1-2005, SEC.8. Amended by P.L.2-2006, SEC.106; P.L.146-2008, SEC.460.

IC 20-24-7-3

Calculation and distribution of state funds to conversion charter school; advance from charter school advancement account

Sec. 3. (a) This section applies to a conversion charter school.

(b) Beginning not more than sixty (60) days after the department receives the information reported under section 2(a) of this chapter, the department shall distribute to the organizer:

(1) tuition support and other state funding for any purpose for students enrolled in the conversion charter school;

(2) a proportionate share of state and federal funds received:

(A) for students with disabilities; or

(B) for staff services for students with disabilities;

enrolled in the conversion charter school; and

(3) a proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state categorical aid and are enrolled in the conversion charter school;

for the second six (6) months of the calendar year in which the conversion charter school is established. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution to the governing body of the school corporation in which the conversion charter school is located. A distribution to the governing body of the school corporation in which the conversion charter school is located is reduced by the amount distributed to the conversion charter school. This subsection does not apply to a conversion charter school after December 31 of the calendar year in which the conversion charter school is established.

(c) This subsection applies during the second six (6) months of the calendar year in which a conversion charter school is established. A conversion charter school may apply for an advance from the charter school advancement account under IC 20-49-7 in the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the result under subsection (d) STEP ONE (A).

STEP TWO: Determine the difference between:

(A) the conversion charter school's current ADM; minus

(B) the STEP ONE amount.

STEP THREE: Determine the quotient of:

(A) the STEP TWO amount; divided by

(B) the conversion charter school's current ADM.

STEP FOUR: Determine the product of:

(A) the STEP THREE amount; multiplied by

(B) the quotient of:

(i) the subsection (d) STEP TWO amount; divided by

(ii) two (2).

As added by P.L.1-2005, SEC.8. Amended by P.L.2-2006, SEC.107; P.L.146-2008, SEC.461.

IC 20-24-7-4

Costs of services provided by school corporation; administrative fee for state educational institution serving as sponsor

Sec. 4. (a) Services that a school corporation provides to a charter school, including transportation, may be provided at not more than one hundred three percent (103%) of the actual cost of the services.

(b) This subsection applies to a sponsor that is a state educational institution described in IC 20-24-1-7(2). In a calendar year, a state educational institution may receive from the organizer of a charter school sponsored by the state educational institution an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the calendar year from

basic tuition support (as defined in IC 20-43-1-8).

(c) This subsection applies to the executive of a consolidated city that sponsors a charter school. In a calendar year, the executive may collect from the organizer of a charter school sponsored by the executive an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the calendar year for basic tuition support.

(d) This subsection applies to a sponsor that is a nonprofit college or university that is approved by the state board of education. In a calendar year, a private college or university may collect from the organizer of a charter school sponsored by the private college or university an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the calendar year for basic tuition support.

(e) This subsection applies to the charter board. In a calendar year, the charter school board may collect from the organizer of a charter school sponsored by the charter board an administrative fee equal to not more than three percent (3%) of the total amount the organizer receives during the calendar year for basic tuition support.

(f) A sponsor's administrative fee may not include any costs incurred in delivering services that a charter school may purchase at its discretion from the sponsor. The sponsor shall use its funding provided under this section exclusively for the purpose of fulfilling sponsoring obligations.

(g) Except for oversight services, a charter school may not be required to purchase services from its sponsor as a condition of charter approval or of executing a charter contract, nor may any such condition be implied.

(h) A charter school may choose to purchase services from its sponsor. In that event, the charter school and sponsor shall execute an annual service contract, separate from the charter contract, stating the parties' mutual agreement concerning the services to be provided by the sponsor and any service fees to be charged to the charter school. A sponsor may not charge more than market rates for services provided to a charter school.

(i) Not later than ninety (90) days after the end of each fiscal year, each sponsor shall provide to each charter school it sponsors an itemized accounting of the actual costs of services purchased by the charter school from the sponsor. Any difference between the amount initially charged to the charter school and the actual cost shall be reconciled and paid to the owed party. If either party disputes the itemized accounting, any charges included in the accounting, or charges to either party, either party may request a review by the department. The requesting party shall pay the costs of the review.

As added by P.L.1-2005, SEC.8. Amended by P.L.2-2006, SEC.108; P.L.146-2008, SEC.462; P.L.91-2011, SEC.18.

IC 20-24-7-5

Grants and private and federal funds

Sec. 5. (a) An organizer may apply for and accept for a charter

school:

(1) independent financial grants; and

(2) funds from public or private sources other than the department.

(b) An organizer shall make all applications, enter into all contracts, and sign all documents necessary for the receipt by a charter school of aid, money, or property from the federal government.

As added by P.L.1-2005, SEC.8.

IC 20-24-7-6

Distribution of share of school corporation's capital project fund

Sec. 6. With the approval of a majority of the members of the governing body, a school corporation may distribute a proportionate share of the school corporation's capital project fund to a charter school.

As added by P.L.1-2005, SEC.8.

IC 20-24-7-6.5

Transfer of funds to conversion charter school

Sec. 6.5. (a) Subject to subsection (b) and with the approval of a majority of the members of the governing body, a school corporation may distribute any part of the following to a conversion school sponsored by the school corporation in the amount and under the terms and conditions adopted by a majority of the members of the governing body:

(1) State tuition support and other state distributions to the school corporation.

(2) Any other amount deposited in the school corporation's general fund.

(b) The total amount that may be transferred under subsection (a) in a calendar year to a particular conversion charter school may not exceed the result determined under STEP FOUR of the following formula:

STEP ONE: Determine the result of:

(A) the amount of state tuition support that the school corporation is eligible to receive in the calendar year; divided by

(B) the current ADM of the school corporation for the calendar year.

STEP TWO: Determine the result of:

(A) the amount of state tuition support that the conversion charter school is eligible to receive in the calendar year; divided by

(B) the current ADM of the conversion charter school for the calendar year.

STEP THREE: Determine the greater of zero (0) or the result of:

(A) the STEP ONE amount; minus

(B) the STEP TWO amount.

STEP FOUR: Determine the result of:

(A) the STEP THREE amount; multiplied by

(B) the current ADM of the conversion charter school for the calendar year.

As added by P.L.229-2011, SEC.170.

IC 20-24-7-7

Building projects; applicability of bidding and wage determination laws

Sec. 7. When a charter school uses public funds for the construction, reconstruction, alteration, or renovation of a public building, bidding and wage determination laws and all other statutes and rules apply.

As added by P.L.1-2005, SEC.8.

IC 20-24-7-8

Sponsor's right to receive financial reports from organizer

Sec. 8. A sponsor may request and receive financial reports concerning a charter school from the organizer at any time.

As added by P.L.1-2005, SEC.8.

IC 20-24-7-9

Termination of charter; distribution of funds; repayment of obligations

Sec. 9. (a) This section applies if:

(1) a sponsor:

(A) revokes a charter before the end of the term for which the charter is granted; or

(B) does not renew a charter; or

(2) a charter school otherwise terminates its charter before the end of the term for which the charter is granted.

(b) Any state funds that remain to be distributed to the charter school in the calendar year in which an event described in subsection (a) occurs shall be distributed as follows:

(1) First, to the common school loan fund to repay any existing obligations of the charter school under IC 20-49-7.

(2) Second, to the entities that distributed the funds to the charter school. A distribution under this subdivision shall be on a pro rata basis.

(c) If the funds described in subsection (b) are insufficient to repay all existing obligations of the charter school under IC 20-49-7, the state shall repay any remaining obligations of the charter school under IC 20-49-7 from the amount appropriated for state tuition support distributions.

As added by P.L.1-2005, SEC.8. Amended by P.L.2-2006, SEC.109; P.L.146-2008, SEC.463.

IC 20-24-7-10

Federal funds for charter schools; department's responsibilities

Sec. 10. (a) The department shall carry out a program to identify

all federal funds for which a charter school is eligible.

(b) The department shall apply for all federal funds that are available for charter schools and for which Indiana is eligible.

(c) Upon receiving notice under IC 20-5.5-3-9 from a sponsor that a charter has been approved, the department shall immediately inform the organizer of the organizer's potential eligibility for federal charter school start-up grants.

(d) The department shall distribute federal charter school start-up grants to eligible organizers in a timely manner according to the department's published guidelines for distributing the grants.

(e) The department shall compile a biannual report and submit the report to the state office of federal grants and procurement and to charter school organizers and sponsors. The report submitted under this subsection must contain the following information for grants distributed under this section:

(1) Beginning and end dates for each grant cycle.

(2) The dates on which:

(A) grant applications and requests for renewal were received; and

(B) grants were awarded.

(3) The amount of each grant awarded.

As added by P.L.169-2005, SEC.14.

IC 20-24-7-11

Matching funds for federal grants to charter schools

Sec. 11. (a) If the United States Department of Education approves a new competition for states to receive matching funds for charter school facilities, the department shall pursue this federal funding.

(b) To increase the state's opportunity to receive matching funds from the United States Department of Education, the department shall develop a facilities incentive grants program before January 1, 2010.

(c) The department shall use the priority criteria set forth in 21 U.S.C. 7221d(b) and 34 CFR 226.12 through 34 CFR 226.14 to develop the facilities incentive grants program.

As added by P.L.169-2005, SEC.15 and P.L.246-2005, SEC.129. Amended by P.L.182-2009(ss), SEC.314; P.L.91-2011, SEC.19.

IC 20-24-7-12

Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-24-7-13

Virtual charter schools; funding

Sec. 13. (a) As used in this section, "virtual charter school" means any charter school, including a conversion charter school, that provides for the delivery of more than fifty percent (50%) of instruction to students through:

(1) virtual distance learning;

(2) online technologies; or

(3) computer based instruction.

(b) Beginning with the 2011-2012 school year, a virtual charter school may apply for sponsorship with any statewide sponsor in accordance with the sponsor's guidelines.

(c) Before January 1, 2012, a virtual charter school is entitled to receive funding from the state in an amount equal to the sum of:

(1) the product of:

(A) the number of students included in the virtual charter school's ADM; multiplied by

(B) eighty percent (80%) of statewide average basic tuition support.

(d) After December 31, 2011, a virtual charter school is entitled to receive funding from the state in an amount equal to the sum of:

(1) the product of:

(A) the number of students included in the virtual charter school's ADM; multiplied by

(B) eighty-seven and five-tenths percent (87.5%) of the school's foundation amount determined under IC 20-43-5-4; plus

(2) the total of any special education grants under IC 20-43-7 to which the virtual charter school is entitled.

After December 31, 2011, a virtual charter school is entitled to receive special education grants under IC 20-43-7 calculated in the same manner as special education grants are calculated for other school corporations.

(d) The department shall adopt rules under IC 4-22-2 to govern the operation of virtual charter schools.

(e) Beginning in 2009, the department shall before December 1 of each year submit an annual report to the budget committee concerning the program under this section.

(f) This subsection does not apply to students who were enrolled in a virtual charter school during the 2010-2011 school year. Each school year, at least sixty percent (60%) of the students who are enrolled in virtual charter schools under this section for the first time must have been included in the state's ADM count for the previous school year.

As added by P.L.182-2009(ss), SEC.315. Amended by P.L.1-2010, SEC.78; P.L.91-2011, SEC.20; P.L.229-2011, SEC.171.

IC 20-24-7.5

Chapter 7.5. New Charter School Startup Grant

Effective 1-1-2012.

IC 20-24-7.5-1

Application

Effective 1-1-2012.

Sec. 1. This chapter applies to a charter school that initially is established and begins enrolling eligible pupils after June 30, 2011.

As added by P.L.229-2011, SEC.172.

IC 20-24-7.5-2

Application; exception

Effective 1-1-2012.

Sec. 2. This chapter does not apply to a virtual charter school.

As added by P.L.229-2011, SEC.172.

IC 20-24-7.5-3

Eligibility for grant

Effective 1-1-2012.

Sec. 3. A charter school is eligible for a one (1) time grant under this chapter in the first calendar year immediately following the calendar year in which the charter school is established and begins enrolling eligible pupils.

As added by P.L.229-2011, SEC.172.

IC 20-24-7.5-4

Maximum grant

Effective 1-1-2012.

Sec. 4. A charter school's new charter school startup grant is equal to the result of:

(1) the amount of basic tuition support determined for the charter school under IC 20-43-6-3 for the calendar year that immediately follows the calendar year in which the charter school is established and begins enrolling eligible pupils; divided by

(2) three (3).

The grant shall be paid from the charter school facilities assistance fund established by IC 20-24-12.

As added by P.L.229-2011, SEC.172.

IC 20-24-8

Chapter 8. Charter School Powers and Exemptions

IC 20-24-8-1

Powers of charter schools

Sec. 1. A charter school may do the following:

(1) Sue and be sued in its own name.

(2) For educational purposes, acquire real and personal property or an interest in real and personal property by purchase, gift, grant, devise, or bequest.

(3) Convey property.

(4) Enter into contracts in its own name, including contracts for services.

As added by P.L.1-2005, SEC.8.

IC 20-24-8-2

Prohibited acts

Sec. 2. (a) A charter school may not do the following:

(1) Operate at a site or for grades other than as specified in the charter.

(2) Charge tuition to any student residing within the school corporation's geographic boundaries. However, a charter school may charge tuition for:

(A) a preschool program, unless charging tuition for the preschool program is barred under federal law; or

(B) a latch key program;

if the charter school provides those programs.

(3) Except for a foreign exchange student who is not a United States citizen, enroll a student who is not a resident of Indiana.

(4) Be located in a private residence.

(5) Provide solely home based instruction.

(b) A charter school is not prohibited from delivering instructional services:

(1) through the Internet or another online arrangement; or

(2) in any manner by computer;

if the instructional services are provided to students enrolled in the charter school in a manner that complies with any procedures adopted by the department concerning online and computer instruction in public schools.

As added by P.L.1-2005, SEC.8. Amended by P.L.169-2005, SEC.16.

IC 20-24-8-3

Compliance with laws, charter, and state constitution

Sec. 3. For each charter school established under this article, the charter school and the organizer are accountable to the sponsor for ensuring compliance with:

(1) applicable federal and state laws;

(2) the charter; and

(3) the Constitution of the State of Indiana.

As added by P.L.1-2005, SEC.8.

IC 20-24-8-4

Statutes, rules, and regulations not applicable

Sec. 4. Except as specifically provided in this article and the statutes listed in section 5 of this chapter, the following do not apply to a charter school:

(1) An Indiana statute applicable to a governing body or school corporation.

(2) A rule or guideline adopted by the state board.

(3) A rule or guideline adopted by the state board concerning teachers, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.

(4) A local regulation or policy adopted by a school corporation unless specifically incorporated in the charter.

As added by P.L.1-2005, SEC.8. Amended by P.L.246-2005, SEC.130; P.L.90-2011, SEC.9.

IC 20-24-8-5

Applicable statutes, rules, and guidelines

Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

(1) IC 5-11-1-9 (required audits by the state board of accounts).

(2) IC 20-39-1-1 (unified accounting system).

(3) IC 20-35 (special education).

(4) IC 20-26-5-10 (criminal history).

(5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).

(6) IC 20-28-10-12 (nondiscrimination for teacher marital status).

(7) IC 20-28-10-14 (teacher freedom of association).

(8) IC 20-28-10-17 (school counselor immunity).

(9) For conversion charter schools only, IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10.

(10) IC 20-33-2 (compulsory school attendance).

(11) IC 20-33-3 (limitations on employment of children).

(12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

(13) IC 20-33-8-16 (firearms and deadly weapons).

(14) IC 20-34-3 (health and safety measures).

(15) IC 20-33-9 (reporting of student violations of law).

(16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

(17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8, or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).

(18) IC 20-33-7 (parental access to education records).

(19) IC 20-31 (accountability for school performance and improvement).

(20) IC 20-30-5-19 (personal financial responsibility instruction).

As added by P.L.1-2005, SEC.8. Amended by P.L.2-2006, SEC.111; P.L.121-2009, SEC.5; P.L.154-2009, SEC.1; P.L.90-2011, SEC.10.

IC 20-24-8-6

Bureau of Apprenticeship and Training apprenticeship programs

Sec. 6. (a) A charter school may not duplicate a Bureau of Apprenticeship and Training (BAT) approved Building Trades apprenticeship program.

(b) A student in a charter school may not be excluded from participating in a BAT approved Building Trades apprenticeship program that is offered in a noncharter school.

As added by P.L.1-2005, SEC.8.

IC 20-24-8-7

Financial reports and audits

Sec. 7. A charter school may use any money distributed by law to the charter school to prepare financial reports and conduct audits that the charter school determines are necessary for the conduct of the affairs of the charter school. A financial report or an audit under this section does not replace a financial report or an audit required under IC 5-11-1-9.

As added by P.L.169-2005, SEC.17.

IC 20-24-9

Chapter 9. Oversight of Charter Schools; Reporting Requirements; Revocation of Charter

IC 20-24-9-1

Annual report to department

Sec. 1. A sponsor that has established a charter school shall submit an annual report to the department for informational and research purposes.

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.21.

IC 20-24-9-2

Annual report; contents

Sec. 2. An annual report under this chapter must contain the following information:

(1) Results of all standardized testing, including ISTEP program testing, end of course assessments, and any other assessments used for each sponsored school.

(2) A description of the educational methods and teaching methods employed for each sponsored school.

(3) Attendance rates for each sponsored school.

(4) Graduation rates (if appropriate), including attainment of Core 40 and academic honors diplomas for each sponsored school.

(5) Student enrollment data for each sponsored school, including the following:

(A) The number of students enrolled.

(B) The number of students expelled.

(6) Schools that closed or for which the charter was not renewed, and the reasons for the closure or nonrenewal.

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.22.

IC 20-24-9-3

Compliance with charter and laws; oversight by sponsor

Sec. 3. The sponsor shall oversee a charter school's compliance with:

(1) the charter; and

(2) all applicable laws.

As added by P.L.1-2005, SEC.8.

IC 20-24-9-4

Revocation of charter

Sec. 4. Notwithstanding the provisions of the charter, a sponsor that grants a charter may revoke the charter at any time before the expiration of the term of the charter if the sponsor determines that at least one (1) of the following occurs:

(1) The organizer fails to comply with the conditions established in the charter.

(2) The charter school established by the organizer fails to meet the educational goals set forth in the charter.

(3) The organizer fails to comply with all applicable laws.
(4) The organizer fails to meet generally accepted government accounting principles.
(5) One (1) or more grounds for revocation exist as specified in the charter.

As added by P.L.1-2005, SEC.8.

IC 20-24-9-5

Report to sponsor

Sec. 5. A charter school shall report the following to the sponsor:
(1) Attendance records.
(2) Student performance data.
(3) Financial information.
(4) Any information necessary to comply with state and federal government requirements.
(5) Any other information specified in the charter.

As added by P.L.1-2005, SEC.8.

IC 20-24-9-6

Annual performance report

Sec. 6. The organizer of a charter school shall publish an annual performance report that provides the information required under IC 20-20-8-8 in the same manner that a school corporation publishes an annual report under IC 20-20-8.

As added by P.L.1-2005, SEC.8.

IC 20-24-10

Chapter 10. Student Transfers From Charter School to Public Noncharter Schools

IC 20-24-10-1

Transfer of students from charter to noncharter school; discrimination prohibited

Sec. 1. (a) A public noncharter school that receives a transfer student from a charter school may not discriminate against the student in any way, including by placing the student:

(1) in an inappropriate age group according to the student's ability;

(2) below the student's abilities; or

(3) in a class where the student has already mastered the subject matter.

(b) If a student who previously was enrolled in a charter school enrolls in another public school, the public noncharter school shall accept all credits earned by the student in courses or instructional programs at the charter school in a uniform and consistent manner, according to the same criteria that are used to accept academic credits from other public schools.

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.23.

IC 20-24-11

Chapter 11. Conversion of Existing Public Schools Into Charter Schools

IC 20-24-11-1

Conditions required for conversion

Sec. 1. (a) This section does not apply to an existing public elementary or secondary school that the governing body of the school corporation in which the school is located has scheduled for closure.

(b) An existing public elementary or secondary school may be converted into a charter school if all of the following conditions apply:

(1) At least fifty-one percent (51%) of the parents of students who attend the school have signed a petition requesting the conversion, which must be completed not later than ninety (90) days after the date of the first signature.

(2) The school has been placed in either of the two (2) lowest categories or designations under IC 20-31-8-3 for two (2) consecutive years.

(3) The governing body votes to convert an existing school within the school corporation.

(c) Notwithstanding subsection (b), if a governing body operates a school that has been placed in either of the two (2) lowest categories or designations under IC 20-31-8-3 for four (4) consecutive years, the governing body may not serve as that charter school's sponsor.

(d) A conversion charter school shall continue to comply with all legal requirements concerning student diversity and treatment of children with special needs and accept all students who attended the school before its conversion and who wish to attend the conversion charter school. If any space remains, any student in Indiana may attend the conversion charter school.

As added by P.L.1-2005, SEC.8. Amended by P.L.91-2011, SEC.24.

IC 20-24-11-2

Repealed

(*Repealed by P.L.91-2011, SEC.31.)*

IC 20-24-11-3

Repealed

(*Repealed by P.L.91-2011, SEC.31.)*

IC 20-24-11-4

Repealed

(*Repealed by P.L.91-2011, SEC.31.)*

IC 20-24-12

Chapter 12. Charter School Facilities Assistance Program

IC 20-24-12-1

Establishment

Sec. 1. The charter school facilities assistance program is established.

As added by P.L.91-2011, SEC.25.

IC 20-24-12-2

Purpose

Sec. 2. The purpose of the program is to make grants and loans to charter schools for the purpose of:

(1) constructing;
(2) purchasing;
(3) renovating;
(4) maintaining;
(5) paying first semester costs for new; and
(6) reducing common school fund debt for;

charter schools.

As added by P.L.91-2011, SEC.25.

IC 20-24-12-3

Department to administer program

Sec. 3. The department shall administer the program.

As added by P.L.91-2011, SEC.25.

IC 20-24-12-4

Fund

Sec. 4. (a) The charter school facilities assistance fund is established. The department shall administer the fund.

(b) The fund consists of the following:

(1) Money appropriated or authorized by the general assembly.
(2) The repayment proceeds of loans made to charter schools from the fund.
(3) Any gifts and grants made to the fund or other money required by law to be deposited in the fund.
(4) Any federal grants that are received to capitalize or supplement the fund.
(5) Any earnings on money in the fund.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) The fund may be used by the department as a revolving fund for the purposes described in section 2 of this chapter.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.91-2011, SEC.25.

IC 20-24-12-5
Federal funds

Sec. 5. The department may apply to the United States Department of Education for a state charter school facilities incentive program grant authorized under 34 U.S.C. 7221d(b). The department shall use the proceeds of any state charter school facilities incentive program grant awarded to the state for purposes of the program. To the extent permitted by federal law, the proceeds may be used to pay the administrative expenses of the program.
As added by P.L.91-2011, SEC.25.

IC 20-24-12-6
Use of funds

Sec. 6. The department may authorize money in the fund to be used for any of the following purposes:

(1) To pay first semester costs for charter schools first opening after June 30, 2011.

(2) To repay advances and loans to charter schools made before June 30, 2011.

(3) To match federal grants described in IC 20-24-7-11(a).

(4) To loan or grant money from the fund to a charter school to carry out the purposes described in section 2 of this chapter.

As added by P.L.91-2011, SEC.25.

IC 20-24-12-7
Procedures for providing grants and loans

Sec. 7. (a) The department shall establish written procedures for providing grants or loans from the fund to charter schools. The written procedures must include at least the following:

(1) An application procedure.

(2) A procedure to identify projects that may qualify for a grant or loan.

(3) Criteria for establishing the priority of projects for which grants or loans will be made.

(4) Procedures for selecting projects for which grants or loans will be made.

(b) To apply for a grant or loan from the fund, a charter school must submit an application that contains the information required by the department.
As added by P.L.91-2011, SEC.25.

IC 20-24-12-8
Criteria for receiving grant or loan

Sec. 8. In making its determination to approve or disapprove a grant or loan application, the department may consider the following:

(1) The soundness of the financial business plans of the applicant charter school.

(2) The availability to the charter school of other sources of funding.

(3) The geographic distribution of grants or loans made from

the fund.

(4) The impact that grants or loans received under this chapter will have on the charter school's receipt of other private and public financing.

(5) Plans for innovatively enhancing or leveraging funds received under this chapter, such as loan guarantees or other types of credit enhancements.

(6) The financial needs of the charter school.

As added by P.L.91-2011, SEC.25.

IC 20-24-12-9

Grant or loan on per student basis

Sec. 9. The department may make grants or loans under this chapter on a per student basis.

As added by P.L.91-2011, SEC.25.

IC 20-24-12-10

Loans

Sec. 10. The following apply to a loan from the fund to a charter school under this chapter:

(1) A loan may not exceed the maximum amount set by the department.

(2) The term of the loan may not exceed fifteen (15) years after the date of the loan.

(3) A charter school may receive multiple loans from the fund as long as the total amount outstanding on all loans granted to the charter school from the fund do not exceed the maximum amount set by the department.

(4) The department shall determine the interest rate and other terms for the loan, subject to the approval of the state board of finance.

(5) A charter school must enter into a loan agreement with the department before receiving a loan from the fund.

As added by P.L.91-2011, SEC.25.

IC 20-24-12-11

Repayment of loans

Sec. 11. A charter school receiving a loan under this chapter shall repay the loan from:

(1) the amount of state tuition support that the charter school is eligible to receive; and

(2) to the extent that state tuition support is insufficient to meet the debt service obligations of the charter school, other resources available to the charter school.

As added by P.L.91-2011, SEC.25.

IC 20-24-12-12

Department to withhold loan repayments

Sec. 12. The department shall withhold the amount of the balance of the loan due in a year on a loan made under this chapter from state

tuition support distributions that would otherwise be made in the year to the charter school. To the extent possible, the department shall withhold an equal amount from each installment of state tuition support distributed to the charter school. Withheld amounts reduce the balance of the loan of the charter school. The auditor of state shall transfer withheld amounts to the fund.

As added by P.L.91-2011, SEC.25.

IC 20-24.5

ARTICLE 24.5. UNIVERSITY ADMINISTERED SCHOOLS

IC 20-24.5-1

Chapter 1. Operation of Preschools, Elementary Schools, and Secondary Schools by Certain Universities

IC 20-24.5-1-1

Application; state educational institutions

Sec. 1. This chapter applies only to the following state educational institutions:

(1) Ball State University.
(2) Indiana State University.
(3) Indiana University.
(4) Purdue University.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-2

Application; school corporations

Sec. 2. This chapter applies only to the following school corporations:

(1) School townships.
(2) School cities.
(3) School towns.
(4) Community school corporations.
(5) Metropolitan school districts.
(6) County school corporations.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-3

"Board of trustees"

Sec. 3. As used in this chapter, "board of trustees" has the meaning set forth in IC 21-7-13-9.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-4

"Contract"

Sec. 4. As used in this chapter, "contract" refers to a contract made under this chapter between a state educational institution and a school corporation to educate part or all of the students of one (1) or more school corporations in a university administered school.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-5

"University administered school"

Sec. 5. As used in this chapter, "university administered school" refers to a preschool, an elementary school, or a high school established by a state educational institution in a county in Indiana where the state educational institution is located to instruct children

in the county in the subjects and branches of learning taught in the public schools.
As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-6
Establishment of university administered school by state educational institution allowed

Sec. 6. The board of trustees of a state educational institution may establish a university administered school in any county in Indiana in which the state educational institution is situated to instruct children in the subjects and branches of learning taught in the public schools.
As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-7
Contract to establish school between state educational institution and governing body

Sec. 7. The governing body of a school corporation may enter into a contract with the board of trustees of a state educational institution to educate part or all of the students of the school corporation in a university administered school. The contract may fix:

(1) the compensation to be paid; and
(2) the date and time when payment will be made;

to the state educational institution for conducting a university administered school.
As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-8
Amount paid by school corporation to state educational institution to educate students

Sec. 8. The charge for educating students in any university administered school may not exceed the annual average per pupil cost of the included grades for the length of the annual term of school of the school corporation where the school is located.
As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-9
Payments under contract

Sec. 9. Payments under a contract must be made during a school year in the amount fixed by the terms of the contract.
As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-10
Contract; maximum number of students

Sec. 10. The board of trustees of the state educational institution conducting a university administered school may, in the contract with a school corporation, determine the maximum number of students to be accepted in the university administered school from the school corporation.
As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-11

Contract; continuation; termination

Sec. 11. A contract continues from year to year until terminated by:

(1) mutual consent of the parties; or

(2) two (2) years written notice by any party to the contract to all other parties to the contract, that expresses the party's intent to terminate the contract at the end of a school year.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-12

Contract; school territory

Sec. 12. The governing body of a school corporation entering into a contract may designate territorial limits within the area served by the school corporation from which part of the students may be required to attend a university administered school in the same manner as though the school were established by the school corporation.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-13

Student transfer into university administered school

Sec. 13. A governing body of a school corporation may also transfer a student from a district in the school corporation to a university administered school whenever, in the opinion of the governing body, the student can be better accommodated and taught in a university administered school.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-1-14

Student transportation to university administered school

Sec. 14. Whenever the governing body of a school corporation determines necessary, the governing body may cause the students required to attend a university administered school to be transported to the university administered school or from the university administered school, or both, and pay the related transportation charges.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-2

Chapter 2. Laboratory Schools

IC 20-24.5-2-1

Application; state educational institutions

Sec. 1. This chapter applies only to the following state educational institutions:

(1) Indiana University.

(2) Purdue University.

(3) Indiana State University.

(4) Ball State University.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-2-2

"Board of trustees"

Sec. 2. As used in this chapter, "board of trustees" has the meaning set forth in IC 21-7-13-9.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-2-3

"Laboratory school"

Sec. 3. As used in this chapter, "laboratory school" refers to a preschool, an elementary school, or a high school described in section 4 of this chapter.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-2-4

Establishment of laboratory school by state educational institution allowed

Sec. 4. The board of trustees of a state educational institution may, as the board of trustees finds a need exists, establish and conduct at the main campus of the state educational institution within the appropriate school or college of the state educational institution, laboratory schools for:

(1) developing, testing, and evaluating new methods of instruction and materials;

(2) comparing new methods with conventional methods in use; and

(3) training teachers in new methods of instruction and materials, as is found acceptable.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-2-5

Board of trustees; powers

Sec. 5. The board of trustees of a state educational institution may:

(1) acquire sites for;

(2) construct or acquire;

(3) equip; and

(4) furnish;

suitable buildings and appurtenances for a laboratory school.
As added by P.L.2-2007, SEC.209.

IC 20-24.5-2-6
Sale of bonds to fund laboratory schools

Sec. 6. (a) To obtain funds required to carry out section 5 of this chapter, a state educational institution may issue and sell their negotiable, general obligation bonds payable out of any available funds of the state educational institution, including fees, charges, rentals, interest on permanent endowment funds, and legislative appropriations made for new construction, repair, and rehabilitation of buildings.

(b) Bonds issued under subsection (a) must:

(1) be authorized by resolution of the board of trustees of the issuing state educational institution;

(2) bear interest at any rate provided for in the authorizing resolution; and

(3) be payable at the times and in the amounts within thirty (30) years from the date of issuance provided for in the authorizing resolution.

Bonds issued under subsection (a) may be callable before maturity as provided in the authorizing resolution.

(c) Bonds issued under subsection (a) shall be sold to the highest bidder at a public sale as provided by IC 5-1-11. Bonds issued under subsection (a) and interest on bonds issued under subsection (a) are exempt from taxation.
As added by P.L.2-2007, SEC.209.

IC 20-24.5-2-7
Laboratory schools; special education programs

Sec. 7. Each special education program conducted by a laboratory school is subject to IC 20-35-4-1.
As added by P.L.2-2007, SEC.209.

IC 20-24.5-2-8
Laboratory schools; grades

Sec. 8. Instruction in laboratory schools may be provided for:

(1) preschool students;

(2) kindergarten students;

(3) special education students; and

(4) all or part of the twelve (12) common school grades.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-2-9
Agreements with school corporations and educational organizations

Sec. 9. Agreements may be entered into with school corporations and educational organizations for:

(1) the assignment of students to a laboratory school;

(2) the payment of transfer fees; and

(3) contributions to the cost of establishing and maintaining a laboratory school.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-2-10

Certain laboratory schools as charter schools for funding purposes

Sec. 10. A laboratory school that:

(1) is operated without an agreement; and

(2) has an ADM of not more than seven hundred fifty (750);

must be treated as a charter school for purposes of funding under IC 20-20-33 and IC 20-43.

As added by P.L.2-2007, SEC.209. Amended by P.L.146-2008, SEC.464.

IC 20-24.5-2-11

Students attending laboratory schools; inclusion in ADM

Sec. 11. A student who attends a laboratory school full time may not be counted in ADM or ADA by any school corporation when the student's attendance is not regulated under an agreement.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-2-12

Reports; school corporation; state educational institutions

Sec. 12. (a) A school corporation assigning students to a laboratory school shall, at least once each year, prepare a report or reports, as required by law, governing the operation of the school corporation, showing:

(1) the number of students attending;

(2) the grades taught;

(3) the methods of instruction used; and

(4) the operational costs, as defined by law, per student.

(b) Each state educational institution operating a laboratory school shall prepare a report or reports, regardless of whether or not the state educational institution has an agreement with a school corporation. The report or reports must be prepared once each year and must contain:

(1) a comparison of the results obtained by the new methods of instruction with the conventional methods of instruction; and

(2) the new methods of instruction recommended for general use in public schools.

(c) A copy of each report must be filed with the department. The copies must be furnished to any legislative committee having an interest in the matters.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-3

Chapter 3. Indiana Academy for Science, Mathematics, and Humanities; Ball State University

IC 20-24.5-3-1

Application; Ball State University

Sec. 1. This chapter applies to Ball State University.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-3-2

"Academy"

Sec. 2. As used in this chapter, "academy" refers to the Indiana academy for science, mathematics, and humanities established under this chapter.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-3-3

Academy; establishment as laboratory school

Sec. 3. Ball State University may establish the Indiana academy for science, mathematics, and humanities as a laboratory school under IC 20-24.5-2.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-3-4

Academy; public residential school; educator program

Sec. 4. The academy shall operate:

(1) a public, residential school for high school students in Indiana; and

(2) a program for public school educators.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-3-5

Student admissions

Sec. 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, race, religion, creed, national origin, or household income.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-3-6

Advisory committee; standards; curriculum; educator program; agreements

Sec. 6. The academy shall:

(1) establish an advisory committee that represents the education and business communities in Indiana;

(2) determine the standards for admissions and the curricula and courses of study to be offered;

(3) develop curriculum material for distribution and use throughout the public school system;

(4) develop programs to encourage interaction with public school educators;

(5) make curriculum material available to students in public schools throughout Indiana by the use of telecommunications technology; and

(6) establish cooperative arrangements with private and public entities in order to effectively operate the academy.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-4

Chapter 4. Indiana School for the Arts; Indiana University

IC 20-24.5-4-1

Application; Indiana University

Sec. 1. This chapter applies to Indiana University.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-4-2

"School for the arts"

Sec. 2. As used in this chapter, "school for the arts" refers to the Indiana school for the arts established under this chapter.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-4-3

School for the arts; establishment as laboratory school

Sec. 3. Indiana University may establish the Indiana school for the arts as a laboratory school under IC 20-24.5-2.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-4-4

School for the arts; public residential school; educator program

Sec. 4. The school for the arts shall operate:

(1) a public, residential school for high school students in Indiana; and

(2) a program for public and nonpublic school educators.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-4-5

Student admissions

Sec. 5. A student who applies for admission to the school for the arts must:

(1) be eligible to attend a public school in Indiana;

(2) demonstrate exceptional ability;

(3) demonstrate a commitment to scholarship; and

(4) demonstrate a commitment to the arts.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-4-6

Advisory committee; standards; curriculum; educator program; agreements

Sec. 6. The school for the arts shall:

(1) establish an advisory committee that represents the education and the arts communities in Indiana;

(2) determine the standards for admissions and the curricula and courses of study to be offered;

(3) develop curriculum material for distribution and use throughout the public school system;

(4) develop programs to encourage interaction with public and nonpublic school educators;

(5) make curriculum material available to students in public schools throughout Indiana by the use of telecommunications technology; and

(6) establish cooperative arrangements with private and public entities in order to effectively operate the school for the arts.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-5

Chapter 5. Grammar School; Vincennes University

IC 20-24.5-5-1

Application; Vincennes University

Sec. 1. This chapter applies to Vincennes University.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-5-2

"Board of trustees"

Sec. 2. As used in this chapter, "board of trustees" refers to the board of trustees for the Vincennes University.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-5-3

"Grammar school"

Sec. 3. As used in this chapter, "grammar school" refers to the grammar school established by Vincennes University under this chapter.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-5-4

Grammar school; establishment as school of languages

Sec. 4. The board of trustees may establish a grammar school, connected with and dependent upon Vincennes University to teach the rudiments of the languages.

As added by P.L.2-2007, SEC.209.

IC 20-24.5-5-5

Master, ushers, and professor of languages; employment

Sec. 5. The board of trustees may employ:

(1) a master and ushers specially for the purposes of this chapter; or

(2) the professor of languages of Vincennes University to superintend the grammar school;

as the board of trustees determines most convenient and economical.

As added by P.L.2-2007, SEC.209.

IC 20-25

ARTICLE 25. INDIANAPOLIS PUBLIC SCHOOLS

IC 20-25-1

Chapter 1. Applicability

IC 20-25-1-1

Applicability

Sec. 1. This article applies to a common school corporation that:

(1) is located in whole or in part in the most populous township in a county having a population of more than seven hundred thousand (700,000); and

(2) serves the largest geographical territory of any school corporation in the township.

As added by P.L.1-2005, SEC.9.

IC 20-25-2
Chapter 2. Definitions

IC 20-25-2-1
Applicability of definitions
Sec. 1. The definitions in this chapter apply throughout this article.
As added by P.L.1-2005, SEC.9.

IC 20-25-2-2
"Administrator"
Sec. 2. "Administrator" means a full-time employee of a school in the school city who is:
(1) a principal;
(2) an assistant principal; or
(3) any other educational manager at the school.
As added by P.L.1-2005, SEC.9.

IC 20-25-2-3
"Assessment program"
Sec. 3. "Assessment program" refers to the assessment program established under IC 20-31-8 and a test approved by the board's plan developed under IC 20-25-10.
As added by P.L.1-2005, SEC.9.

IC 20-25-2-4
"Assessment test"
Sec. 4. "Assessment test" refers to a test administered to students under the assessment program established under IC 20-31-8.
As added by P.L.1-2005, SEC.9.

IC 20-25-2-5
"Board"
Sec. 5. "Board" refers to the local board of school commissioners established by IC 20-25-3-1.
As added by P.L.1-2005, SEC.9.

IC 20-25-2-6
"Designated grade level"
Sec. 6. "Designated grade level" refers to a grade level tested under the assessment program established under IC 20-31-8.
As added by P.L.1-2005, SEC.9.

IC 20-25-2-7
"Educators"
Sec. 7. "Educators" means teachers and administrators.
As added by P.L.1-2005, SEC.9.

IC 20-25-2-8
"Graduation rate"

Sec. 8. "Graduation rate" means the graduation rate for a high school:

(1) determined by the method described in 511 IAC 6.1-1-2; and

(2) calculated by the department.

As added by P.L.1-2005, SEC.9.

IC 20-25-2-9

"Neighborhood school"

Sec. 9. "Neighborhood school" means the school of the school city located closest to a student's residence.

As added by P.L.1-2005, SEC.9.

IC 20-25-2-10

"Remediation rate"

Sec. 10. "Remediation rate" means the percentage of students, aggregated by grade, in a school who fail to meet state achievement standards in a designated grade level.

As added by P.L.1-2005, SEC.9.

IC 20-25-2-11

"Residence"

Sec. 11. "Residence" has the meaning set forth in IC 20-26-11-1.

As added by P.L.1-2005, SEC.9.

IC 20-25-2-12

"School city"

Sec. 12. "School city" refers to a school corporation to which this article applies.

As added by P.L.1-2005, SEC.9.

IC 20-25-2-13

"State achievement standards"

Sec. 13. "State achievement standards" refers to the state achievement standards by which the assessment program established under IC 20-31-8 assesses students.

As added by P.L.1-2005, SEC.9.

IC 20-25-2-14

"Student"

Sec. 14. "Student" refers to a student enrolled in a school city.

As added by P.L.1-2005, SEC.9.

IC 20-25-2-15

"Student attendance rate"

Sec. 15. "Student attendance rate" means the student attendance rate for a school as:

(1) determined by the method described in 511 IAC 6.1-1-2; and

(2) calculated by the department.

As added by P.L.1-2005, SEC.9.

IC 20-25-2-16
"Student performance improvement level"

Sec. 16. "Student performance improvement level" refers to a level of performance improvement in student academic achievement established by the board.

As added by P.L.1-2005, SEC.9.

IC 20-25-2-17
"Teacher"

Sec. 17. "Teacher" means a:

(1) certified; and

(2) full-time;

teacher in the school city.

As added by P.L.1-2005, SEC.9.

IC 20-25-2-18
"Teacher attendance rate"

Sec. 18. "Teacher attendance rate" means the attendance rate for teachers at a school calculated by the board in the same manner as described for the student attendance rate in section 15(1) of this chapter.

As added by P.L.1-2005, SEC.9.

IC 20-25-3

Chapter 3. Board of School Commissioners; Officers and Employees

IC 20-25-3-1

Board of school commissioners; corporate name

Sec. 1. (a) The government, management, and control of all common schools and common school libraries in the school city are vested in a board of school commissioners that consists of seven (7) school commissioners.

(b) The corporate name of the school city is "The Board of School Commissioners of the City of _____" (the blank being filled with the name of the civil city), and by that corporate name the school city shall:

(1) contract;

(2) be contracted with;

(3) sue; and

(4) be sued.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-2

Board of school commissioners; powers; liabilities

Sec. 2. (a) The school city board has the following powers:

(1) The powers conferred upon school cities by Acts 1871, c.15.

(2) The powers conferred by law as of March 9, 1931, on boards of school commissioners in cities having a population of one hundred thousand (100,000) or more.

(3) The powers conferred by all laws in effect as of March 9, 1931, on boards of school commissioners in cities having a population of more than two hundred thousand (200,000) or more than three hundred thousand (300,000).

(4) The powers conferred under IC 20-26-1, IC 20-26-2, IC 20-26-3, IC 20-26-4, IC 20-26-5, IC 20-26-7, and IC 20-41-1, except as otherwise provided in this chapter.

(b) A school city board provided for by this chapter, in its respective school city, is liable for and must pay and discharge all of the indebtedness, liabilities, and obligations of a board elected in the school city under any of the statutes listed in this section and under this chapter.

(c) The board is vested with the title and ownership of all property of every kind of the existing school city.

As added by P.L.1-2005, SEC.9. Amended by P.L.2-2006, SEC.112.

IC 20-25-3-3

Board of school commissioners; qualifications; conflicts of interest; oath; compensation

Sec. 3. (a) A member of the board must:

(1) be a resident voter of the school city; and

(2) have been a resident of the school city for at least one (1) year immediately preceding the member's election.

(b) A board member may not:

(1) serve in an elective or appointive office under the board or under the government of the civil city while serving on the board; or

(2) knowingly have a pecuniary interest as described in IC 35-44-1-3(g) in a contract or purchase with the school city in which the member is elected.

If, at any time after a member is elected to the board, the board member knowingly acquires a pecuniary interest in a contract or purchase with the school city, the member is disqualified to continue as a member of the board, and a vacancy in the office is created.

(c) Each member of the board shall, before assuming the duties of office, take an oath, before a person qualified to administer oaths, that:

(1) the member possesses all the qualifications required by this chapter for membership on the board;

(2) the member will honestly and faithfully discharge the duties of office;

(3) the member will not, while serving as a member of the board, become interested, directly or indirectly, in any contract with or claim against the school city, except as authorized by law; and

(4) in the performance of official duties as a member of the board, including the selection of the board's officers, agents, and employees, the member will not be influenced by any consideration of politics or religion; and

(5) the member will be controlled in the selection of officers, agents, and employees only by considerations of merit, fitness, and qualification.

(d) Board members are entitled to receive compensation not to exceed the amount allowed under IC 20-26-4-6 and a per diem not to exceed the rate approved for members of the city-county council established under IC 36-3-4 for attendance at each regular and committee meeting as determined by the board.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-4

School board; election procedures; vacancies

Sec. 4. (a) The board consists of seven (7) members. A member:

(1) must be elected on a nonpartisan basis in general elections held in the county as specified in this section; and

(2) serves a four (4) year term.

(b) Five (5) members shall be elected from the school board districts in which the members reside, and two (2) members must be elected at large. Not more than two (2) of the members who serve on the board may reside in the same school board district.

(c) If a candidate runs for one (1) of the district positions on the board, only eligible voters residing in the candidate's district may vote for that candidate. If a person is a candidate for one (1) of the at-large positions, eligible voters from all the districts may vote for

that candidate.

(d) If a candidate files to run for a position on the board, the candidate must specify whether the candidate is running for a district or an at-large position.

(e) A candidate who runs for a district or an at-large position wins if the candidate receives the greatest number of votes of all the candidates for the position.

(f) Districts shall be established within the school city by the state board. The districts must be drawn on the basis of precinct lines, and as nearly as practicable, of equal population with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%). District lines must not cross precinct lines. The state board shall establish:

(1) balloting procedures for the election under IC 3; and

(2) other procedures required to implement this section.

(g) A member of the board serves under section 3 of this chapter.

(h) In accordance with subsection (k), a vacancy in the board shall be filled temporarily by the board as soon as practicable after the vacancy occurs. The member chosen by the board to fill a vacancy holds office until the member's successor is elected and qualified. The successor shall be elected at the next regular school board election occurring after the date on which the vacancy occurs. The successor fills the vacancy for the remainder of the term.

(i) An individual elected to serve on the board begins the individual's term on January 1 immediately following the individual's election.

(j) Notwithstanding any law to the contrary, each voter must cast a vote for a school board candidate or school board candidates by voting system or paper ballot. However, the same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the board offices.

(k) If a vacancy in the board exists because of the death of a member, the remaining members of the board shall meet and select an individual to fill the vacancy in accordance with subsection (h) after the secretary of the board receives notice of the death under IC 5-8-6.

As added by P.L.1-2005, SEC.9. Amended by P.L.119-2005, SEC.32; P.L.1-2006, SEC.322; P.L.179-2011, SEC.32.

IC 20-25-3-5

Board of school commissioners; organization

Sec. 5. The board in a school city shall organize in the manner set forth in IC 20-26-4-1.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-6

Standing committee; appointments; hiring and compensation of officers and employees; bylaws and rules

Sec. 6. (a) A member of a standing committee of the board provided for by the board's rules shall be appointed by the president

within three (3) weeks after the president's election to the office of president.

(b) Subject to the limitations in this chapter, the board may fix the salaries of each officer and employee of the board.

(c) The board in:

(1) electing and choosing a general superintendent; and

(2) employing agents and employees that the board considers necessary to conduct the business of the school city;

shall choose individuals whose qualifications peculiarly fit the positions the individuals will occupy.

(d) The board shall contract for and establish the amount of salary or compensation to be paid to each officer, agent, and employee chosen or elected by the board. The board shall adopt a schedule of salaries that the board considers proper, and for the purpose of establishing a salary schedule, the board may divide teachers, principals, and other employees into classes based upon efficiency, qualifications, experience, and responsibility. Each principal, teacher, or employee in a class shall receive the same regular salary given to each of the other members of the same class, subject to the provisions of this article.

(e) The board may:

(1) by rule fix the time and the number of meetings of the board, except that one (1) regular meeting must be held in each calendar month; and

(2) make, amend, and repeal bylaws and rules for:

(A) the board's own procedure; and

(B) the government and management of:

(i) the board's schools; and

(ii) property under the board's control.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-7

Written resolutions required

Sec. 7. Each legislative act of the board must be by written resolution.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-8

Selection and compensation of officers and employees

Sec. 8. (a) The board may:

(1) determine the number of employees of the board;

(2) prescribe the employees' duties; and

(3) fix the employees' compensation.

(b) The board shall adopt rules for obtaining, by open competition and without regard to religious or political belief, lists of candidates from which all teachers and all other officers and employees are selected.

(c) The selection of a candidate as a teacher, an officer, or an employee must be based solely on the fitness of the candidate under the rules adopted under subsection (b).

As added by P.L.1-2005, SEC.9.

IC 20-25-3-9

General superintendent; appointment; term; compensation

Sec. 9. (a) The board shall appoint a general superintendent if a vacancy occurs or will imminently occur in the office of the superintendent due to the:

(1) expiration of the term; or

(2) death, resignation, or removal from office;

of the incumbent superintendent.

(b) The board's election of a superintendent shall be effected by resolution of the board. The resolution must specify the day on which the superintendent's term begins and the day on which the superintendent's term ends. The board may not appoint a superintendent for a term longer than four (4) years.

(c) The superintendent's salary must be prescribed in the resolution declaring the superintendent's appointment and must be paid to the superintendent in a frequency determined by the board, but not less frequently than monthly.

(d) The board shall:

(1) act upon the recommendations of the superintendent; and

(2) make other decisions and perform other duties that fall within the general framework of the laws of the state.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-10

Superintendent; duties; recommendations to board

Sec. 10. (a) The superintendent shall act as general administrator of the school city and make recommendations to the board concerning:

(1) the conduct of the schools;

(2) the employment and dismissal of personnel;

(3) the purchase of supplies;

(4) the construction of buildings; and

(5) all other matters pertaining to the conduct of the schools within the general framework of the school laws of the state.

(b) The superintendent shall:

(1) attend all meetings of the board, except when the superintendent's appointment is under consideration;

(2) carry out the orders of the board; and

(3) make all other decisions and perform all other duties that are prescribed by law or that reasonably fall within the superintendent's power and jurisdiction.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-11

Payments from funds of board

Sec. 11. (a) Except as provided in subsections (b) and (c), a payment made from money of the board must be made in accordance with budget appropriations.

(b) If a payment is from a fund of the board that is not subject to budgeting and appropriation but has been transferred to the board for specific purposes, the payment must be made:

(1) in accordance with the terms of the fund being drawn upon that are made available to the board; and

(2) after the superintendent has approved the proposed payment.

(c) If a payment is from a fund of the board that is not subject to budgeting and appropriation and is unrestricted as to the purposes for which it may be expended, the payment must be made in accordance with the prior:

(1) direction of the superintendent; or

(2) order of the board.

(d) Not later than thirty (30) days after a payment under subsection (b) or (c) is made from a fund of the board, the superintendent shall report the payment to the board for approval.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-12

Appointment or discharge of employees other than teachers; hearings; appeal

Sec. 12. (a) An appointment or discharge of an employee of the school city must be:

(1) made in conformity with the rules of the board; and

(2) reported at the meeting of the board that follows the date of each appointment or discharge by the superintendent.

(b) The superintendent's actions reported to the board under this section are subject to the approval of the majority of the board.

(c) A discharge operates as a suspension until the discharge is approved by the board.

(d) A school employee of the school city, except a probationary employee discharged before the end of the employee's probationary period, is entitled to request a hearing before being discharged. Upon written request for a hearing from the school employee, the superintendent shall appoint a hearing examiner.

(e) The hearing examiner appointed by the superintendent under subsection (d) may be an individual on the school city's administrative staff or the school city's counsel, as long as the hearing examiner:

(1) did not recommend the discharge of the employee;

(2) will not be a witness at the hearing; and

(3) has no involvement in the recommendation to discharge the employee.

(f) The hearing examiner shall:

(1) make a written report of the hearing examiner's findings and conclusions; and

(2) submit the report to the superintendent.

(g) An employee may appeal in writing an adverse decision of the hearing examiner to the board. Upon appeal, the board shall review the decision of the hearing examiner and may receive additional evidence or testimony.

(h) The board shall adopt rules and procedures that afford an employee, other than a probationary employee, the right to a hearing and the right to appeal under this section.

(i) This section does not apply to teachers.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-13

Appropriations by board

Sec. 13. (a) Money may not be drawn from the treasury of the board except for appropriations made:

(1) by the board; and

(2) upon an aye and nay vote recorded in the board's minutes.

(b) An appropriation may not be made for a period extending beyond December 31 of the current calendar year.

(c) Except as otherwise provided in this article, at the end of a fiscal year, all unexpended balances of all appropriations, except appropriations from tuition funds and the capital projects fund, revert to the board's general fund.

(d) General fund money that has been obligated but not paid at the end of a fiscal year may be paid without a new appropriation. Except as otherwise provided in this article, money obligated under this subsection does not revert to the board's general fund at the end of the fiscal year in which the money is appropriated, unless the board by affirmative act causes the money to revert.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-14

Books, accounts, and vouchers of board; examination by state board of accounts

Sec. 14. (a) The books, accounts, and vouchers of the board and of all the board's officers and employees may be examined by the state board of accounts at a time selected by the state board of accounts.

(b) An officer or employee of the board shall, on request of the state board of accounts:

(1) produce and submit to the state board of accounts for examination all:

(A) books;

(B) papers;

(C) documents;

(D) vouchers;

(E) accounts; and

(F) records;

of the board in the possession of the officer or employee or belonging to the office of the officer or employee; and

(2) assist in every way the state board of accounts in its work in making an examination.

As added by P.L.1-2005, SEC.9.

IC 20-25-3-15

Treasurer's receipts for payments

Sec. 15. (a) Money payable to the board must be paid to the board's treasurer. The treasurer's receipt for the money must be filed with the business manager of the board.

(b) The business manager, after receiving the treasurer's receipt, shall issue a quietus. The business manager's quietus alone is sufficient evidence of payment to the board.

(c) Only the treasurer of the board may collect or receive money payable to the board. A payment made to an individual other than the treasurer and a receipt given by an individual other than the treasurer are void as against the board.

As added by P.L.1-2005, SEC.9.

IC 20-25-4

Chapter 4. General Administrative Provisions

IC 20-25-4-1

Contracts or obligations; appropriations

Sec. 1. A contract or an obligation is not binding on the board unless the board makes an appropriation for the contract or obligation.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-2

Contracts involving more than $75,000; bidding for supplies and materials

Sec. 2. (a) A contract involving more than seventy-five thousand dollars ($75,000) must be:

(1) in writing;

(2) executed in the name of the board by:

(A) the board's business manager; or

(B) another board designated employee; and

(3) approved by the board.

(b) If money for a contract or purchase has been appropriated by the board, the designated employee may make contracts and purchases not exceeding seventy-five thousand dollars ($75,000) in any one (1) transaction. A contract and purchase under this subsection must be reported to the board at its next regular meeting.

(c) A purchase of supplies or materials may not be made from one (1) person, firm, limited liability company, or corporation at any one (1) time or in any one (1) transaction totalling more than ten thousand dollars ($10,000) unless bids for the purchase of the supplies or the materials have been advertised and accepted. The board shall determine the mode and manner of advertising for bids for supplies and materials.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-3

School building improvements; bidding procedure

Sec. 3. (a) This section does not apply if the board by formal vote elects to:

(1) build;

(2) enlarge;

(3) make alterations to; or

(4) make improvements to;

a school or building owned by the board if the project described in subdivisions (1) through (4) will cost not more than fifteen thousand dollars ($15,000) and the board intends to complete the project using its own employees.

(b) If subsection (a) does not apply and the board determines to:

(1) build;

(2) enlarge;

(3) make alterations to; or

(4) make improvements to;

a school or building owned by the board, the cost of which is estimated to be more than ten thousand dollars ($10,000), the business manager or other board designated employee shall advertise for bids in the manner provided in subsection (c).

(c) The advertisements for bids must be placed as follows:

(1) One (1) advertisement must be placed each week for three (3) weeks.

(2) The first advertisement must be placed at least twenty-one (21) days before the bids are opened.

(3) The advertisement must be placed in two (2) newspapers of general circulation in the city.

The board shall enter in full in the minutes that advertisements for bids have been placed under this subsection.

(d) If bids are taken under this section, a bid must be:

(1) enclosed by the bidder in an envelope sealed by the bidder; and

(2) presented at a meeting of the board or the bid committee of the board at the time and place fixed by the advertisement.

A bid may not be received after the time established in the advertisement.

(e) The business manager at the hour established in the advertisements and in the presence of the board or the bid committee shall open all the bids. The bids must then be publicly read by a designated employee and be immediately entered in full in the records of the board.

(f) The board shall, by general rules, specify the condition of each bid, and only the lowest and best bids from responsible bidders may be accepted. The board may, if the board has reason to suspect collusion among bidders, reject the bids of all bidders involved in the collusion.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-4

Designation of bid committee; opening and tabulating of bids

Sec. 4. (a) Notwithstanding any other law, the board may designate a committee of the board, which may consist of employees or officers of the board, to open or tabulate bids at a date, time, and place fixed by advertisement for:

(1) the purchase of:

(A) supplies;

(B) material;

(C) equipment; or

(D) land;

(2) the building, enlargement, or alteration of any school building; or

(3) any other purpose.

(b) The committee of the board shall open and tabulate each bid that is presented to the committee. The bids shall be:

(1) read and tabulated publicly;

(2) immediately entered in the record of the board; and
(3) reported to the board at the board's next meeting.

(c) A bid shall be accepted or rejected by the committee of the board under this section. The bid shall be accepted or rejected by the board in an official board meeting.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-5
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-25-4-6
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-25-4-7
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-25-4-8
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-25-4-9
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-25-4-10
Limitations on debt; eminent domain power of board of school commissioners

Sec. 10. (a) If the compensation to be paid for the purchase of real estate or an interest in real estate required by the board for the board's purposes cannot be agreed upon or determined by the:

(1) board; and
(2) persons owning or having an interest in the land desired;

the board may, by eminent domain, determine the compensation and acquire the title to the real estate or interest in the real estate by court action under IC 32-24.

(b) The right and power of the board to own and acquire real estate and interests in real estate in any manner and for any purpose specified in this chapter or by the general school laws of Indiana is not limited to real estate situated within the corporate boundaries of the civil city in which a school city is located. However, the right and power to acquire and own real estate extends to any parcel or trace of real estate the whole of which is situated:

(1) within one-half (1/2) mile of the nearest point on the corporate boundary of the civil city;
(2) within a platted territory:
(A) outside but contiguous to; or
(B) contiguous to another platted territory that is contiguous

to;

the corporate boundary of the civil city; or

(3) within one-half (1/2) mile of the nearest point of the boundary of a platted territory:

(A) outside but contiguous to; or

(B) contiguous to another platted territory that is contiguous to;

the corporate boundary of the civil city.

"Platted territory", as used in this subsection, means a territory or land area for which a plat has been recorded in the manner provided by Indiana law pertaining to the recording of plats of land.

(c) Before acquiring any real estate or interest in real estate outside the corporate limits of the civil city, the board must, by resolution entered into the record of the board's corporate minutes, find and determine that, in the judgment of the board, the real estate or interest in real estate to be acquired will be needed for the future purposes of the board. This chapter does not limit the right of any board to accept, own, and hold real estate or an interest in real estate, wherever situated, that is acquired by the board by gift or devise.

As added by P.L.1-2005, SEC.9. Amended by P.L.2-2006, SEC.113.

IC 20-25-4-11

Board of school commissioners; powers and duties conferred by law

Sec. 11. The board has the powers and duties conferred upon governing bodies by existing statutes and by the general school laws, including IC 20-26-1, IC 20-26-2, IC 20-26-3, IC 20-26-4, IC 20-26-5, IC 20-26-7, and IC 20-41-1, to the extent the powers and duties are consistent with this chapter.

As added by P.L.1-2005, SEC.9. Amended by P.L.2-2006, SEC.114.

IC 20-25-4-12

Board of school commissioners; powers; prohibited land acquisitions

Sec. 12. (a) The board may:

(1) except as provided in subsection (b), acquire by purchase, devise, gift, lease, or condemnation grounds needed by the school city;

(2) construct or lease buildings for school, school administration, or school office purposes;

(3) employ and pay all employees needed in any branch of the work committed to the board;

(4) disburse, according to law, all money of the school city for lawful school city purposes;

(5) have and exercise in the school city full and exclusive:

(A) authority concerning the conduct and management of all common schools, including elementary schools and high schools; and

(B) power to establish and enforce all regulations for the:

(i) grading of; and

(ii) courses of;

instruction in all schools and for the government and discipline of the schools;

(6) divide the city into districts for school attendance purposes;

(7) maintain special day or night schools to which the board may admit adults and children at least fifteen (15) years of age; and

(8) maintain playgrounds and vacation schools.

(b) The board may not acquire the following real property:

Lots 693-719, inclusive, and 7 1/2 feet west of and adjacent to such lots, in Norcliffe Addition, an addition to the city of Indianapolis, as per plat thereof, recorded in plat book 18 at pages 165 and 166, in the office of the recorder of Marion County, Indiana.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-13

Operating expenses for special schools and vacation schools; imposition of fees

Sec. 13. The expense of operating special schools under section 12(a)(7) of this chapter and playgrounds and vacation schools under section 12(a)(8) of this chapter must be paid out of the board's general fund. The board may make and impose fees that the board considers reasonable for:

(1) enrollment of any high school graduate in any class offered in a special school; and

(2) enrollment by any person at least seventeen (17) years of age in any special school class that does not provide credit toward graduation or progression in the regularly maintained common schools in the school city.

The receipts from fees under this section become a part of the board's general fund.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-14

School cities; power to sell real estate and transfer personal property

Sec. 14. (a) A school city may:

(1) sell real estate;

(2) transfer personal property; and

(3) execute deeds of conveyance and instruments of transfer with or without covenants of warranty;

if, in the opinion of the board, the real estate or personal property cannot be advantageously used for school or library purposes and can be sold for its fair cash value.

(b) A determination by the board that real estate or personal property cannot be advantageously used under subsection (a) must be entered into the record of the minutes of the school city's board.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-15

Absence of board commissioners or employees; reimbursement for expenses

Sec. 15. (a) The board may, subject to the board's rules, authorize a member of the board or an officer or individual employed by the board to be absent from the school city in the interest of the school city without loss of compensation.

(b) The board may refund to an individual described in subsection (a) necessary expenses incurred during the individual's absence. The amount refunded under this subsection must be paid from the board's general fund.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-16

Industrial or manual training and education system; establishment

Sec. 16. (a) The board may establish and conduct a system of industrial or manual training and education in connection with and as part of the board's common school system.

(b) Industrial or manual training or education may include:

(1) the principal use of tools and mechanical implements; and

(2) the elementary principles of mechanical construction, mechanical drawing, and printing.

The board shall employ competent instructors in each of the various subjects.

(c) The board shall establish rules and regulations for the admission of students to the industrial and manual training education system. The rules and regulations must, in the judgment of the board, produce the best results and provide instruction to the largest practicable number of students. The instruction in industrial and manual training education may be given in space provided in school buildings or in separate buildings if, in the judgment of the board, it is most advantageous.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-17

Industrial or trade school properties acquired by gift; maintenance and operation of trade school; transfer tuition charges; nonresidents

Sec. 17. (a) If a school city acquires title to or possession of real estate, buildings, and personal property in the school city by gift or donation, and the real estate, building, or personal property was used as an industrial or trade school for the education of youths in the trades of:

(1) printing;

(2) lithography;

(3) machine making;

(4) molding;

(5) typesetting;

(6) bricklaying;

(7) tile setting;

(8) pattern making;
(9) pharmacy; or
(10) other trades or occupations;

the board may, by the use of the board's school funds, maintain and operate the industrial or trade school or schools.

(b) If real estate, a building, or personal property is acquired by the school city under subsection (a), the board shall:

(1) perform any conditions incident to the school city's acquisition of the property;
(2) maintain and operate the trade school and real estate, building, or personal property;
(3) employ competent instructors in the various subjects to be taught;
(4) purchase all necessary tools, implements, supplies, and apparatus; and
(5) establish general rules and requirements for:
(A) admission of pupils to the school or schools;
(B) the courses of instruction; and
(C) the conduct of the trade or industrial schools;

that, in the board's judgment, will produce the best results and give instruction to the largest practicable number of students.

The school city may also use the real estate, building, or personal property acquired under subsection (a) for other school purposes, but not for any purpose that will materially interfere with the conduct of the trade or industrial schools.

(c) The transfer tuition charge for each student who:

(1) is transferred to the school city from another school corporation in Indiana; and
(2) receives trade or industrial instruction in a trade or industrial school located on property acquired under subsection (a);

must be the actual per capita cost of operating the school the student attends. However, the costs of permanent improvements or additions, the salaries of the superintendents, or the costs of apparatus or repairing broken or damaged apparatus may not be used in computing the actual per capita cost.

(d) If the school city admits a student to a trade school acquired by means described in this section and the student is not, by law, entitled to school privileges, the tuition charge for the student may not be greater than the per capita cost of operating the school the student attends. The cost of permanent improvements and additions may not be included in computing the cost under this subsection.

(e) A school city may admit to the school city's career and technical, trade, or industrial schools nonresidents of Indiana. A nonresident student must pay reasonable laboratory and shop fees and a tuition fee of not more than the per student cost to the school city conducting the career and technical, trade, or industrial schools. A return on capital invested in buildings, grounds, or equipment may not be included in computing the per student cost under this subsection.

As added by P.L.1-2005, SEC.9. Amended by P.L.234-2007,

SEC.102.

IC 20-25-4-18

Authority of school cities to accept property in trust

Sec. 18. (a) A school city may accept property in trust to be used for common school or career and technical, trade, or industrial school purposes. The school city, whether made trustee by appointment of a court or by the founder of the trust, may carry out the terms of the trust in conducting common schools or career and technical, trade, or industrial schools.

(b) If a school city by:

(1) resolution of; or

(2) other formal corporate action of;

the board accepts real estate or other property in trust under subsection (a), the school city shall perform all requirements made conditions of the trust performable by the trustee.

As added by P.L.1-2005, SEC.9. Amended by P.L.234-2007, SEC.103.

IC 20-25-4-19

School lunches; expenses

Sec. 19. (a) If the board determines it will promote the health of school children and advance the educational work of the schools, the board may provide for the serving of lunches to the students attending designated schools.

(b) The board may:

(1) establish kitchens and lunch rooms;

(2) provide equipment suitable for kitchens and lunch rooms;

(3) make other necessary provision for furnishing and serving lunches; and

(4) employ a director and other necessary assistants or employees;

to provide lunches under subsection (a).

(c) The board shall pay the expenses arising under subsection (b) out of the board's general fund. The expense of operating a lunch department shall, so far as practicable, be paid from charges paid by the students for the lunches. However, the board may, in the board's discretion, furnish lunches without cost to a student who is needy and unable to pay for the student's lunch.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-20

Applicability of general school laws

Sec. 20. The general school laws of Indiana and all laws and parts of laws applicable to the general system of common schools in school cities, so far as not inconsistent with this chapter and other provisions of this article, and unless made inapplicable by this article, are in full force and effect in a school city to which this chapter applies.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-21

School reorganization plans; applicability

Sec. 21. This chapter applies to the school city to the extent the chapter is not in conflict with:

(1) IC 20-23-4 and IC 20-23-16; and

(2) the school reorganization plan applicable to the school city or the school city's successor corporation under the terms of IC 20-23-4 and IC 20-23-16.

However, IC 20-25-3-4 prevails over any conflicting provision of IC 20-23-4 and IC 20-23-16 and over the provisions of any school reorganization plan.

As added by P.L.1-2005, SEC.9.

IC 20-25-4-22

Authority to establish police department

Sec. 22. The governing body of a school city may establish a police department under IC 20-26-16.

As added by P.L.132-2007, SEC.5.

IC 20-25-5

Chapter 5. Real Property Annexations and Transfers; Remonstrances

IC 20-25-5-1

"Acquiring school corporation"

Sec. 1. As used in this chapter, "acquiring school corporation" means the school corporation that acquires territory as a result of annexation.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-2

"Annex"

Sec. 2. As used in this chapter, "annex", "annexing", "annexation", and "school annexation" mean an action in which the boundaries of a school corporation are changed so that additional territory, constituting all or a part of one (1) or more other school corporations, is transferred to the acquiring school corporation.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-3

"Annexed territory"

Sec. 3. As used in this chapter, "annexed territory" means the territory acquired by an acquiring school corporation as a result of annexation from a losing school corporation.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-4

"Civil annexation"

Sec. 4. As used in this chapter, "civil annexation" means an action in which the civil boundaries of a civil city are extended.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-5

"Civil city"

Sec. 5. As used in this chapter, "civil city" means a civil city or a civil town, the area of which, or the major part of the area of which, is under the jurisdiction of a school city.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-6

"Losing school corporation"

Sec. 6. As used in this chapter, "losing school corporation" means a school corporation that loses territory to an acquiring school corporation by annexation.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-7

"Resolution"

Sec. 7. As used in this chapter, "resolution" of:

(1) a school township means a resolution adopted by the trustee and a majority of the township board; and

(2) any other school corporation means a resolution duly adopted by the school corporation's governing body.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-8

"School city"

Sec. 8. As used in this chapter, "school city" means a school corporation that at any time:

(1) is a school city;

(2) is a school town;

(3) has succeeded to the jurisdiction of all a school city or a school town; or

(4) has succeeded to the jurisdiction of a major part in area of a school city or school town.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-9

"School corporation"

Sec. 9. As used in this chapter, "school corporation" means a public school corporation of the state located in whole or in part in a county containing a consolidated city.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-10

Annexation authorized

Sec. 10. Subject to the limitations and procedure set out in this chapter, any:

(1) school corporation may annex territory from any other school corporation by resolutions of the acquiring and losing school corporations as provided in section 11 of this chapter; and

(2) school city may annex territory from any other school corporation by a single resolution of the school city as provided in section 12 of this chapter.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-11

Annexation by school corporations; procedure

Sec. 11. (a) An annexation may be effected if an acquiring school corporation and a losing school corporation each adopts a substantially identical annexation resolution that contains the following items:

(1) A description of the annexed territory. The description must, as near as reasonably possible, be by streets and other boundaries known by common names. The description does not need to include a legal description unless a legal description is necessary to identify the annexed territory. A notice is not defective if there is a good faith compliance with this section

and if the area designated may be ascertained with reasonable certainty by a person skilled in the area of real estate description.

(2) The time the annexation takes place. The time the annexation takes place may vary with respect to the different parts of the annexed territory. If the entire annexed territory is contiguous to the acquiring school corporation, the annexed territory may be annexed so that some parts may not be contiguous to the annexed territory for temporary periods.

(3) The terms and conditions facilitating education of students in the annexed territory, losing school corporation, or acquiring school corporation. The terms may include, but are not limited to, the continued attendance by students in the annexed territory at schools in the losing school corporation for specified periods after annexation on a transfer basis. If a student in an annexed territory attends a school in a losing school corporation under this subdivision, transfer tuition for the student must be paid by the acquiring school corporation to the losing school corporation in the manner and at the rates provided by the statutes governing the computation and payment of transfer tuition costs.

(4) The:

(A) disposition of assets and liabilities of the losing school corporation to the acquiring school corporation;

(B) allocation between the acquiring school corporation and losing school corporation of subsequently collected school taxes levied on property in the annexed territory; and

(C) amount, if any, to be paid by the acquiring school corporation to the losing school corporation on account of property received from the losing school corporation.

The disposition, allocation, and amount must be equitable.

(b) After the adoption of the resolutions under subsection (a), notice shall be given by publication in both the acquiring school corporation and the losing school corporation. The notice must include the text of the resolution, a statement that the resolution has been adopted, and a statement that a right of remonstrance exists as provided in this chapter. It is not necessary to set out the remonstrance provisions of this chapter in the notice. A general reference to a right of remonstrance with a reference to this chapter is sufficient to satisfy the requirements of this subsection. The annexation must take effect not later than thirty (30) days after the publication of the notice or at the time provided in the resolution, whichever is later. However, the annexation is not required to take effect within the period required by this subsection if a remonstrance, based on a ground other than that set out in section 14(a)(5) of this chapter, is filed in the circuit or superior court of the county in which the annexed territory or any part of the annexed territory is located. The remonstrance must be filed by registered voters residing in the losing school corporation at least equal in number to the greater of:

(1) ten percent (10%) of the number of registered voters

residing in the losing school corporation; or

(2) fifty-one percent (51%) of the number of registered voters residing in the annexed territory.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-12

Annexation by school city; procedure

Sec. 12. (a) Notwithstanding section 11 of this chapter, a school city may effect an annexation as follows:

(1) The acquiring school corporation must adopt an annexation resolution of the type provided in section 11 of this chapter. Unless the losing corporation consents, the resolution may not provide a time for annexation before July 1 following the May 1 next succeeding the last publication of the notice of annexation.

(2) The acquiring school corporation, after adopting a resolution under subdivision (1), shall give notice of the type provided in section 11 of this chapter by publication in the acquiring school corporation and in the losing school corporation. The acquiring school corporation shall also give notice to the losing school corporation before the last publication of notice of the type provided in section 11 of this chapter. The annexation must take effect thirty (30) days after the last publication in the losing school corporation or at the time provided in the resolution, whichever is later. However, the annexation is not required to take effect within the period required by this subdivision if a remonstrance, based on a ground other than that set out in section 14(a)(5) of this chapter, is filed in the circuit or superior court of the county in which the annexed territory or a part of the annexed territory is located. The remonstrance must be filed by:

(A) the losing school corporation;

(B) not less than a majority of the owners of land in the annexed territory; or

(C) the owners of seventy-five percent (75%) or more in assessed valuation of the real estate in the annexed territory.

(b) For purposes of determining ownership under subsection (a)(2)(B) and (a)(2)(C), the following rules apply:

(1) Only the record title holder or holders of a single piece of property are considered an owner.

(2) If record title of a single piece of property is in more than one (1) individual, all the individuals constitute only one (1) owner, and the remonstrance of any one (1) of the individuals constitutes the remonstrance of all the individuals, whether or not the other individuals authorized the filing of the remonstrance.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-13

Notice of annexation; publication; notice to losing school

corporation

Sec. 13. (a) The notice by publication required by sections 11 and 12 of this chapter shall be made two (2) times a week apart in two (2) daily newspapers of general circulation in the acquiring school corporation and the losing school corporation. The two (2) daily newspapers must be published in the English language. If there is only one (1) daily newspaper or if there are not any daily newspapers in either school corporation, a weekly newspaper may be used to provide notice. If there is only one (1) daily or weekly newspaper, publication in that newspaper is sufficient. If a newspaper is of general circulation in both school corporations, the publication of notice in the newspaper qualifies as one (1) of the required publications in each of the school corporations. Publication may be made jointly by the losing school corporation and the acquiring school corporation. The remonstrance period runs from the second publication.

(b) If notice is required to be given by an acquiring school corporation to a losing school corporation, it may be made by registered or certified United States mail, return receipt requested, addressed to the:

(1) governing body of the losing school corporation at the governing body's established business office;

(2) township trustee in the case of a school township; or

(3) superintendent of schools or any officer of the governing body of any other school corporation.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-14

Remonstrance; procedure; grounds

Sec. 14. (a) A remonstrance under section 11 or 12 of this chapter must be in substantially the following form:

The undersigned hereby remonstrate against the annexation of the following described territory situated in _____ County, Indiana, whereby it would be transferred from _____ (the losing corporation) to _____ (the acquiring corporation):

(Description of the annexed territory sufficient to identify it.)

The remonstrance may be filed in any number of counterparts. Each counterpart must have attached to it the affidavit of the individual circulating the counterpart that affirms that each signature appearing on the counterpart was affixed in the presence of the individual circulating the counterpart and that each signature is the true and lawful signature of the individual who made it. The individual who makes the affidavit is not required to be one (1) of the individuals who signs the counterpart to which the affidavit is attached. The remonstrance must be accompanied by a complaint filed by one (1) or more of the remonstrators. The individual or individuals who file the complaint must be treated as a representative of the entire class of remonstrators and must sign the complaint individually or have their respective attorneys sign it. The complaint must state the reasons for the remonstrance. The reasons for the remonstrance are

limited to the following:

(1) There is a procedural defect in the manner in which the annexation is carried out that is jurisdictional.

(2) The annexed territory does not form a compact area abutting the acquiring school corporation.

(3) The losing school corporation is left with no high school facilities, or its enrollment after annexation will be less than one thousand (1,000) students. This subdivision does not provide a basis for a remonstrance if the annexation includes all of the territory of the losing school corporation.

(4) The benefits to be derived from the annexation are outweighed by the detriments after consideration of the respective benefits and detriments to the schools, the students residing in the acquiring school corporation, the students residing in the losing school corporation, and the students residing in the annexed territory.

(5) The disposition of assets and liabilities of the losing corporation, the allocation of school tax receipts between the two (2) school corporations, and the amount to be paid by the acquiring school corporation as set out in the annexation resolution are inequitable.

Except for subdivision (1), each allegation enumerated under this subsection may be made in the statutory language.

(b) The plaintiff in a remonstrance suit is the individual whose name appears on the complaint and may be the losing school corporation in a remonstrance under section 12 of this chapter. The defendants in a remonstrance under section 11 of this chapter are the acquiring school corporation and the losing school corporation. The defendant in a remonstrance under section 12 of this chapter is the acquiring school corporation. Service of process shall be made on each defendant in the manner required in other civil actions.

(c) To determine if a petition is timely filed, the time of filing is the time of filing with the clerk of the circuit court without regard to the time of issuance of the summons. If the thirtieth day falls on Sunday, a holiday, or any other day when the clerk's office is not open, the time for filing must be extended to the next day when the clerk's office is open.

(d) The issues in a remonstrance suit are made up by the allegations in the complaint that are denied by each defendant. A responsive pleading does not need to be filed. A defendant may file a motion to dismiss the suit on the ground that the:

(1) requisite number of qualified remonstrators have not signed the petition;

(2) remonstrance was not timely filed; or

(3) complaint does not state a cause of action.

A responsive pleading to a motion to dismiss does not need to be filed. With respect to a motion under subdivisions (1) and (2), the allegations are considered denied by the remonstrators. In order to determine whether there are the requisite number of qualified remonstrators, an individual is not entitled to withdraw the

individual's name after a remonstrance is filed, and an individual is not entitled to add the individual's name to the remonstrance after the remonstrance is filed. An individual may, however, at a remonstrance trial, in support or derogation of the substantive matters in the complaint, introduce into evidence a verified statement that the individual wishes to add or withdraw the individual's name from the remonstrance. The court may hear all or part of the matters raised by the motion to dismiss separately, or the court may consolidate all or part of the matters in the motion to dismiss with matters relating to the substance of the case for trial. A complaint may not be dismissed for failure to state a cause of action if a fair reading of the complaint makes out one (1) of the grounds for remonstrance and suit provided in subsection (a). An amendment of the complaint may be permitted in the discretion of the court if the amendment does not state a new ground of remonstrance.

(e) A remonstrance trial must be conducted in the same manner as other civil cases by the court without the intervention of a jury on the issues raised by a complaint or a motion to dismiss, or both. A change of venue from a judge is permitted, but a change of venue from the county is not permitted. The court shall expedite the hearing of the case. A court's judgment, except with respect to a matter raised under subsection (a)(5), must be that the:

(1) annexation will take place;
(2) annexation will not take place; or
(3) remonstrance is dismissed.

(f) If the court finds that the remonstrators have proved a reason for the remonstrance described in subsection (a)(1) through (a)(4), the court's judgment shall be that the annexation will not take place. If the remonstrators fail to prove a reason for the remonstrance described in subsection (a)(1) through (a)(4), the court's judgment shall be that the annexation will take place. If the remonstrators raise an issue under subsection (a)(5) in support of a remonstrance, the court's judgment may be either that the disposition, allocation, and amount set out in the annexing resolution are equitable or inequitable. If the court finds that the disposition, allocation, and amount set out in the annexing resolution are inequitable, the court shall provide for an equitable disposition, allocation, and amount. Costs will follow judgment. Appeals may be taken from any judgment of the court in the same manner as appeals are taken in other civil cases.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-15

Equitable disposition of assets and liabilities, allocation of taxes, and payment by acquiring school corporation

Sec. 15. With respect to whether the disposition of the assets and liabilities of the losing school corporation is equitable, the allocation of school tax receipts is equitable, and the amount to be paid by the acquiring school corporation is equitable, a court must be satisfied that the annexing resolution conforms substantially to the following

standards:

(1) Except for current obligations or temporary borrowing, the acquiring school corporation shall assume a part of all installments of principal and interest on the indebtedness of the losing school corporation that is due after the end of the last calendar year in which the losing school corporation is entitled to receive current tax receipts from property tax levies on the property in the annexed territory. The part assumed by the acquiring school corporation consists of the following:

(A) All installments relating to any indebtedness incurred in connection with the acquisition or construction of a building located in the annexed territory.

(B) A proportion of all installments relating to any other indebtedness that is in the same proportion as the valuation of the real property in the annexed territory bears to the valuation of all the real property in the losing school corporation. Valuation under this clause is based upon the assessment for general taxation immediately before annexation.

(2) The acquiring school corporation shall make the payments and assume the obligations provided for a school corporation acquiring:

(A) territory;

(B) a building or buildings; or

(C) both territory and a building or buildings;

under IC 20-47-5.

(3) If the annexed territory includes an entire losing school corporation, the acquiring school corporation shall:

(A) acquire all the property and assets of the losing school corporation without making any payments for the losing school corporation; and

(B) assume all of the liabilities and obligations of the losing school corporation.

As added by P.L.1-2005, SEC.9. Amended by P.L.231-2005, SEC.27; P.L.2-2006, SEC.115.

IC 20-25-5-16

Effective date of annexation

Sec. 16. (a) If a remonstrance is filed on any ground other than a ground set forth in section 14(a)(5) of this chapter, annexation does not become effective until final judgment in the remonstrance suit. A judgment is not considered final until the time for taking an appeal has expired or, if an appeal is taken within the permitted time, until a final judgment is issued in the appeal.

(b) A judgment of a trial court dismissing a remonstrance is a final judgment, subject to subsection (a).

(c) If a judgment is against annexation, no further annexation of the annexed territory may occur for two (2) years after the date of the filing of the remonstrance. However, a judgment against annexation does not prevent either the:

(1) acquiring school corporation; or

(2) acquiring school corporation and the losing school corporation;

from rescinding the annexation resolution. If an annexation resolution is rescinded under this subsection, the suit must be dismissed without prejudice. If an annexation suit is dismissed without prejudice under this subsection, the two (2) year prohibition does not apply unless a subsequent annexation resolution is adopted primarily for the purpose of harassment and not for another purpose, such as the correction of procedural irregularities or a substantial change in the annexed territory or the annexation resolution.

(d) If a remonstrance relates solely to a matter raised under section 14(a)(5) of this chapter, the annexation takes effect at the time provided under section 11 or 12 of this chapter.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-17

Boundaries of school city or school town; application of chapter

Sec. 17. Notwithstanding any other statute that provides that the boundaries of a school city or school town are coterminous or coextensive with the boundaries of a civil city or civil town, the boundaries of a school city may be changed after March 8, 1961, solely by annexation under this chapter if this chapter was in effect at the time the annexation became effective or finally effective.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-18

Conflicting laws void; continued effect of consolidation laws; approval not required for annexation

Sec. 18. (a) Except as provided in subsection (b), a law or a part of a law in conflict with this chapter is void.

(b) This chapter may not be construed to invalidate IC 20-23-4, IC 20-23-16, or any other statute concerning the consolidation of two (2) or more school corporations to which this chapter is supplementary. However, IC 20-23-4 and IC 20-23-16 are void to the extent that IC 20-23-4 and IC 20-23-16 conflict with the subsequent provisions of this section.

(c) An annexation sought under this chapter does not require the approval of a:

(1) county committee;

(2) state commission; or

(3) committee created under or referred to in IC 20-23-4.

(d) Acts 1961, c.186, s.9, with respect to an annexation that is finally effective before February 25, 1969, operates after March 8, 1961, before and after a final plan is put into effect by:

(1) election;

(2) petition;

(3) another proceeding under IC 20-23-4 or IC 20-23-16; or

(4) another statute concerning the consolidation of two (2) or more school corporations.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-19

Annexations not effective before February 25, 1969; repeal of statute

Sec. 19. Acts 1961, c.186, s.9 is repealed regarding an annexation that is not effective or finally effective before February 25, 1969.

As added by P.L.1-2005, SEC.9.

IC 20-25-5-20

Transfer of unused property to board of park commissioners

Sec. 20. (a) This section applies to a school city described in IC 20-25-2-12.

(b) All real estate belonging to a school city that:

(1) consists of lots and buildings on the real property of the school city; and

(2) has not been used for school purposes for at least five (5) years;

may be transferred to and placed under the jurisdiction of the board of park commissioners of the city in which the school city is located and must be operated, managed, controlled, and maintained as a recreation center for the use and benefit of the city.

As added by P.L.1-2005, SEC.9.

IC 20-25-6

Chapter 6. Determination of School City Conditions and Needs

IC 20-25-6-1

Conditions and needs found to exist

Sec. 1. The following school city conditions and needs are found to exist on January 1, 1995:

(1) Education in the school city presents unique challenges.

(2) Student achievement in the school city on statewide tests consistently has been significantly below:

(A) the state average; and

(B) achievement attained in school corporations adjacent to the school city.

(3) The need for remediation of students in the school city consistently has been significantly higher than:

(A) the state average; and

(B) remediation rates in school corporations adjacent to the school city.

(4) Graduation rates in the school city consistently have been significantly below:

(A) the state average; and

(B) graduation rates in school corporations adjacent to the school city.

(5) Student attendance rates in the school city consistently have been below:

(A) the state average; and

(B) student attendance rates in school corporations adjacent to the school city.

(6) There are individual schools in the school city whose students are achieving, but overall student achievement in the school city is unsatisfactory.

(7) Improving education in the school city requires unique legislative intervention.

(8) Educator driven school level control of efforts to improve student achievement in their schools and a program of performance awards in the school city will encourage the development and use of:

(A) innovative teaching methods;

(B) improved opportunities for teacher professional development;

(C) programs achieving greater levels of parental involvement;

(D) more efficient administrative efforts; and

(E) improved student achievement.

(9) Greater accountability among educators in their schools, including:

(A) evaluations based on student achievement measures and administrative efficiency criteria; and

(B) annual reports to the public regarding student achievement information and administrative performance

measures;

will encourage the development and use of creative and innovative educational methods and improve student achievement.

(10) Providing a range of remediation opportunities to students in the school city who:

(A) fail to meet state achievement standards; or

(B) are determined to be at risk of academic failure by the board;

will enhance the educational opportunities available to students and improve student performance.

(11) Enhanced intervention for schools whose students fail to meet expected performance levels will improve the:

(A) educational opportunities; and

(B) educational achievement;

in the school city.

(12) Allowing students to attend neighborhood schools and the development and implementation of a plan by the board to increase student performance and achievement in the school city are necessary to:

(A) achieve the legislative objectives referred to in this section;

(B) meet the unique challenges to education in the school city; and

(C) improve student achievement in the school city.

As added by P.L.1-2005, SEC.9.

IC 20-25-7

Chapter 7. Neighborhood Schools

IC 20-25-7-1

Parental choice program

Sec. 1. The school city shall offer a parental choice program that allows a parent the opportunity to choose the school in the school city that the parent's child will attend.

As added by P.L.1-2005, SEC.9.

IC 20-25-7-2

Criteria for parental choices and assignment to schools

Sec. 2. (a) The board shall establish appropriate criteria to:

(1) set priorities for parental choices; and

(2) assign students to schools.

(b) Criteria established under this section must provide that if the parent of a student chooses to enroll the student in a neighborhood school, the student will be assigned to the neighborhood school, subject only to building capacity limitations.

As added by P.L.1-2005, SEC.9.

IC 20-25-8

Chapter 8. Parental Involvement in Schools

IC 20-25-8-1

"Student's parent"

Sec. 1. As used in this chapter, the term "student's parent" includes the foster parent of a student.

As added by P.L.1-2005, SEC.9.

IC 20-25-8-2

Written compact

Sec. 2. (a) Each school in the school city shall develop a written compact among:

(1) the school;
(2) the students;
(3) the students' teachers; and
(4) the students' parents.

(b) A written compact must contain the expectations for:

(1) the school;
(2) the student;
(3) the student's teachers; and
(4) the student's parent.

(c) Each educator at the school shall affirm and sign the compact.

(d) Each student and the student's parent shall go to the school before the start of each school year to sign and affirm the compact.

As added by P.L.1-2005, SEC.9.

IC 20-25-8-3

Foster parents not completing compact

Sec. 3. Each school shall report to the local office of the department of child services the names of foster parents who have not completed a compact under this chapter.

As added by P.L.1-2005, SEC.9. Amended by P.L.146-2008, SEC.465.

IC 20-25-9

Chapter 9. Performance Measures for Student Achievement

IC 20-25-9-1

Use of student performance improvement levels

Sec. 1. IC 20-31-8 applies to the school city and its schools. The board shall use the student performance improvement levels established under IC 20-25-11 to:

(1) assess;
(2) report; and
(3) improve;

the performance of schools, educators, and students in the school city.

As added by P.L.1-2005, SEC.9.

IC 20-25-9-2

Students in need of summer remediation; use of state achievement standards

Sec. 2. The board shall use state achievement standards to identify students in need of summer remediation services.

As added by P.L.1-2005, SEC.9.

IC 20-25-9-3

Uses for student performance improvement levels

Sec. 3. The board shall use the student performance improvement levels established under IC 20-25-11 to:

(1) implement the board's plan;
(2) evaluate school performance;
(3) publish annual reports; and
(4) determine academic receivership under IC 20-25-15.

As added by P.L.1-2005, SEC.9.

IC 20-25-9-4

Determination of whether to put school in academic receivership

Sec. 4. The board shall use student performance improvement levels to determine whether to place a school in academic receivership under IC 20-25-15.

As added by P.L.1-2005, SEC.9.

IC 20-25-9-5

Measuring and recording student achievement and teacher and administrative performance

Sec. 5. Each school in the school city shall measure and record:

(1) the students' achievement in reaching the school's student performance improvement levels established under IC 20-25-11;
(2) student achievement information for the school described in IC 20-20-8-8 and IC 20-25-9-6; and
(3) teacher and administrative performance information for the school described in IC 20-25-9-6;

which in each case must not be less rigorous than the student performance improvement levels and information developed and required under IC 20-31-8.
As added by P.L.1-2005, SEC.9.

IC 20-25-9-6
Annual report; required information

Sec. 6. For all schools under this article, the report must include the following, in addition to the requirements of IC 20-20-8-8:

(1) Student achievement information as follows:

(A) For each elementary and middle school, grade advancement rates.

(B) For each high school, the percentage of students who apply to, are accepted by, and attend a college, university, or other postsecondary educational institution after high school.

(2) Administrative performance measures as follows:

(A) School receipts and expenditures by source, compared with budget amounts.

(B) Total school enrollment.

(C) The school's general fund expenditures per student and total expenditures per student.

(D) The amount and percentage of the school's general fund expenditures and the amount and percentage of total expenditures directly reaching the classroom as determined by a formula to be established by the board.

(E) Teacher/pupil ratios totaled by class, grade, and school.

(F) Administrator/pupil ratio for the school.

(G) Teacher attendance rates totaled by class, grade, and school.

(3) Achievement on the annual performance objectives identified under IC 20-25-11.

(4) The performance objectives established under IC 20-25-11 for the upcoming school year.

(5) State and school city averages for each of the measures set forth in subdivisions (1) through (2), if available.

As added by P.L.1-2005, SEC.9.

IC 20-25-10

Chapter 10. Board Plan for Improvement of Student Achievement

IC 20-25-10-1

Plan for improvement of student achievement; conformity with school laws

Sec. 1. (a) The board shall modify, develop, and implement a plan for the improvement of student achievement in the schools in the school city.

(b) A plan modified, developed, and implemented under this chapter must be consistent with this article and with IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10.

As added by P.L.1-2005, SEC.9.

IC 20-25-10-2

Plan requirements

Sec. 2. The plan modified, developed, and implemented under this chapter must do the following:

(1) Provide for efforts to increase support of the schools by:

(A) the parents of students; and

(B) the neighborhood communities surrounding the schools.

(2) Establish student performance improvement levels for students in each school in the school city that are not less rigorous than the student performance improvement levels developed under IC 20-31.

(3) Provide opportunity and support for the educators in each school to develop a school plan, including:

(A) traditional or innovative methods and approaches to improve student achievement; and

(B) efficient and cost effective management efforts in the school;

that are developed consistently with IC 20-25-12-1 and with the board's plan developed under this chapter.

(4) Require annual reports identifying the progress of student achievement for each school as described in IC 20-20-8-8 and IC 20-25-9-6.

(5) Provide for the effective evaluation of:

(A) each school in the school city; and

(B) the school's educators;

including the consideration of student achievement in the school.

(6) Provide a range of opportunity for remediation of students who:

(A) fail to meet state achievement standards; or

(B) are at risk of academic failure.

(7) Require action to raise the level of performance of a school if the school's students fail to achieve student performance improvement levels established for the school under IC 20-25-11-1.

As added by P.L.1-2005, SEC.9.

IC 20-25-10-3

Modification, development, publication, and implementation of plan

Sec. 3. The board shall:

(1) modify, develop, and publish the plan required under this chapter; and

(2) implement the modified plan;

in compliance with the timelines of IC 20-31-1, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10.

As added by P.L.1-2005, SEC.9. Amended by P.L.231-2005, SEC.28; P.L.1-2006, SEC.323.

IC 20-25-10-4

Revisions; publication required

Sec. 4. If the board revises the plan required under this chapter after the plan is published, the board shall publish the revisions.

As added by P.L.1-2005, SEC.9.

IC 20-25-10-5

Assessment and evaluation of educational programs

Sec. 5. (a) The board shall annually assess and evaluate educational programs offered by the school city to determine:

(1) the relationship of the programs to improved student achievement; and

(2) the educational value of the programs in relation to cost.

(b) The board may obtain information from:

(1) educators in the schools offering a program;

(2) students participating in a program; and

(3) the parents of students participating in a program;

in preparing an assessment and evaluation under this section. The assessment must include the performance of the school's students in achieving student performance improvement levels under IC 20-31-1, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, IC 20-31-10, and IC 20-25-11.

As added by P.L.1-2005, SEC.9. Amended by P.L.231-2005, SEC.29; P.L.1-2006, SEC.324.

IC 20-25-11

Chapter 11. Annual Performance Objectives

IC 20-25-11-1

Establishment of annual student performance improvement levels

Sec. 1. The board shall establish annual student performance improvement levels for each school that are not less rigorous than the student performance improvement levels under IC 20-31-1, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10, including the following:

(1) For students:

(A) improvement in results on assessment tests and assessment programs;

(B) improvement in attendance rates; and

(C) improvement in progress toward graduation.

(2) For teachers:

(A) improvement in student results on assessment tests and assessment programs;

(B) improvement in the number and percentage of students achieving:

(i) state achievement standards; and

(ii) if applicable, performance levels set by the board;

on assessment tests;

(C) improvement in student progress toward graduation;

(D) improvement in student attendance rates for the school year;

(E) improvement in individual teacher attendance rates;

(F) improvement in:

(i) communication with parents; and

(ii) parental involvement in classroom and extracurricular activities; and

(G) other objectives developed by the board.

(3) For the school and school administrators:

(A) improvement in student results on assessment tests, totaled by class and grade;

(B) improvement in the number and percentage of students achieving:

(i) state achievement standards; and

(ii) if applicable, performance levels set by the board;

on assessment tests, totaled by class and grade;

(C) improvement in:

(i) student graduation rates; and

(ii) progress toward graduation;

(D) improvement in student attendance rates;

(E) management of:

(i) general fund expenditures; and

(ii) total expenditures;

per student;

(F) improvement in teacher attendance rates; and

(G) other objectives developed by the board.

As added by P.L.1-2005, SEC.9. Amended by P.L.231-2005, SEC.30; P.L.1-2006, SEC.325.

IC 20-25-12

Chapter 12. School Plans for Improvement

IC 20-25-12-1

Contents of board's plan

Sec. 1. (a) IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10 apply to the school city. The composition of a local school improvement committee is determined under IC 20-31-1, IC 20-31-2, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10.

(b) The plan developed and implemented by the board under IC 20-25-10 must contain general guidelines for decisions by the educators in each school to improve student achievement in the school.

(c) The board's plan shall provide for the publication to other schools in the school city and to the general community those:

(1) processes;

(2) innovations; and

(3) approaches;

that have led individual schools to significant improvement in student achievement.

As added by P.L.1-2005, SEC.9.

IC 20-25-12-2

Educators' plan; use of traditional or innovative techniques

Sec. 2. (a) Educators in each school are responsible for improving student achievement in the school and may develop the educators' own school plan to achieve improvement that:

(1) conforms to the guidelines issued by the board; and

(2) has a cost that does not exceed the amount allocated to the school under section 5 of this chapter.

(b) Educators may use traditional or innovative techniques that the educators believe will:

(1) best maintain a secure and supportive educational environment; and

(2) improve student achievement.

As added by P.L.1-2005, SEC.9.

IC 20-25-12-3

Provision for parental involvement

Sec. 3. Each school's plan must include the development and maintenance of efforts to increase parental involvement in educational activities.

As added by P.L.1-2005, SEC.9.

IC 20-25-12-4

Promotion of student achievement

Sec. 4. School plans must promote:

(1) increased options for; and

(2) innovative and successful approaches to;

improving student achievement.
As added by P.L.1-2005, SEC.9.

IC 20-25-12-5
General fund budgets for schools

Sec. 5. The approved general fund budget for each school for a school year must be, as nearly as is reasonable and practicable, proportionate to the total general fund budget for the school city in the same ratio as the school's estimated ADM compares to the school city's estimated ADM for that school year.
As added by P.L.1-2005, SEC.9.

IC 20-25-12-6
Educators' determination of needed educational resources; purchases and acquisitions

Sec. 6. (a) Each school's educators may:

(1) determine the educational resources, goods, and services that are necessary and appropriate for improving student performance in the school; and

(2) obtain or purchase the educational resources, goods, and services.

(b) Purchases and acquisitions under this section are subject to:

(1) the general guidelines developed by the board; and

(2) the school's budget.

As added by P.L.1-2005, SEC.9.

IC 20-25-12-7
School budget allocations for noneducational goods and services

Sec. 7. Subject to the general guidelines developed by the board and after consulting with the school's teachers, each school's administrators may determine the:

(1) sources of; and

(2) part of;

the school's available budget allocated for noneducational goods and services.
As added by P.L.1-2005, SEC.9.

IC 20-25-12-8
Excess general fund money; permissible uses

Sec. 8. (a) If, as a result of a school's efforts to incur less expense than was budgeted in a fiscal year, the school has excess general fund money after the school's expenses for the fiscal year are paid in full, the school retains control of the excess.

(b) The school shall use excess general fund money retained under this section during the following school year for:

(1) professional development of the school's educators; and

(2) other classroom instructional purposes;

under the general guidelines developed by the board.

(c) The board may not consider a school's excess general fund money retained under this section when setting or approving the

school's budget for subsequent years.
As added by P.L.1-2005, SEC.9.

IC 20-25-13

Chapter 13. Staff Performance Evaluations

IC 20-25-13-1

Repealed

(*Repealed by P.L.90-2011, SEC.50.)*

IC 20-25-13-2

Annual staff performance evaluation plan

Sec. 2. Each school year, a school shall develop and implement a staff performance evaluation plan to evaluate the performance of the school's certified employees under guidelines established by the board.

As added by P.L.1-2005, SEC.9.

IC 20-25-13-3

Plan requirements

Sec. 3. A staff performance evaluation plan must do the following:

(1) Provide for evaluation of the school's and the school's educators' performance based on the school's students' performance improvement level under IC 20-25-11, including the following:

(A) Student achievement on assessment tests and assessment programs.

(B) Graduation rates.

(C) Scholastic aptitude test scores.

(D) Other objective standards developed by the board for measuring student, teacher, and administrator performance improvement consistent with:

(i) state academic standards; and

(ii) student performance improvement levels developed under IC 20-25-11.

(2) Provide for:

(A) the continuing professional development; and

(B) improvement of the performance;

of the individuals evaluated.

(3) Require periodic assessment of the effectiveness of the plan.

As added by P.L.1-2005, SEC.9.

IC 20-25-13-4

Plan as basis for employment decisions

Sec. 4. A staff performance evaluation plan may provide the basis for making employment decisions.

As added by P.L.1-2005, SEC.9.

IC 20-25-13-5

Plan as condition for accreditation

Sec. 5. Development and implementation of a staff performance evaluation plan for each school is a condition for accreditation for

the school under IC 20-19-2-8(a)(5).
As added by P.L.1-2005, SEC.9.

IC 20-25-13-6
Compliance with board guidelines; approval of board

Sec. 6. A staff performance evaluation plan must:

(1) comply with guidelines established by; and

(2) be approved by;

the board.
As added by P.L.1-2005, SEC.9.

IC 20-25-13-7
Student improvement levels to serve as factor in teacher evaluation

Sec. 7. IC 20-28-6-4 and IC 20-28-6-5 apply to certificated employees in the school city. A teacher's students' performance improvement levels under the assessment tests and programs of IC 20-31-1, IC 20-31-5, IC 20-31-6, IC 20-31-7, IC 20-31-8, IC 20-31-9, and IC 20-31-10 may be used as a factor, but not the only factor, to evaluate the performance of a teacher in the school city.
As added by P.L.1-2005, SEC.9. Amended by P.L.231-2005, SEC.31; P.L.1-2006, SEC.326.

IC 20-25-14

Chapter 14. Summer Remediation

IC 20-25-14-1

Required and optional summer remediation services

Sec. 1. (a) The school city must provide summer remediation services to each student in a designated grade level who does not meet state achievement standards.

(b) The school city may provide summer remediation services to students of any other grade level who are determined by the school city to be at risk of academic failure.

As added by P.L.1-2005, SEC.9.

IC 20-25-14-2

Proposals and contracts for provision of services; eligible providers

Sec. 2. The board may:

(1) request and receive competitive proposals from:

(A) a school of the school city;

(B) another public educational institution; or

(C) a group of educators from the school city;

to provide summer remediation services under guidelines and specified performance standards established by the board; and

(2) contract with one (1) or more providers listed in subdivision (1) to provide summer remediation services to students in the school city.

As added by P.L.1-2005, SEC.9.

IC 20-25-14-3

Costs; state reimbursement

Sec. 3. The school city:

(1) shall pay the cost of summer remediation services; and

(2) may use all available funding from the state for the payment.

The purchase of remediation services is eligible for state reimbursement in the same manner as other state funding, including summer school funding.

As added by P.L.1-2005, SEC.9.

IC 20-25-14-4

Services provided by contractors; summer remediation subsidy

Sec. 4. (a) Summer remediation services provided by contractors under section 2 of this chapter shall be provided at no tuition cost to the student.

(b) Upon the request of the parent of a student described in section 1 of this chapter, the school city shall provide the parent with a summer remediation subsidy in an amount equal to fifty percent (50%) of the lowest per student cost of summer remediation services provided by a contractor under section 2 of this chapter.

(c) A parent to whom a summer remediation subsidy is provided may use the subsidy to purchase summer remediation services from a provider located in Marion County. The parent may choose to use

the remediation subsidy at an accredited public school. If the amount of tuition for the remediation services is greater than the amount of the remediation subsidy provided to the parent, the parent is responsible for the additional amount.

(d) The allocated remediation subsidy is payable to a provider of remediation services upon the provider's enrollment of the student in the remediation program.

(e) Payment of a remediation subsidy fulfills the obligation under this chapter of the school city to provide remediation services to a student.

(f) If a student who has received a remediation subsidy does not complete a remediation program, the provider of remediation services shall refund the remediation subsidy on a pro rata basis to the school city.

As added by P.L.1-2005, SEC.9.

IC 20-25-15

Chapter 15. Academic Receivership

IC 20-25-15-1

Placement of school in academic receivership

Sec. 1. In addition to the consequences of IC 20-31-9, the board shall place a school in the school city in academic receivership if the school fails for any two (2) consecutive school years to meet student performance improvement levels.

As added by P.L.1-2005, SEC.9.

IC 20-25-15-2

Required evaluations

Sec. 2. Before August 1 of a school year for which a school is placed in academic receivership, the superintendent and the board shall require the following:

(1) Evaluation of each administrator at the school.

(2) Evaluation of each teacher at the school.

(3) Evaluation of the school's educational plan.

(4) Consideration of:

(A) personnel;

(B) management;

(C) plan; and

(D) policy;

changes for the school to improve student performance at the school.

(5) Identification of significant;

(A) management;

(B) personnel;

(C) plan; or

(D) policy;

changes that in the board's judgment must be implemented to improve the school's performance.

As added by P.L.1-2005, SEC.9.

IC 20-25-15-3

Actions to raise school's level of performance

Sec. 3. (a) If a school is placed in academic receivership, the superintendent and the board must take action to raise the school's level of performance.

(b) In addition to the consequences of IC 20-31-9, the actions that the superintendent and the board may take to raise the performance of a school in academic receivership include the following:

(1) Shifting resources of the school city to the school.

(2) Changing or removing:

(A) the school principal;

(B) teachers;

(C) administrators; or

(D) other staff.

(3) Establishing a new educational plan for the school.

(4) Requiring the superintendent or another school city appointee to administer the school until the academic receivership status of the school is removed.

(5) Contracting with a:

(A) for-profit organization;

(B) nonprofit organization; or

(C) individual;

to manage the school.

(6) Closing the school.

(7) Any other management, personnel, or policy changes that the superintendent and board expect in the following school year to:

(A) raise the performance of the school; and

(B) avoid continuing academic receivership status for the school.

(c) If this chapter is inconsistent with any other law relating to:

(1) education;

(2) teachers; or

(3) common schools;

this chapter governs.

As added by P.L.1-2005, SEC.9.

IC 20-25-16

Chapter 16. Additional Powers to Modify Policies and Waive Requirements, Lease Property, and Transfer Funds

IC 20-25-16-1

Powers of board

Sec. 1. To provide the board with the necessary flexibility and resources to carry out this article, the following apply:

(1) The board may:

(A) eliminate or modify existing policies;

(B) create new policies; and

(C) alter policies;

subject to this article and the plan developed under IC 20-25-10.

(2) IC 20-29 applies to the school city, except for the provision of IC 20-29-6-7(a) that requires any items included in the 1972-1973 agreements between an employer school corporation and an employee organization to continue to be bargainable.

(3) The board may waive the following statutes and rules for any school in the school city without administrative, regulatory, or legislative approval:

(A) The following rules concerning curriculum and instructional time:

511 IAC 6.1-5-0.5

511 IAC 6.1-5-1

511 IAC 6.1-5-2.5

511 IAC 6.1-5-3.5

511 IAC 6.1-5-4.

(B) 511 IAC 6.1-4-1 concerning student/teacher ratios.

(C) 511 IAC 6.1-4-2 concerning school principals.

(4) Notwithstanding any other law, a school city may do the following:

(A) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school city purpose.

(B) Establish a professional development and technology fund to be used for:

(i) professional development; or

(ii) technology, including video distance learning.

(C) Transfer funds obtained from sources other than state or local government taxation to any account of the school corporation, including a professional development and technology fund established under clause (B).

(5) Transfer funds obtained from property taxation to the general fund and the school transportation fund, subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this

subdivision.

(B) This subdivision does not allow a school corporation to transfer to any other fund money from the debt service fund.

As added by P.L.1-2005, SEC.9. Amended by P.L.2-2006, SEC.116; P.L.73-2011, SEC.7.

IC 20-26

ARTICLE 26. SCHOOL CORPORATIONS: GENERAL ADMINISTRATIVE PROVISIONS

IC 20-26-1

Chapter 1. Applicability

IC 20-26-1-1

Applicability

Sec. 1. (a) IC 20-26-1 through IC 20-26-5 and IC 20-26-7 apply to all school corporations.

(b) Notwithstanding subsection (a), IC 20-26-5-10 applies to:

(1) a school corporation;

(2) a charter school; and

(3) an accredited nonpublic school.

As added by P.L.1-2005, SEC.10. Amended by P.L.121-2009, SEC.6.

IC 20-26-2

Chapter 2. Definitions

IC 20-26-2-1

Applicability

Sec. 1. Notwithstanding IC 20-18-2, the definitions in this chapter apply in IC 20-26-1 through IC 20-26-5 and IC 20-26-7.

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

IC 20-26-2-1.5

"Expanded criminal history check"

Sec. 1.5. "Expanded criminal history check" means a criminal history background check of an individual that includes:

(1) a:

(A) search of the records maintained by all counties in Indiana in which the individual who is the subject of the background check resided;

(B) search of the records maintained by all counties or similar governmental units in another state, if the individual who is the subject of the background check resided in another state; and

(C) check of:

(i) sex offender registries in all fifty (50) states; or

(ii) the national sex offender registry maintained by the United States Department of Justice; or

(2) a:

(A) national criminal history background check (as defined in IC 10-13-3-12); and

(B) check of:

(i) sex offender registries in all fifty (50) states; or

(ii) the national sex offender registry maintained by the United States Department of Justice.

As added by P.L.121-2009, SEC.7.

IC 20-26-2-2

"Governing body"

Sec. 2. "Governing body" refers to the board of commissioners charged by law with the responsibility of administering the affairs of a school corporation, including a:

(1) board of school commissioners;

(2) metropolitan board of education;

(3) board of school trustees; or

(4) board of trustees.

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

IC 20-26-2-3

"Member"

Sec. 3. "Member" means a member of a governing body.

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

IC 20-26-2-4
"School corporation"

Sec. 4. "School corporation" means a local public school corporation established under Indiana law, including a:

(1) school city;
(2) school town;
(3) metropolitan school district;
(4) consolidated school corporation;
(5) county school corporation;
(6) community school corporation; and
(7) united school corporation.

The term does not include a school township.
As added by P.L.1-2005, SEC.10.

IC 20-26-2-5
"School purposes"

Sec. 5. "School purposes" means the general purposes and powers specified in IC 20-26-5-1 and IC 20-26-5-4. However, the delineation of a specific power in IC 20-26-5-4 is not a limitation on the general powers and purposes set out in IC 20-26-5-1.
As added by P.L.1-2005, SEC.10.

IC 20-26-3

Chapter 3. Home Rule

IC 20-26-3-1

State policy

Sec. 1. Notwithstanding any other law and subject to section 7 of this chapter, the policy of the state is to grant to each school corporation all the powers needed for the effective operation of the school corporation.

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

IC 20-26-3-2

School corporation powers; resolution of doubted existence

Sec. 2. (a) The rule of law that any doubt as to the existence of a power of a school corporation must be resolved against the existence of the power is abrogated.

(b) Any doubt as to the existence of a power of a school corporation must be resolved in favor of the existence of the power. This rule applies when a statute granting the power has been repealed.

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

IC 20-26-3-3

School corporation powers; extent

Sec. 3. (a) The rule of law that a school corporation has only:

(1) powers expressly granted by statute;

(2) powers necessarily or fairly implied in or incident to powers expressly granted through rules adopted by the state board under IC 4-22-2 or otherwise; and

(3) powers indispensable to the declared purposes of the school corporation;

is abrogated.

(b) A school corporation has:

(1) all powers granted to the school corporation by statute or through rules adopted by the state board; and

(2) all other powers necessary or desirable in the conduct of the school corporation's affairs, even if the power is not granted by statute or rule.

(c) The powers that school corporations have under subsection (b)(1) are listed in various statutes. However, these statutes do not list the powers that school corporations have under subsection (b)(2). The omission of a power from a list does not imply that school corporations lack that power.

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

IC 20-26-3-4

School corporation powers; exercise

Sec. 4. A school corporation may exercise any power the school corporation possesses to the extent that the power:

(1) is not expressly denied by the Constitution of the State of

Indiana, by statute, or by rule of the state board; and

(2) is not expressly granted to another entity.

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

IC 20-26-3-5

Constitutional or statutory exercise of powers; written policy

Sec. 5. (a) If there is a constitutional or statutory provision requiring a specific manner for exercising a power, a school corporation that exercises the power shall exercise the power in the specified manner as a minimum requirement.

(b) If there is not a constitutional or statutory provision requiring a specific manner for exercising a power, a school corporation that exercises the power shall:

(1) adopt a written policy prescribing a specific manner for exercising the power; or

(2) comply with a statutory provision permitting a specific manner for exercising the power.

(c) A written policy under subsection (b)(1) must be adopted by the governing body of the school corporation.

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

IC 20-26-3-6

Review or regulation of school corporation powers

Sec. 6. A state agency and other agencies may review or regulate the exercise of powers by a school corporation only to the extent prescribed by statute.

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

IC 20-26-3-7

Unavailable powers

Sec. 7. A school corporation does not have any of the following powers:

(1) Powers expressly prohibited of a unit under IC 36-1-3-8.

(2) Power for eminent domain, unless specifically authorized by statute.

(3) Power to prescribe a civil penalty or a fine.

(4) Power to adopt ordinances.

(5) Power to require the attendance of witnesses and the production of documents relative to matters being considered, unless specifically authorized by statute.

(6) Power to exercise powers outside the boundaries of the school corporation, unless authorized by statute through a joint agreement or otherwise.

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

IC 20-26-4

Chapter 4. Organization and Operation of Governing Body

IC 20-26-4-1

Organization; treasurer; duties; electronic funds transfer; executive secretary

Sec. 1. (a) As used in this section, "electronic funds transfer" means a transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape to order, instruct, or authorize a financial institution to debit or credit an account.

(b) The governing body of each school corporation shall organize by electing:

(1) a president;

(2) a vice president; and

(3) a secretary;

each of whom is a different member, not more than fifteen (15) days after the commencement date of the members' terms of office, as provided in section 4 of this chapter.

(c) A governing body shall, at the time that officers are elected under subsection (b), appoint a treasurer of the governing body and of the school corporation who is a person, other than the superintendent of schools, who is not a member of the governing body. The treasurer may, with the approval of the governing body, appoint a deputy who must be a person, other than the superintendent of schools, who is not a member of the governing body and who has the same powers and duties as the treasurer, or lesser duties as provided by the governing body by rule.

(d) The treasurer is the official custodian of all funds of the school corporation and is responsible for the proper safeguarding and accounting for the funds. The treasurer shall:

(1) issue a receipt for money received by the treasurer;

(2) deposit money described in subdivision (1) in accordance with the laws governing the deposit of public funds; and

(3) issue all warrants in payment of expenses lawfully incurred on behalf of the school corporation. However, except as otherwise provided by law, warrants described in this subdivision must be issued only after proper allowance or approval by the governing body. The governing body may not require an allowance or approval for amounts lawfully due in payment of indebtedness or payments due the state, the United States government, or agencies and instrumentalities of the state or the United States government.

A verification, other than a properly itemized invoice, may not be required for any claim of one hundred dollars ($100) or less. A claim that exceeds one hundred dollars ($100) is sufficient as to form if the bill or statement for the claim has printed or stamped on the face of the bill or statement a verification of the bill or statement in language approved by the state board of accounts.

(e) Notwithstanding subsection (d), a treasurer may transact school corporation financial business with a financial institution or a public retirement fund through the use of electronic funds transfer. The treasurer must provide adequate documentation to the governing body of transfers made under this subsection. This subsection applies only to agreements for joint investment of money under IC 5-13-9 and to payments to:

(1) the Indiana state teachers' retirement fund; or

(2) the public employees' retirement fund;

from participating employers.

(f) A treasurer is not personally liable for an act or omission occurring in connection with the performance of the duties set forth in this section, unless the act or omission constitutes gross negligence or an intentional disregard of the treasurer's duties.

(g) A governing body may establish the position of executive secretary to the governing body. The executive secretary:

(1) must be an employee of the school corporation;

(2) may not be a member of the governing body; and

(3) must be appointed by the governing body upon the recommendation of the superintendent of the school corporation.

The governing body shall determine the duties of the executive secretary, which may include all or part of the duties of the secretary of the board.

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

IC 20-26-4-2

Oath of members

Sec. 2. A person elected or selected to be a member of a governing body shall take the following oath before taking office:

"I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of Indiana, and the laws of the United States and the State of Indiana. I will faithfully execute the duties of my office as a member of this governing body, so help me God."

However, the governing body may provide for additional provisions to the oath that the governing body considers appropriate for the office.

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

IC 20-26-4-3

Regular, statutory, and special meetings

Sec. 3. (a) Regular meetings must be held by each governing body at a time and place established by resolution of the board or may be incorporated in the rules provided in IC 20-26-5-4. A notice need not be given a member for holding or taking any action at a regular meeting.

(b) If a meeting is held according to a procedure set forth by statute or rule and if publication of notice of the meeting is required, notice of the meeting is not required and need not be given a member

for holding or taking any action at the meeting contemplated by the notice. The meeting must be held at the time and place specified in the published notice.

(c) Special meetings of a governing body must be held on call by the governing body's president or by the superintendent of the school corporation. The call must be evidenced by a written notice specifying the date, time, and place of the meeting, delivered to each member personally or sent by mail or telegram so that each member has at least seventy-two (72) hours notice of the special meeting. Special meetings must be held at the regular meeting place of the board.

(d) All meetings of a governing body must be open to the public to the extent required by IC 5-14-1.5. The governing body shall comply with IC 5-14-1.5.

(e) If notice of a meeting is required and each member of a governing body has waived notice of the meeting, as provided in this subsection, notice of the meeting is not necessary. Waiver of notice of a meeting by a member consists of the following:

(1) The member's presence at the meeting.

(2) The member's execution of a written notice waiving the date, time, and place of the meeting, executed either before or after the meeting. However, if notice is executed after the meeting, the waiver must also state in general terms the purpose of the meeting. If a waiver specifies that the waiver was executed before the meeting, third persons are entitled to rely on the statement.

(f) At a meeting of the governing body, a majority of the members constitutes a quorum. Action may not be taken unless a quorum is present. Except where a larger vote is required by statute or rule with respect to any matter, a majority of the members present may adopt a resolution or take any action.

(g) All meetings of the governing body for the conduct of business must be held within the school corporation, except as follows:

(1) Meetings may be held at the administrative offices of the school corporation if the offices are outside the geographic limits of the school corporation but are within a county where all or a part of the school corporation is located.

(2) Meetings may be held at a place where the statute or rule according to which a statutory meeting is held permits meeting outside the school corporation, as may occur when the meeting is held jointly with another governing body.

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

IC 20-26-4-4

Commencement and termination of terms of office; vacancies

Sec. 4. (a) This section does not apply to a school city of the first class or to a school corporation succeeding to all or the major part in area of a school city of the first class.

(b) The commencement and termination of terms of members of a governing body are as follows:

(1) Except as provided in subdivision (2), the governing body of each school corporation shall determine whether the term of office for the governing body's members extends from January 1 to December 31 or from July 1 to June 30. A governing body that makes a change in the commencement date of the governing body's members' terms shall report the change to the state board before August 1 preceding the year in which the change takes place. An ex officio member of a governing body shall take office at the time the ex officio member takes the oath of the office by virtue of which the ex officio member is entitled to become an ex officio member.

(2) In a county having a population of more than four hundred thousand (400,000), the terms of office for the members of a governing body, whether elected or appointed, commence on July 1 of the year in which the members are to take office under the plan, resolution, or law under which the school corporation is established, and terminate on the June 30 of the final year of the term for which the members are to serve under the plan, resolution, or law.

(c) If a vacancy in the membership of a governing body occurs for any reason (including the failure of a sufficient number of petitions for candidates for governing body membership being filed for an election and whether the vacancy was of an elected or appointed member), the remaining members of the governing body shall by majority vote fill the vacancy by appointing a person from within the boundaries of the school corporation, with the residence and other qualifications provided for a regularly elected or appointed board member filling the membership, to serve for the term or the balance of the term. However, this subsection does not apply to a vacancy:

(1) of a member who serves on a governing body in an ex officio capacity; or

(2) a vacancy in an appointed board membership if a plan, resolution, or law under which the school corporation operates specifically provides for filling vacancies by the appointing authority.

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

IC 20-26-4-4.5

School board vacancy because of member's death

Sec. 4.5. (a) This section applies to a school corporation subject to section 4 of this chapter.

(b) The definitions in IC 3-5-2 apply to this section.

(c) If a vacancy in a school board office exists because of the death of a school board member, the remaining members of the governing body shall meet and select an individual to fill the vacancy after the secretary of the governing body receives notice of the death under IC 5-8-6 and in accordance with section 4 of this chapter.

As added by P.L.119-2005, SEC.33.

IC 20-26-4-5

Treasurer's bond

Sec. 5. For each school year commencing July 1, the treasurer of each governing body and the governing body's school corporation and a deputy treasurer, if so appointed, shall give a bond for the faithful performance of the treasurer's and deputy treasurer's duties written by an insurance company licensed to do business in Indiana, in an amount determined by the governing body. The treasurer shall be responsible under the treasurer's bond for the acts of a deputy treasurer appointed as provided in section 1 of this chapter.

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

IC 20-26-4-6

Bids for purchase of supplies or equipment

Sec. 6. (a) The governing body of any school corporation may designate a committee of at least two (2) of the governing body's members, or a committee of not less than two (2) employees of the school corporation, to open and tabulate bids:

(1) in connection with the purchase of supplies, material, or equipment;

(2) for the construction or alteration of a building or facility; or

(3) for any similar purpose.

(b) Bids described in subsection (a):

(1) may be opened by the committee at the time and place fixed by the advertisement for bids;

(2) must be read aloud and tabulated publicly, to the extent required by law for governing bodies; and

(3) must be available for inspection.

(c) The bids described in subsection (a) must be reported to and the tabulation entered upon the records of the governing body at the governing body's next meeting following the bid opening.

(d) A bid described in subsection (a) may not be accepted or rejected by the committee, but the bid must be accepted or rejected solely by the governing body in a board meeting open to the public as provided in section 3 of this chapter.

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

IC 20-26-4-7

Compensation of governing body members

Sec. 7. (a) Except as provided in IC 20-25-3-3, the governing body of a school corporation by resolution has the power to pay each member of the governing body a reasonable amount for service as a member, not to exceed:

(1) two thousand dollars ($2,000) per year; and

(2) a per diem not to exceed the rate approved for members of the board of school commissioners under IC 20-25-3-3(d).

(b) If the members of the governing body are totally comprised of appointed members, the appointive authority under IC 20-23-4-28(e) shall approve the per diem rate allowable under subsection (a)(2) before the governing body may make the payments.

(c) To make a valid approval under subsection (b), the appointive

authority must approve the per diem rate with the same endorsement required under IC 20-23-4-28(f) to make the appointment of the member.
As added by P.L.1-2005, SEC.10.

IC 20-26-4-8
Approval of contracts
Sec. 8. Notwithstanding any other law, the president and secretary of the governing body of a school corporation are entitled, on behalf of the school corporation, to sign any contract, including employment contracts and contracts for goods and services. However, each contract must be approved by a majority of all members of the governing body. In the absence of either the president or secretary of the governing body, the vice president is entitled to sign the contracts with the officer who is present.
As added by P.L.1-2005, SEC.10.

IC 20-26-4-9
Disqualification on basis of age prohibited
Sec. 9. An individual who is at least twenty-one (21) years of age and is otherwise eligible to assume office as a member of a governing body may not be disqualified on the basis of age.
As added by P.L.1-2005, SEC.10.

IC 20-26-4-10
Property ownership not qualification
Sec. 10. Property ownership is not a qualification for serving as a member of a governing body.
As added by P.L.1-2005, SEC.10.

IC 20-26-4-11
Ineligibility of teachers and noncertificated employees
Sec. 11. In addition to any other eligibility requirements for members of the governing body of a school corporation as set forth in law, an individual who is employed as a teacher or as a noncertificated employee (as defined in IC 20-29-2-11) of the school corporation may not be a member of the governing body of the school corporation.
As added by P.L.1-2005, SEC.10.

IC 20-26-5

Chapter 5. General Powers and Duties

IC 20-26-5-0.3

Legalization of certain donations of riverboat gaming proceeds to public school endowment corporation

Sec. 0.3. A donation of proceeds of riverboat gaming to a public school endowment corporation that:

(1) was made by a political subdivision before July 1, 2000; and

(2) would have been permitted by IC 20-5-6-9 (as added by P.L.17-2000 and before its repeal, later codified at section 21 of this chapter, before its repeal) if IC 20-5-6-9 had been in effect before July 1, 2000;

is legalized and validated.

As added by P.L.220-2011, SEC.326.

IC 20-26-5-1

Power and purpose to conduct various education programs

Sec. 1. (a) A school corporation shall:

(1) conduct an educational program for all children who reside within the school corporation in kindergarten and in grades 1 through 12; and

(2) provide each preschool child with a disability with an appropriate special education as required under IC 20-35-4-9 only if the general assembly appropriates state funds for preschool special education.

(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.

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 amended by P.L.90-2011, SEC.11. See also following version of this section amended by P.L.200-2011, SEC.1.

Sec. 4. 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 previous year's ADM, 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:

(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:

(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.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation that are consistent with IC 20-28-9-1.

(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. The forms and procedures relating to the use of computer and data processing equipment in handling

the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(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) 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 and without regard to the distance the children live from the school. 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 textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook 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. 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.

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.

IC 20-26-5-4 Version b

Specific powers

Note: This version of section amended by P.L.200-2011, SEC.1. See also preceding version of this section amended by P.L.90-2011, SEC.11.

Sec. 4. 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.

(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 previous year's ADM, 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:

(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:

(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.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation.

(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. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(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) 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 and without regard to the distance the children live from the school. 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 textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook 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.

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.200-2011, SEC.1.

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 20-26-5-5

Allocation of no charge or reduced rate tickets

Sec. 5. A governing body of a school corporation may establish a policy regarding the allocation of tickets to the school corporation's interscholastic athletic events or other school related programs and activities at no charge or at a reduced rate to groups or individuals designated by the governing body.

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

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, water pollution control 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.

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

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

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

(b) A school corporation, including a charter school and an accredited 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 accredited nonpublic school conduct an expanded criminal history 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 accredited 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 accredited nonpublic school to request an expanded criminal history check concerning the individual before or not later than three (3) months after the individual's employment by the school corporation. The school corporation, charter school, or accredited nonpublic school may require the individual to provide a set of fingerprints and pay any fees required for the expanded criminal history 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. 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. An applicant may not be required by a school corporation, charter school, or accredited nonpublic school to obtain an expanded criminal history check more than one (1) time during a five (5) year period.

(c) 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.

IC 20-26-5-11

Use of information; notice of conviction of certain offenses

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

(1) a school corporation; and

(2) 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 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).

(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 (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 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.

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
(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-26-5-16
Repealed
(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-26-5-17
Repealed
(*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 IC 20-26-5-1 and under the powers of IC 20-26-5-4(20), 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.

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 IC 20-26-5-4(8) may distribute payroll based on contractual and salary schedule commitments instead of payroll estimates approved in advance by the governing body.
As added by P.L.1-2005, SEC.10.

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
(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-26-5-22
Repealed
(*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; and

(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.

(c) The provisions required by subsection (b) must be included in an agreement entered into or renewed under this chapter after June 30, 1981. Public school corporations and postsecondary educational institutions shall revise agreements in effect on July 1, 1981, 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.

IC 20-26-5-25
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-26-5-26
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-26-5-27
Repealed

(*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 Version a

Employee wage payment arrangements

Note: This version of section amended by P.L.48-2011, SEC.2. See also following version of this section amended by P.L.91-2011, SEC.26.

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

(g) Employment with a school corporation 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.

IC 20-26-5-32.2 Version b

Employee wage payment arrangements

Note: This version of section amended by P.L.91-2011, SEC.26. See also preceding version of this section amended by P.L.48-2011, SEC.2.

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.

As added by P.L.41-2009, SEC.6. Amended by P.L.91-2011, SEC.26.

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 20-26-6
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-26-7

Chapter 7. Property and Eminent Domain

IC 20-26-7-0.3

Legalization of certain school corporation actions in acquiring property under deed with reverter clause; school corporation rights in case of reversion

Sec. 0.3. (a) The actions of a school corporation taken before January 1, 1989, in acquiring any interest in real estate or a real estate improvement, under a deed that contains a reverter clause that limits the use of the property by the school corporation, are legalized.

(b) If a reversion occurs under a deed described in subsection (a), the school corporation is entitled to the improvements (or the fair market value of the improvements) made to the property by the school corporation.

As added by P.L.220-2011, SEC.327.

IC 20-26-7-0.4

Issuance of bonds or execution of lease under prior law before May 1, 1995

Sec. 0.4. Notwithstanding P.L.25-1995, if a school corporation has conducted the hearing described in IC 20-5-52 (before its repeal, now codified in this chapter) before May 1, 1995, the school corporation may issue bonds or execute a lease for the school building construction project that was the subject of the hearing in accordance with the requirements for issuing bonds or executing a lease that were in effect before July 1, 1995.

As added by P.L.220-2011, SEC.328.

IC 20-26-7-1

Sale of unneeded property; lease or sale to charter school; procedures

Sec. 1. (a) If a governing body of a school corporation determines that any real or personal property:

(1) is no longer needed for school purposes; or

(2) should, in the interests of the school corporation, be exchanged for other property;

the governing body may sell or exchange the property in accordance with IC 36-1-11.

(b) Money derived from the sale or exchange of property under this section shall be placed in any school fund:

(1) established under applicable law; and

(2) that the governing body considers appropriate.

(c) A governing body may not make a covenant that prohibits the sale of real property to another educational institution.

(d) This subsection does not apply to a school building that on July 1, 2011, is leased or loaned by the school corporation that owns the school building to another entity. A governing body shall make available for lease or purchase to any charter school (as defined in IC 20-24-1-4) any school building owned by the school corporation

that:

(1) either:

(A) is not used in whole or in part for classroom instruction at the time the charter school seeks to lease the building; or

(B) appears on the list compiled by the department under subsection (e); and

(2) was previously used for classroom instruction;

in order for the charter school to conduct classroom instruction.

(e) Each governing body shall inform the department whenever a school building that was previously used for classroom instruction is closed, unused, or unoccupied. The department shall maintain a list of closed, unused, or unoccupied school buildings and make the list available on the department's Internet web site. Each school corporation shall provide a list of closed, unused, or unoccupied buildings to the department by the date set by the department. The department must update the list each year before August 31.

(f) A school building that appears for the first time on the department's list under subsection (e) shall be designated as "Unavailable until (a date two (2) years after the school building first appears on the list)" if the governing body of the school corporation that owns the school building indicates the school building may be reclaimed during that period for classroom instruction, which must begin not later than one (1) year after the school building is reclaimed. If the school building remains unused for classroom instruction one (1) year after being reclaimed, the governing body shall place the school building on the department's list. A governing body may reclaim a school building only one (1) time under this subsection.

(g) If a charter school wishes to use a school building on the list created under subsection (e), the charter school shall send a letter of intent to the department. The department shall notify the school corporation of the charter school's intent, and the school corporation that owns the school building shall lease the school building to the charter school for one dollar ($1) per year for as long as the charter school uses the school building for classroom instruction or for a term at the charter school's discretion, or sell the school building to the charter school for one dollar ($1). The charter school must begin to use the school building for classroom instruction not later than two (2) years after acquiring the school building. If the school building is not used for classroom instruction within two (2) years after acquiring the school building, the school building shall be placed on the department's list under subsection (e). If during the term of the lease the charter school closes or ceases using the school building for classroom instruction, the school building shall be placed on the department's list under subsection (e).

(h) During the term of a lease under subsection (g), the charter school is responsible for the direct expenses related to the school building leased, including utilities, insurance, maintenance, repairs, and remodeling. The school corporation is responsible for any debt incurred for or liens that attached to the school building before the

charter school leased the school building.

(i) If a school building appears on the department's list under subsection (e) for at least forty-eight (48) months, the school corporation may sell or otherwise dispose of the school building in any manner the governing body considers appropriate.

As added by P.L.1-2005, SEC.10. Amended by P.L.234-2007, SEC.227; P.L.91-2011, SEC.27.

IC 20-26-7-2

Property damage; insurance proceeds

Sec. 2. A governing body of a school corporation may deposit insurance proceeds received as a result of damage to real or personal property in any school fund:

(1) established under applicable law; and

(2) that the governing body considers appropriate.

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

IC 20-26-7-3

Conveyance of civic building or property authorized

Sec. 3. Any building or other property owned by a civil township may be conveyed to the corresponding school township in the manner prescribed in section 4 of this chapter.

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

IC 20-26-7-4

Petition and procedure for conveyance or transfer of civic building or property

Sec. 4. (a) To transfer or convey a building or other property from a civil township to the corresponding school township, a petition may be filed with the board of commissioners of the county in which the civil township is located that:

(1) asks for the conveyance or transfer of the building or other property;

(2) describes the nature of the building or other property to be conveyed or transferred; and

(3) contains the reasons for the conveyance or transfer.

(b) A petition must be:

(1) signed by a majority of the legal voters residing in the civil township; and

(2) filed in the office of the county auditor.

When the petition is filed, the petitioners shall give a bond, with good and sufficient freehold sureties, that is payable to the state, approved by the board of county commissioners, and conditioned to pay all expenses if the board of county commissioners does not authorize the proposed conveyance or transfer.

(c) After a petition is filed, the county auditor shall give notice of the filing of the petition by publication once a week for two (2) consecutive weeks in one (1) newspaper printed and published in the county and of general circulation in the county in which the civil township is located.

(d) The board of commissioners shall:

(1) hear the petition at the next regular meeting and on the day designated in the notice; and

(2) determine all matters concerning the petition.

If the board is satisfied as to the propriety of granting the petitioners' request, the board shall make a finding to that effect and the trustee of the civil township shall convey the building or other property belonging to the civil township to the corresponding school township. The school township shall hold, control, and manage the building or other property. Expenses incurred in the conveyance of the property, if the conveyance is authorized, shall be paid out of the general funds of the civil township.

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

IC 20-26-7-5

Conveyance of school property to city authorized

Sec. 5. A school corporation (as defined in IC 36-1-2-17) may convey property owned by the school corporation to a civil city or other political subdivision for civic purposes if:

(1) the governing body adopts a resolution recommending the transfer and conveyance of the school property;

(2) the civil city or political subdivision agrees to accept the school property;

(3) the governing body executes a deed for the school property; and

(4) the conveyance is not for payment or other consideration.

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

IC 20-26-7-6

Property acquired by conditional gift or bequest; annexation

Sec. 6. A school corporation that acquires any real property by gift, devise, or bequest shall hold, use, and dispose of the real property under the terms and conditions imposed by the donor or testator.

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

IC 20-26-7-7

Property acquired by unconditional gift or bequest; expenditure of principal and interest

Sec. 7. (a) If a common school corporation has acquired or acquires any personal property or real estate by gift, devise, or bequest concerning which the donor or testator, at the time of making the gift, bequest, or devise, does not include conditions or directions concerning the gift, bequest, or devise inconsistent with this section, the principal of the gifts, devises, and bequests is inviolate, but the interest, rents, incomes, issues, and profits thereof may be expended by the school corporation. The interest, rent, incomes, issues, and profits may not be devoted:

(1) to the payment of any obligation of the corporation incurred before the property was acquired;

(2) to the payment of the salaries or wages of:

(A) teachers of the branches commonly and generally taught in the public schools; or

(B) school or library officers or employees; or

(3) to purchase ordinary school furniture or supplies of the character required by the corporation to be paid for from the current income or revenue coming to it from taxes or by operation of law.

However, the interest, rents, incomes, issues, and profits may be devoted to any public educational or public library or similar purpose for which the managing board or trustee of the corporation believes adequate financial provision has not been made by law.

(b) If:

(1) the board or trustee desires to invest the principal of the gift, devise, or bequest in the erection or equipping, or both, of a building to be devoted to a special use of a public educational or library character; and

(2) the expressed will of the donor or testator will not be violated;

the principal may be used for that purpose, notwithstanding any other provision of this chapter. This subsection may not be construed to permit its use for the building or equipping of buildings for ordinary graded or high schools.

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

IC 20-26-7-8

Appointment of trustees to manage property acquired by gift or bequest

Sec. 8. (a) If the board of trustees or school commissioners of a corporation governed by sections 6 through 9 of this chapter desires:

(1) to appoint one (1) or more trustees to hold the title to any property, real or personal, acquired by the board or commissioners in the manner mentioned in sections 6 through 9 of this chapter, unless the wish and will of the donor or testator would be violated; and

(2) to invest the principal and pay over only the net interest, rents, issues, incomes, and profits of the fund to the school corporation for use as provided in sections 6 through 9 of this chapter;

the school corporation may name and appoint one (1) or more trustees and to vest in the trustees the title to the property, subject to trust and powers as the school corporation may impose, not inconsistent with the expressed wish or will of the donor or testator or this chapter applicable to the property if a transfer to a trustee has not been made.

(b) However, if:

(1) the managing board of the school corporation consists of less than three (3) persons; and

(2) the school corporation elects to have the property held and managed by trustees;

the corporation shall establish the terms of the trust and make the conveyance, and the judge of the circuit court of the county in which the school corporation is domiciled shall appoint at least three (3) trustees.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-9
Purpose and construction of statutes concerning property acquired by gift or bequest

Sec. 9. (a) It is the main purpose of this chapter that the identity of the principal of gifts, bequests, and devises to the state's public schools may not be lost and that the income from investment of the gifts, bequests, and devises shall be used in giving students the public education and library advantages that could not be enjoyed if only the school and library revenue and income provided by law were available.

(b) Sections 6 through 9 of this chapter may not be construed as a limitation against the investment and reinvestment either by the school corporation itself or the trustees appointed under section 8 of this chapter, as the safety of the fund or the best interests of the recipient school corporation require.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-10
Gifts or conveyances conditioned on matching public funds; bond issue authorized

Sec. 10. (a) If a person gives or bequeaths to trustees an amount of money that exceeds five thousand dollars ($5,000) to erect a public school building or seminary in any unincorporated town, and upon the express or implied condition contained in the gift or bequest that an equal amount shall be raised by the citizens of the town or township for a like purpose, the township trustee of the township in which the town is located shall, upon the petition of a majority of the legal voters of the township, prepare, issue, and sell the bonds of the township to secure a loan of not more than fifteen thousand dollars ($15,000), in anticipation of the revenue for special school purposes, to comply with the condition attached to the gift or devise. The bonds must bear a rate of interest of not more than seven percent (7%) per annum, payable at such time, within seven (7) years after the date, as the trustee determines.

(b) Notwithstanding subsection (a), until all the bonds of any one (1) issue have been redeemed:

(1) the township trustee may not make another issue; and
(2) bonds may not be sold at a less rate than ninety-five cents ($0.95) on the dollar.

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

IC 20-26-7-11
Bond issue petition

Sec. 11. The whole number of votes cast for candidates for

Congress at the last preceding congressional election in the township is considered to be the whole number of legal voters of the township. A majority of the names of these legal voters must be signed to the petition presented to the township trustee, to which petition shall be attached the affidavit or affidavits, as the trustee considers necessary, of a competent and credible person or persons that the signatures of all the names to the petition are genuine and that the persons who signed the petition are, as the trustee believes, legal voters of the township.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-12
Recording and preservation of bond issue petition; bond issuance
Sec. 12. (a) The township trustee shall:
(1) record the petition and the attached names in the record book of the township; and
(2) file and preserve the petition, entering into the record the date and time the petition was filed.
(b) If the township trustee is satisfied that the petition contains the names of a majority of the legal voters of the township, the township trustee shall prepare, issue, and sell bonds of the amount listed in the petition, as provided in section 10 of this chapter.
(c) The township trustee shall accurately keep a record of all proceedings concerning:
(1) the issue and sale of the bonds;
(2) to whom and for what amount the bonds are sold;
(3) the rate of interest; and
(4) the time when the bonds become due.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-13
Eminent domain; petition for appointment of appraisers
Sec. 13. If:
(1) the trustees of school corporations of a city or town believe; or
(2) the township trustee of a township believes;
it is necessary to purchase any real estate on which to build a schoolhouse, or for any other purpose connected with the real estate, the township trustee or school trustees, or a majority of them, may file a petition in the circuit court of the county asking for the appointment of appraisers to appraise and assess the value of the real estate.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-14
Eminent domain; appointment of appraisers
Sec. 14. Ten (10) days after a petition is filed under section 13 of this chapter, the court shall appoint:
(1) one (1) disinterested freeholder residing in the school corporation or township where the real estate is located; and

(2) two (2) disinterested appraisers licensed under IC 25-34.1; who are residents of Indiana to appraise and assess the value of the real estate. One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the real estate.

As added by P.L.1-2005, SEC.10. Amended by P.L.113-2006, SEC.14.

IC 20-26-7-15

Eminent domain; oath of appraisers; payment of damages; trial; appeal

Sec. 15. (a) Before making the appraisement and assessment, the appraisers shall take an oath before the clerk of the court to make a fair, true, and honest appraisement of the real estate.

(b) After taking the oath under subsection (a), the appraisers shall examine the real estate, hear evidence they consider necessary, and make a report of their appraisement to the court not more than five (5) days after their appointment.

(c) After the examination under subsection (b), the township trustee or school trustees of the school corporation, or a majority of them, may pay to the clerk of the court, for the use of the owner or owners of the real estate, the amount assessed.

(d) When the payment is made under subsection (c) and the payment is shown to the court hearing the cause:

(1) the title to the real estate vests immediately in the school corporation or school township for school purposes;

(2) the court shall cause the real estate to be conveyed to the school corporation or school township by a commissioner appointed for that purpose; and

(3) the school corporation or school township may immediately take possession of the real estate for the purpose.

(e) When the report of the appraisers is filed, any party to the action, not later than ten (10) days, may except to the amount of the appraisement and valuation of the real estate and a trial may be had on the exception before the court as other civil causes are tried. The court shall fix the amount of the appraisement and assessment, and any party to the action may appeal the judgment of the court as other civil cases are appealed.

(f) If the township trustee or school trustees, or a majority of them, except to the amount of the appraisement and assessment:

(1) the court shall convey the real estate to the school corporation or school township;

(2) the title to the real estate vests immediately in the school corporation or school township for the purposes; and

(3) subsequent proceedings upon the exceptions affect only the amount of the appraisement and assessments.

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

IC 20-26-7-16

Eminent domain; offer of reasonable value to owners before petition; costs of subsequent action

Sec. 16. Before the filing of the petition, the township trustee or school trustees, or a majority of them, may offer or tender to the owner or owners of the real estate an amount considered a reasonable value for the real estate. If the amount fixed by the appraisers or by the court later becomes the same or less than the amount tendered:

(1) the cause shall be prosecuted at the cost of the owner or owners of the real estate; and

(2) upon exception to the amount fixed by the appraisers, if the exceptor does not increase the amount of the appraisement and assessment, the action on the exception shall be at the cost of the exceptor.

If an amount has not been tendered by the township trustee or school trustees, or a majority of them, and an exception is not taken, the action shall be prosecuted at the cost of the petitioners.

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

IC 20-26-7-17

Purchase or improvement of property and buildings for school purposes; notice to taxpayers; right to appeal

Sec. 17. (a) A school corporation may:

(1) purchase buildings or lands, or both, for school purposes; and

(2) improve the buildings or lands, or both.

(b) An existing building, other than a building obtained under IC 5-17-2 (before its repeal) or IC 4-13-1.7, permitting the purchase of suitable surplus government buildings, may not be purchased for use as a school building unless the building was originally constructed for use by the school corporation and used for that purpose for at least five (5) years preceding the acquisition as provided in this section through section 19 of this chapter.

(c) Notwithstanding this section through section 19 of this chapter limiting the purchase of school buildings, a school corporation may:

(1) purchase suitable buildings or lands, or both, adjacent to school property for school purposes; and

(2) improve the buildings or lands, or both, after giving notice to the taxpayers of the intention of the school corporation to purchase.

The taxpayers of the school corporation have the same right of appeal under the same procedure as provided for in IC 6-1.1-20-5 through IC 6-1.1-20-6.

As added by P.L.1-2005, SEC.10. Amended by P.L.146-2008, SEC.466.

IC 20-26-7-18

Authorization of bonds for purchase or improvement of property and buildings; issuance procedure

Sec. 18. A school corporation may issue and sell bonds under the general statutes governing the issuance of bonds to purchase and improve buildings or lands, or both. All laws relating to approval (if required) in a local public question under IC 6-1.1-20, the filing of

petitions, remonstrances, and objecting petitions, giving notices of the filing of petitions, the determination to issue bonds, and the appropriation of the proceeds of the bonds are applicable to the issuance of bonds under sections 17 through 19 of this chapter.
As added by P.L.1-2005, SEC.10. Amended by P.L.146-2008, SEC.467.

IC 20-26-7-19
Authorization of school and civil township bonds for purchase or improvement of property and buildings; issuance procedure

Sec. 19. (a) If:

(1) a school township whose boundaries are coterminous with the boundaries of the corresponding civil township has occupied as lessee for at least five (5) years a building constructed for its use as a school building;

(2) the township board finds that it would be in the best interests of the school township and its taxpayers for the school township to purchase the building; and

(3) the entire amount required to pay the cost of acquisition cannot be provided by the school township on account of the constitutional debt limitation;

the township board, with the approval of the township trustee, may authorize the issuance of bonds by each of the school township and the civil township to provide funds to pay the cost of acquisition of the building.

(b) The amount of the civil township bonds may not exceed the amount required to pay the cost of acquisition over and above the amount that can validly be financed by the school township for that purpose. The issuance of bonds must be authorized by separate resolutions specifying the amount, terms, and conditions of the bonds to be issued by each of the corporations. The bonds issued are the separate obligations of the corporations, respectively. The bonds must be payable at times and in amounts not later than twenty (20) years after the date of issuance as the township board may determine and shall otherwise be authorized, issued, and sold in accordance with the applicable general laws.

(c) As used in this section, "building" includes the land occupied by the school township for school purposes.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-20
Off-site construction; state policy; definition

Sec. 20. (a) It is the policy of the state to promote the acquisition, construction, and erection of school facilities by the off-site construction method so school corporations might obtain needed school facilities that, in many cases, would be denied by the higher cost of conventional construction.

(b) As used in this section through section 26 of this chapter, "off-site construction" means the fabrication and assembly of the component parts of various materials at a point other than the

construction site where the parts are normally fabricated or assembled.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-21
Off-site construction; procedure for advertising for plans and specifications and for bids

Sec. 21. (a) If the governing body or officer of a school corporation determines to erect or build a school building or buildings in which off-site construction techniques are to be used, the governing body or officer shall advertise for plans and specifications and for bids covering the plans and specifications.

(b) A bidder must file the bidder's plans or specifications with its bid.

(c) The advertisement shall be published once each week for two (2) consecutive weeks in two (2) newspapers published in the school corporation. If only one (1) newspaper is published in the boundaries of the school corporation, the advertisement shall be published in that newspaper and in a newspaper of general circulation published in the county where the school corporation is located. If a newspaper is not published in the boundaries of the school corporation, the advertisement shall be published in any two (2) newspapers of general circulation published in the county where the school corporation is located. If only one (1) newspaper is published in the county where the school corporation is located, publication in one (1) newspaper is sufficient.

(d) The advertisement:

(1) must contain a description of the building or buildings to be erected and the estimated cost; and

(2) may not require plans and specifications or bids to be filed for at least four (4) weeks after the date of the last publication of the advertisement.

(e) Subject to other applicable provisions of sections 20 through 25 of this chapter, the school corporation may accept the bid of the lowest bidder submitting plans and specifications considered satisfactory by the school corporation for a building or buildings.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-22
Off-site construction; bonds

Sec. 22. A school corporation may issue and sell bonds to construct a building or buildings under the general statutes governing the issuance and sale of bonds by school corporations if not in conflict with sections 20 through 25 of this chapter.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-23
Off-site construction; approval of plans and specifications before execution of contract

Sec. 23. (a) Before the execution of a contract under sections 20

through 25 of this chapter, the plans and specifications for a building or buildings, which must be prepared by an architect or engineer registered to practice in Indiana, must be submitted to:

(1) the state department of health;

(2) the division of fire and building safety; and

(3) any other agencies designated by law to pass on plans and specifications for school buildings.

(b) The plans and specifications must be approved by each agency in writing before the execution of the contract.

As added by P.L.1-2005, SEC.10. Amended by P.L.1-2006, SEC.327.

IC 20-26-7-24

Off-site construction; inspection of buildings; affidavit of compliance

Sec. 24. (a) After the completion of a school building or buildings erected or constructed under this chapter and before acceptance by the school corporation, the division of fire and building safety shall examine and inspect the building or buildings to determine if the requirements of the contract and the plans and specifications have been met.

(b) The division of fire and building safety shall immediately report to the school corporation any deviation from any requirements.

(c) Before final payment and settlement is made, the division of fire and building safety must file with the governing body or officer an affidavit that all requirements of the contract and of the plans and specifications have been fully and faithfully met.

As added by P.L.1-2005, SEC.10. Amended by P.L.1-2006, SEC.328.

IC 20-26-7-25

Off-site construction; supplemental effect of provisions

Sec. 25. Sections 20 through 24 of this chapter may not be considered to alter, amend, or repeal any other Indiana statute. However, the provisions of any other statute may not apply to proceedings under sections 20 through 24 of this chapter to the extent that the statute is inconsistent with sections 20 through 24 of this chapter.

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

IC 20-26-7-26

Duties and liabilities of school corporations with respect to municipal assessments for public improvements

Sec. 26. (a) A common school corporation:

(1) has the same powers; and

(2) is subject to the same duties and liabilities;

concerning municipal assessments for the cost of public improvements affecting the common school corporation's real estate that private owners of real estate possess or to which private owners of real estate are subject.

(b) The real estate of a common school corporation is subject to

liens for municipal assessments for public improvements if the real estate:

(1) had been owned by a private owner; and

(2) would have been subject to a lien at the time the lien was attached.

(c) A penalty or an attorney's fee concerning a municipal assessment may not be collected from a school corporation.

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

IC 20-26-7-27

Inspection of heating systems and fuel lines used for school purposes

Sec. 27. The superintendent of a school corporation shall cause an annual inspection to be conducted of all heating systems and supporting gas, oil, propane, or any other fuel lines used for school purposes.

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

IC 20-26-7-27.5

Abatement of certain violations

Sec. 27.5. (a) Notwithstanding any other law, if:

(1) as a result of an inspection of a school building under IC 22-14-2-11 that is not an inspection to determine compliance with a legal standard for accreditation, the division of fire and building safety of the department of homeland security determines that there is a violation of a fire safety law at the school building;

(2) the fire safety law that the division determines has been violated at the school building incorporates a standard that:

(A) was not a fire safety law at the time of the construction or renovation of the school building and is being applied retroactively to the building by an employee of the division of fire and building safety; or

(B) previously was not applicable to the building; and

(3) the violation is not a condition that creates an immediate safety hazard and is monitored under daily maintenance and supervision;

the school corporation shall abate the violation before the earlier of one (1) year after the violation determination or six (6) months after the start of the school corporation's next budget year following the violation determination.

(b) The expense of the abatement may be paid out of funds appropriated for such purposes in the budget year following a violation determination under subsection (a).

As added by P.L.132-2007, SEC.6.

IC 20-26-7-28

Record and report of heating system and fuel line inspection

Sec. 28. A report of the inspection described in section 27 of this chapter shall be made to the division of fire and building safety

before September 1 of each year. The report shall be made on forms prescribed and approved by the division of fire and building safety.
As added by P.L.1-2005, SEC.10. Amended by P.L.1-2006, SEC.329.

IC 20-26-7-29
Condemnation of school building; exclusive procedure

Sec. 29. A school building may not be condemned and declared unfit for use for school purposes except as provided in sections 30 through 34 of this chapter.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-30
Condemnation of school building; petitions alleging grounds for condemnation

Sec. 30. A petition signed by:
(1) the state department of health;
(2) the state fire marshal; or
(3) at least twenty-five (25) legal residents of the school corporation in which a school building is located, at least fifteen (15) of whom are resident freeholders;

may be filed with the auditor of the county in which the school corporation is located, alleging that the school building designated in the petition is insanitary or otherwise unfit for use for school purposes and should be condemned.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-31
Condemnation of school building; copies of petition; notice of hearing

Sec. 31. If a petition is filed under section 30 of this chapter, the auditor of the county shall do the following:
(1) Mail one (1) copy of the petition to:
(A) the county superintendent of schools; and
(B) the township trustee or the president of the board of school trustees or board of school commissioners of the school corporation in which the school building is located.
(2) Give notice by one (1) publication in each of two (2) newspapers circulating in the school corporation in which the school building is located that a hearing will be held:
(A) at a place and at a time designated in the notice;
(B) not less than ten (10) days after the date on which the notice is published;
(C) before the board of county commissioners and the county council of the county, acting jointly; and
(D) at which an interested person may appear in person or by attorney and be heard.
As added by P.L.1-2005, SEC.10.

IC 20-26-7-32
Condemnation of school building; special session of board of

commissioners and county council to conduct hearing

Sec. 32. (a) The auditor shall call a special session of the board of county commissioners and the county council to:

(1) conduct the hearing described in section 31 of this chapter; and

(2) determine the matter submitted.

(b) The chairman of the county council shall preside at the hearing.

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

IC 20-26-7-33

Condemnation of school building; hearing procedure; appeal

Sec. 33. (a) The hearing described in section 31 of this chapter may be adjourned from day to day.

(b) When the hearing has concluded, the board of county commissioners and county council, acting jointly, shall determine from:

(1) the evidence submitted;

(2) an inspection of the building; or

(3) both the evidence and an inspection;

if the building should be condemned.

(c) If the board of county commissioners and county council, acting jointly, determine that the building should be condemned, the board and council shall fix a date when the order of the board and council becomes effective. An appeal from the finding and determination of the board of county commissioners may be made to the circuit or superior court of the county in the same manner as appeals are taken from the board of county commissioners.

As added by P.L.1-2005, SEC.10. Amended by P.L.231-2005, SEC.32; P.L.1-2006, SEC.330.

IC 20-26-7-34

Physical condition of high school not grounds for revoking or refusing to grant commission; effect on academic standing of students

Sec. 34. (a) The state board may not:

(1) revoke the commission of a high school; or

(2) refuse to grant a commission to a high school when properly applied for;

because of the physical condition of any of the buildings in which the high school is conducted or maintained.

(b) The credits or the academic standing of a person who is a pupil in or a graduate of a high school may not be affected or determined by the physical condition of the building in which the pupil attended high school.

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

IC 20-26-7-35

Appeal from condemnation finding; procedure

Sec. 35. (a) A decision of the state department of health to build,

change, or condemn a school building may be appealed by:

(1) a township trustee;

(2) a board of school trustees or board of school commissioners;

(3) a member of a township board; or

(4) at least ten (10) residents and taxpayers;

of a township, town, or city in which the matter involving the building, changing, or condemnation of a school building occurred. The appeal may be made to a circuit or superior court of the county in which the township is located. A final appeal may be made to any court of last resort in Indiana.

(b) The appeal must:

(1) be made in the name of the person making the appeal or in the name of the officer making the appeal; and

(2) be perfected by filing a complaint or petition:

(A) in the office of the clerk of the court to which the appeal is taken;

(B) not more than thirty (30) days after the date of final decision by the state department of health that ordered the changing, condemnation, or building of the school building was made; and

(C) that sets forth the facts being appealed.

(c) The:

(1) state department of health; and

(2) township trustee, board of school commissioners, or board of school trustees if the appeal is made by the residents and taxpayers or by a member of the township board;

shall be named as defendants in the cause of action.

(d) Notice of the filing and pendency of the appeal shall be made by serving a summons, regularly issued by the court where cause of action is pending, on the state health commissioner at least ten (10) days before the hearing of the cause.

(e) The appeal shall be tried as other civil causes are tried in Indiana. If the appeal is made by private citizens, bond approved by the court shall be given to cover costs and reasonable attorney's fees if the appeal is not sustained.

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

IC 20-26-7-36

School building construction or alteration; feasibility study

Sec. 36. Before the governing body exercises power granted by any law to spend more than one million dollars ($1,000,000) to build, repair, or alter school buildings that would be financed by:

(1) entering into a lease agreement under IC 20-47-2-11 through IC 20-47-2-14 or IC 20-47-3-9 through IC 20-47-3-12;

(2) issuing bonds under IC 20-48-1; or

(3) any other available method;

the governing body may order the preparation and pay the costs of a feasibility study.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.123.

IC 20-26-7-37

School building construction or alteration; hearing and notice

Sec. 37. (a) If the governing body proposes to construct, repair, or alter a school building at a cost of more than one million dollars ($1,000,000) that would be financed by:

(1) entering into a lease agreement under IC 20-47-2-11 through IC 20-47-2-14 or IC 20-47-3-9 through IC 20-47-3-12;

(2) issuing bonds under IC 20-48-1; or

(3) any other available method;

the governing body must hold a public hearing at which explanations of the potential value of the proposed project to the school corporation and to the community shall be given and at which interested parties may present testimony and questions.

(b) Notice of the hearing shall be given in accordance with IC 5-3-1. The notice must state that on a given day, time, and place, the governing body will meet to discuss and hear objections and support to the proposed construction.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.124.

IC 20-26-7-38

School building construction or alteration; resolution

Sec. 38. At the public hearing and before bids for construction of the project are invited, the governing body shall adopt a resolution that specifies the following:

(1) The educational purpose the building will serve.

(2) The estimated cost of construction, including the cost of land.

(3) Any other pertinent information, including the estimated impact on the tax rate and the proposed sources of funding.

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

IC 20-26-7-39

Sale or exchange of unneeded school property to state; terms of agreement

Sec. 39. (a) If:

(1) a school corporation; and

(2) the state, either in the name of the state or in the name of the trustees of an agency of the state;

each own improved or unimproved real estate that lies within the boundaries of the school corporation and that is not needed or required for the purpose for which it was acquired, the school corporation and the state may sell, trade, exchange, or convey to or with each other the unneeded real estate upon such terms and conditions mutually agreed upon and incorporated in an agreement between the trustees or board of trustees of the school corporation and the state or, if the real estate is held in the name of the trustees of an agency of the state, by the trustees.

(b) A value must be assigned to each parcel of real estate involved in the sale, trade, or exchange in the agreement. The assigned value must be the fair market value of the real estate as determined by three

(3) appraisers appointed as follows:

(1) One (1) to be appointed by the board of trustees of the school corporation.

(2) One (1) to be appointed by the state or, if the real estate is held in the name of the trustees of an agency of the state, by the trustees.

(3) One (1) to be appointed by the two (2).

(c) The agreement must provide for payment by the party owning the real estate of the smaller value to the other party of the difference of value of the properties.

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

IC 20-26-7-40

Sale or exchange of unneeded school property to state; execution of deed

Sec. 40. Whenever:

(1) an agreement described in section 39 of this chapter is executed; and

(2) the payment of any money is made;

deeds of conveyance shall be executed by the trustees or board of trustees of the school corporation and by the state for the transfer of state owned real estate.

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

IC 20-26-7-41

Township schools; sale of unused school land

Sec. 41. A township trustee may, whenever:

(1) a schoolhouse is removed to a different location or a new one erected for the school in a different place; and

(2) the land where the schoolhouse is situated belongs unconditionally to the township, town, or city;

sell the land, if the trustee believes it is advantageous to the township, town, or city to do so. The township trustee shall sell the land for the highest price that can be obtained for the land. Upon payment of the purchase money to the township, town, or city, the township trustee shall execute to the purchaser a deed of conveyance, which must be sufficient to vest in the purchaser the title the township, town, or city has to the land. The money derived from the sale becomes a part of the school revenue.

As added by P.L.2-2006, SEC.125.

IC 20-26-7-42

Township schools; subsequent conveyance to correct error in prior conveyance

Sec. 42. (a) If an officer authorized to sell school land sells any lands without a title to the land, the officer or the officer's successor in office may convey other land of equal value that is agreed upon by the officer and the purchaser, purchaser's heirs, or purchaser's assigns. If an agreement is not made, the purchase money, with interest, shall be repaid to the purchaser, purchaser's heirs,

purchaser's executors, purchaser's administrators, or purchaser's assigns.

(b) Purchase money may not be repaid until the prosecuting attorney has:

(1) investigated the facts of the case; and

(2) certified to the correctness of the claim.

As added by P.L.2-2006, SEC.126.

IC 20-26-7-43

Limitation on eminent domain related to replacing school destroyed by natural disaster

Sec. 43. (a) This section applies to school corporations organized and formed through reorganization under IC 20-23-4, IC 20-23-6, or IC 20-23-7 and school townships under IC 20-23-3.

(b) This section applies only when a school corporation or school township sustains loss by fire, wind, cyclone, or other disaster of all or a major part of its school building or school buildings.

(c) A school corporation or school township seeking to exercise its right of eminent domain under IC 32-24 to obtain land for use in reconstructing or replacing the school building or school buildings may not condemn more than twice the acreage established by the state board as the minimum acreage requirement for the type of school building damaged or destroyed and being reconstructed or replaced. In determining the acreage, land already owned by the school corporation or school township that adjoins any part of the land out of which additional land is sought to be condemned shall be used in computing the total acreage for the reconstruction or replacement of the school building or school buildings under this section. The need for the additional land is subject to judicial review in the court where the condemnation action is filed and may, at the request of either party, be tried either by the court or a jury before appraisers are appointed with full rights of appeal, by either party, from the interlocutory findings.

As added by P.L.2-2006, SEC.127.

IC 20-26-7-44

Township schools; disposition of gift received to build school

Sec. 44. (a) If:

(1) a school township has acquired or acquires any personal property or money by gift, devise, or bequest;

(2) the donor or testator, at the time of making the gift, devise, or bequest does not or did not attach any conditions or directions concerning the way or manner in which the gift, devise, or bequest may or shall be used or expended for the benefit of the public schools of the school township; and

(3) a petition is signed by at least fifty (50) resident freeholders of the school township and filed before August 2 with the trustee of the school township, requesting the township board to appropriate and transfer all of the gift, devise, or bequest to a capital projects fund or debt service fund to be used for the

erection of a new school building or buildings;

the trustee shall give notice to the taxpayers of the school township, by publication, that on the same day on which the township board meets to establish the tax levy for the ensuing year, all persons interested in the proposed petition may appear and be heard.

(b) If the township board grants the petition after the hearing, the township board shall appropriate and transfer all the money of the gift, devise, or bequest to a capital projects fund or debt service fund for the erection of a new school building or buildings.

(c) If any gift, devise, or bequest subject to this section consists of stocks, bonds, or other personal property, the township trustee, with the consent and approval of the township board, may sell the stocks, bonds, or other personal property for not less than the market value of the property on the day on which the property is sold.

As added by P.L.2-2006, SEC.128.

IC 20-26-7-45

Legalization of certain school corporation actions in acquiring property under deed with reverter clause; school corporation rights in case of reversion

Sec. 45. (a) The actions of a school corporation taken before January 1, 1993, in acquiring any interest in real estate or a real estate improvement under a deed that contains a reverter clause that limits the use of the property by the school corporation are legalized.

(b) If a reversion occurs under a deed described in subsection (a), the school corporation is entitled to the improvements or the fair market value of the improvements made to the property by the school corporation.

As added by P.L.220-2011, SEC.329.

IC 20-26-8

Chapter 8. Community Use of School Property

IC 20-26-8-1

Community use of school facilities for educational and recreational activities

Sec. 1. A board of school trustees in a second or third class city, a board of school trustees of a town, or the school trustees of a school township:

(1) may, on their own initiative, and shall, upon petition as provided in section 2 of this chapter, establish and maintain for children and adults in the school buildings and on the school grounds under the custody and management of the boards or school trustees of school townships:

(A) evening schools;

(B) vacation schools;

(C) debating clubs;

(D) community centers;

(E) gymnasiums;

(F) public playgrounds;

(G) public baths; and

(H) similar activities and accommodations as determined by the boards or school trustees of school townships;

without charge to the residents of the cities, towns, or townships; and

(2) may:

(A) cooperate, by agreement, with other commissioners or boards or school trustees of school townships that have custody and management of public parks, libraries, museums, and other public buildings and grounds to provide the:

(i) equipment;

(ii) supervision;

(iii) instruction; and

(iv) oversight;

necessary to conduct public educational and recreational activities in and upon the other buildings and grounds; and

(B) pay all expenses associated with the activities from the general fund.

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

IC 20-26-8-2

Petition, certification, and election on use of facilities

Sec. 2. (a) If:

(1) a petition is filed with:

(A) the clerk of a municipality; or

(B) the trustee of any township;

that is signed by at least ten percent (10%) of the number of voters voting at the last general election held in the city; or

(2) a petition is presented that contains the signatures of at least

one hundred (100) freeholders living in a town or township;

that sets forth a question in the form prescribed by IC 3-10-9-4 and a date for an election on the question, the question of exercising the powers granted for any of the purposes enumerated in section 1 of this chapter shall be submitted to the electors of the municipalities or townships.

(b) The clerk or trustee shall certify the public question to the county election board of each county in which the school corporation is located. The county election board shall place the public question on the ballot at the first primary or general election conducted after certification under IC 3-10-9-3. If the first primary or general election will be conducted more than six (6) months after certification, the county election board shall conduct the election not later than thirty (30) days after certification.

(c) If a majority of the votes cast upon the question are affirmative:

(1) the board of school trustees of the municipality; or

(2) the school trustee of the school township;

shall exercise the powers in accordance with the petition under this chapter.

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

IC 20-26-8-3

Authority to receive and expend gifts and appropriations

Sec. 3. (a) The board or school trustee of any school township may receive and expend for purposes of this chapter money received as gifts or appropriations made by individuals, business establishments, or organizations.

(b) The board or school trustee of a school township may also receive property that donors transfer to the board or school trustee of a school township. The property may be used only in conformity with the purposes of this chapter.

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

IC 20-26-8-4

Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-26-8-5

Use of abandoned school property as community center; restrictions on sale

Sec. 5. If a district public school has been abandoned and the schoolhouse and school grounds in the district are no longer used or needed for public school purposes, the township trustee in charge of the school building and school grounds:

(1) shall, upon application of at least fifty-one percent (51%) of the freehold residents of the school district, allow the use of the abandoned schoolhouse and school grounds as a community center for nonpartisan gatherings of citizens of the school district for civic, social, and recreational purposes; and

(2) may not sell or offer for sale any building or grounds:
(A) while the building or grounds are used as a community center; or
(B) for at least one (1) year after the discontinuance of the use of any abandoned schoolhouse and school grounds for a community center.

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

IC 20-26-8-6

Operation and management of community center

Sec. 6. (a) The operation and management of a community center shall be vested in a nonprofit corporation organized for that purpose under the general laws regulating the formation of nonprofit corporations.

(b) The membership of a nonprofit corporation described in subsection (a) must be composed of resident freeholders of the school district.

(c) The expenses of improvement of the school grounds and reconstruction or repairs of the abandoned schoolhouse shall be paid for by the corporation in charge of the community center while the school grounds or schoolhouse is operated and managed as a community center.

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

IC 20-26-8-7

Cessation of community center when property used for school purposes

Sec. 7. An established community center in a school district shall cease its operation in the schoolhouse and upon the school grounds not more than one (1) month following the receipt of a written notice:

(1) submitted to the proper officers of the corporation of the community center; and
(2) by the township trustee of the township where the community center is being operated;

that indicates the school building and school grounds are needed for school purposes.

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

IC 20-26-8-8

Use of abandoned school property as park

Sec. 8. If:

(1) a third class city in which a school corporation of the city has purchased, in the name of the school corporation, real estate to be used for school purposes; and
(2) the real estate is subsequently abandoned for school purposes;

the school trustees of the school corporations may authorize the use of the real estate for park purposes as provided by this chapter.

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

IC 20-26-8-9

Conditions and restrictions for park purposes

Sec. 9. (a) Money may not be expended out of a school corporation treasury for the maintenance of abandoned school grounds for park purposes.

(b) However, the board of school trustees of a school corporation in a third class city that owns abandoned school grounds may, by an order entered and properly recorded, allow the use of abandoned school grounds by a third class city for park purposes. The order must contain the conditions, restrictions, and limitations within which the third class city may take and use the abandoned school grounds for park purposes.

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

IC 20-26-8-10

Acceptance of abandoned school property and cemeteries for park purposes

Sec. 10. (a) A third class city may, by an ordinance of the common council, accept from a school corporation located within the city the use of abandoned school grounds as provided by this chapter.

(b) A third class city may, by an ordinance of the common council, accept from a person for a definite time of at least five (5) years the use of any real estate in the city formerly used as a cemetery if:

(1) the cemetery has been abandoned; and

(2) the bodies have been removed from the cemetery.

(c) A third class city may, through its common council, use and maintain real estate described in subsections (a) and (b) for park purposes for the use of the general public under the same conditions and restrictions provided by law for the use and control and maintenance of park properties by third class cities as if the city owned the real estate.

(d) A third class city may accept by city ordinance real estate for park purposes under the order of the school trustees of the school corporation as provided by this chapter or from another person.

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

IC 20-26-8-11

Title to property used for park purposes

Sec. 11. The:

(1) title to the real estate remains in the school corporation; and

(2) use by third class cities continues;

while the cities continue to maintain the real estate as a public park.

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

IC 20-26-8-12

Return of property to school corporation when use for park purposes ceases

Sec. 12. If:

(1) real estate has been accepted for park purposes; and

(2) a city abandons the use of the real estate for park purposes; the school trustees of the school corporation that owns the real estate may take possession of the real estate and sell or otherwise convey the real estate.

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

IC 20-26-8-13

Community use of school swimming pool; reasonable fees allowed

Sec. 13. (a) In a school township located in a county having a population of:

(1) more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(2) more than two hundred thousand (200,000) but less than three hundred thousand (300,000);

the township trustee, in administering the recreation program under this chapter, may supplement the funds by making a reasonable charge for admission to any outdoor swimming pool located on the school township property and owned by the school township.

(b) With the approval of the township board, the township trustee shall establish the admission fee or a schedule of admission fees to be collected for the use of the swimming pool. Fees collected shall be deposited in a recreation fund established under this chapter. Disbursements for personal services, operation, maintenance, and repairs of the swimming pool shall be paid from the recreation fund.

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

IC 20-26-9

Chapter 9. School Breakfast and Lunch Programs

IC 20-26-9-1

"Participating school corporation"

Sec. 1. As used in this chapter, "participating school corporation" refers to a school corporation that includes at least one (1) qualifying school building.

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

IC 20-26-9-2

"Qualifying school building"

Sec. 2. (a) This subsection applies before July 1, 2007. As used in this chapter, "qualifying school building" refers to a public school building in which:

(1) at least twenty-five percent (25%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and

(2) lunches are served to students.

(b) This subsection applies after June 30, 2007. As used in this chapter, "qualifying school building" refers to a public school building in which:

(1) at least fifteen percent (15%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and

(2) lunches are served to students.

As added by P.L.1-2005, SEC.10. Amended by P.L.54-2006, SEC.1.

IC 20-26-9-3

"School"

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

(1) An Indiana public school in which any grade from kindergarten through grade 12 is taught.

(2) A nonpublic school in which any grade from kindergarten through grade 12 is taught that is not operated for profit in whole or in part.

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

IC 20-26-9-4

"School board"

Sec. 4. As used in this chapter, "school board" means:

(1) when applicable to a public school of Indiana, the board of school trustees, board of school commissioners, school board of incorporated towns and cities, and township school trustees; or

(2) when applicable to a school other than a public school, a person or agency in active charge and management of the school.

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

IC 20-26-9-5
"School breakfast program"

Sec. 5. As used in this chapter, "school breakfast program" refers to a program under which breakfast is served at a qualifying school building on a nonprofit basis to students enrolled at the qualifying school building.

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

IC 20-26-9-6
"School lunch program"

Sec. 6. As used in this chapter, "school lunch program" means a program under which lunches are served by a school in Indiana on a nonprofit basis to children in attendance, including any program under which a school receives assistance out of funds appropriated by the Congress of the United States.

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

IC 20-26-9-7
Authority of state superintendent to accept and disburse federal aid for school lunch programs

Sec. 7. (a) The state superintendent may accept and direct the disbursement of funds appropriated by any act of the United States Congress and apportioned to the state for use in connection with school lunch programs.

(b) The state superintendent shall deposit all funds received from the federal government with the treasurer of state in a special account or accounts to facilitate the administration of the program. The treasurer of state shall make disbursements from the account or accounts upon direction of the state superintendent.

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

IC 20-26-9-8
Establishment and operation of school lunch programs

Sec. 8. (a) The state superintendent may enter into agreements with a school board or with any other agency or person, prescribe regulations, employ personnel, and take any action that the state superintendent may consider necessary to provide for the establishment, maintenance, operation, and expansion of a school lunch program and to direct the disbursement of federal and state funds under any federal or state law.

(b) The state superintendent may give technical advice and assistance to a school corporation in connection with the establishment and operation of a school lunch program and may assist in training personnel engaged in the operation of the program. The state superintendent and any school corporation or sponsoring agency may accept any gift for use in connection with a school lunch program.

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

IC 20-26-9-9

Sponsoring agencies for school lunch program; appointment

Sec. 9. A governing body may:

(1) operate or, by the appointment of a sponsoring agency, provide for the operation of school lunch programs in schools under the governing body's jurisdiction;

(2) contract with respect to food, services, supplies, equipment, and facilities for the operation of the programs; and

(3) use funds disbursed under this chapter and gifts and other funds received from the sale of school lunches under the programs.

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

IC 20-26-9-10

Accounts and records; inspection

Sec. 10. (a) The state superintendent shall prescribe rules for keeping accounts and records and making reports by or under the supervision of a governing body.

(b) The accounts and records shall:

(1) be available for inspection and audit at all times by authorized officials; and

(2) be preserved for at least five (5) years, as the state superintendent may prescribe.

(c) The state superintendent shall conduct or cause to be conducted any audits, inspections, and administrative reviews of acts, records, and operations of a school lunch program necessary to do the following:

(1) Determine whether agreements with the governing body and rules under this chapter are being complied with.

(2) Ensure that a school lunch program is effectively administered.

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

IC 20-26-9-11

Studies to improve school lunch programs and promote nutritional education

Sec. 11. The state superintendent may, to the extent that funds are available and in cooperation with other appropriate agencies and organizations, do the following:

(1) Conduct studies of methods of improving and expending school lunch programs and promoting nutritional education in the schools.

(2) Conduct appraisals of the nutritive benefits of school lunch programs.

(3) Report the findings and recommendations periodically to the governor.

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

IC 20-26-9-12

Authority to operate school kitchens and lunchrooms; appropriations; state aid contingent on federal aid

Sec. 12. (a) School cities, school townships, school towns, and joint districts may:

(1) establish, equip, operate, and maintain school kitchens and school lunchrooms for the improvement of the health of students and for the advancement of the educational work of their respective schools;

(2) employ all necessary directors, assistants, and agents; and

(3) appropriate funds for the school lunch program.

Participation in a school lunch program under this chapter is discretionary with the governing board of a school corporation.

(b) If federal funds are not available to operate a school lunch program:

(1) the state may not participate in a school lunch program; and

(2) money appropriated by the state for that purpose and not expended shall immediately revert to the state general fund.

(c) Failure on the part of the state to participate in the school lunch program does not invalidate any appropriation made or school lunch program carried on by a school corporation by means of gifts or money appropriated from state tuition support distributions received by the school corporation.

As added by P.L.1-2005, SEC.10. Amended by P.L.146-2008, SEC.468.

IC 20-26-9-13

Implementation of school breakfast program

Sec. 13. The governing body of a participating school corporation shall implement or contract for the implementation of a school breakfast program at each qualifying school building within the school corporation's boundaries.

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

IC 20-26-9-14

Compliance with national school breakfast program participation requirements

Sec. 14. A governing body shall implement the governing body's breakfast program in compliance with the requirements for participation in the national school breakfast program under 42 U.S.C. 1773 et seq.

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

IC 20-26-9-15

Assistance of department

Sec. 15. The department shall assist each participating school corporation in implementing the school's breakfast program and in making all appropriate applications to the federal government for available financial assistance on behalf of the participating school corporation.

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

IC 20-26-9-16

Department to monitor programs and maintain records

Sec. 16. The department shall monitor the school breakfast programs required under this chapter and maintain complete and accurate records of the programs.

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

IC 20-26-9-17

Department to establish guidelines

Sec. 17. (a) The department shall establish guidelines to implement this chapter.

(b) The state board may adopt rules under IC 4-22-2 to implement this chapter.

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

IC 20-26-9-18

School health advisory councils

Sec. 18. (a) Before July 1, 2007, each school board shall establish a coordinated school health advisory council (referred to as the "advisory council" in this section). The advisory council may review the corporation's wellness policies on a yearly basis and suggest to the school board for approval changes to the policies that comply with the requirements of federal Public Law 108-265 and IC 5-22-15-24(c) before July 1 of each year. The advisory council must hold at least one (1) hearing at which public testimony about the local wellness policy being developed is allowed.

(b) The school board shall appoint the members of the advisory council, which must include the following:

(1) Parents.
(2) Food service directors and staff.
(3) Students.
(4) Nutritionists or certified dietitians.
(5) Health care professionals.
(6) School board members.
(7) A school administrator.
(8) Representatives of interested community organizations.

(c) The school board shall adopt a school district policy on child nutrition and physical activity that takes into consideration recommendations made by the advisory council.

(d) The department shall, in consultation with the state department of health, provide technical assistance to the advisory councils, including providing information on health, nutrition, and physical activity, through educational materials and professional development opportunities. The department shall provide the information given to an advisory council under this subsection to a school or parent upon request.

As added by P.L.54-2006, SEC.2.

IC 20-26-9-19

Food and beverage items sold to students; nutritional values

Sec. 19. (a) This section does not apply to a food or beverage item

that is:

(1) part of a school lunch program or school breakfast program;

(2) sold in an area that is not accessible to students;

(3) sold after normal school hours; or

(4) sold or distributed as part of a fundraiser conducted by students, teachers, school groups, or parent groups, if the food or beverage is not intended for student consumption during the school day.

However, this section applies to a food or beverage item that is sold in the a la carte line of a school cafeteria and is not part of the federal school lunch program or federal school breakfast program.

(b) A vending machine at an elementary school that dispenses food or beverage items may not be accessible to students.

(c) At least fifty percent (50%) of the food items available for sale at a school or on school grounds must qualify as better choice foods and at least fifty percent (50%) of the beverage items available for sale at a school or on school grounds must qualify as better choice beverages. Food and beverage items are subject to the following for purposes of this subsection:

(1) The following do not qualify as better choice beverages:

(A) Soft drinks, punch, iced tea, and coffee.

(B) Fruit or vegetable based drinks that contain less than fifty percent (50%) real fruit or vegetable juice or that contain additional caloric sweeteners.

(C) Except for low fat and fat free chocolate milk, drinks that contain caffeine.

(2) The following qualify as better choice beverages:

(A) Fruit or vegetable based drinks that:

(i) contain at least fifty percent (50%) real fruit or vegetable juice; and

(ii) do not contain additional caloric sweeteners.

(B) Water and seltzer water that do not contain additional caloric sweeteners.

(C) Low fat and fat free milk, including chocolate milk, soy milk, rice milk, and other similar dairy and nondairy calcium fortified milks.

(D) Isotonic beverages.

(3) Food items that meet all the following standards are considered better choice foods:

(A) Not more than thirty percent (30%) of their total calories are from fat.

(B) Not more than ten percent (10%) of their total calories are from saturated and trans fat.

(C) Not more than thirty-five percent (35%) of their weight is from sugars that do not occur naturally in fruits, vegetables, or dairy products.

(d) A food item available for sale at a school or on school grounds may not exceed the following portion limits if the food item contains more than two hundred ten (210) calories:

(1) In the case of potato chips, crackers, popcorn, cereal, trail

mixes, nuts, seeds, dried fruit, and jerky, one and seventy-five hundredths (1.75) ounces.

(2) In the case of cookies and cereal bars, two (2) ounces.

(3) In the case of bakery items, including pastries, muffins, and donuts, three (3) ounces.

(4) In the case of frozen desserts, including ice cream, three (3) fluid ounces.

(5) In the case of nonfrozen yogurt, eight (8) ounces.

(6) In the case of entree items and side dish items, including french fries and onion rings, the food item available for sale may not exceed the portion of the same entree item or side dish item that is served as part of the school lunch program or school breakfast program.

(e) A beverage item available for sale at a school or on school grounds may not exceed twenty (20) ounces.

As added by P.L.54-2006, SEC.3.

IC 20-26-10

Chapter 10. Joint Programs and Personnel

IC 20-26-10-1

"Joint program"

Sec. 1. As used in sections 2 through 9 of this chapter, "joint program" means the joint employment of personnel, joint purchase of supplies or other material, or joint purchase or lease of equipment, joint lease of land or buildings, or both, or joint construction of, remodeling of, or additions to school buildings, by two (2) or more school corporations, for a particular program or purpose. The term includes the joint investment of money under IC 5-13, data processing operations, career and technical education, psychological services, audiovisual services, guidance services, special education, and joint purchasing related to the acquisition of supplies or equipment that are not to be used jointly.

As added by P.L.1-2005, SEC.10. Amended by P.L.234-2007, SEC.104.

IC 20-26-10-2

"Participating school corporation"

Sec. 2. As used in sections 3 through 9 of this chapter, "participating school corporations" means all school corporations engaging in a joint program.

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

IC 20-26-10-3

Joint programs authorized; contents of agreement

Sec. 3. (a) Two (2) or more school corporations acting through their respective governing bodies may engage in joint programs under a written agreement executed by all participating school corporations.

(b) The agreement shall do the following:

(1) Designate the type of purchases, leases, or investments to be made.

(2) Prescribe the manner of approving persons employed under the joint program.

(3) Designate the type of construction, remodeling, or additions to be made on the school buildings.

(4) Provide for the organization, administration, support, funding, and termination of the program, subject to the provisions of this chapter.

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

IC 20-26-10-4

Administration and supervision of joint program

Sec. 4. An agreement shall designate one (1) of the participating school corporations to administer and supervise the joint program, including receiving and disbursing funds, executing documents, and maintaining records under this chapter and the agreement between

the participating school corporations.
As added by P.L.1-2005, SEC.10.

IC 20-26-10-5
Teachers without prior service; employment by joint program

Sec. 5. (a) A teacher employed in a joint program who does not have existing years of service in one (1) of the member corporations of the joint program is considered to have been employed as a teacher by the governing body that is administering the joint program at the time that the teacher is first employed by the joint program.

(b) The teacher is entitled to the same rights and privileges as set forth in IC 20-28-6 through IC 20-28-10 as if employed as a regular teacher by the governing body that is administering the joint program at the time that the teacher is first employed by the joint program.
As added by P.L.1-2005, SEC.10.

IC 20-26-10-6
Teachers with prior service; employment by joint program

Sec. 6. A teacher who has existing years of service in one (1) of the member school corporations of the joint program shall retain the same rights and privileges as set forth in IC 20-28-6 through IC 20-28-10 as if still employed as a teacher in the school corporation in which the teacher has already acquired years of service.
As added by P.L.1-2005, SEC.10.

IC 20-26-10-7
Loss of joint program teaching jobs

Sec. 7. (a) A teacher who loses the teacher's job in a joint program because of:

(1) a reduction in services;
(2) a reorganization;
(3) the discontinuance of the joint program; or
(4) a withdrawal in whole or in part of a participating school from the joint program;

shall be accorded the same rights that are provided under IC 20-35-5-11 for teachers from special education cooperatives.

(b) A teacher who:

(1) is employed in a joint program under this chapter;
(2) loses the teacher's job in the joint program as described in subsection (a); and
(3) subsequently is employed by a participating school corporation as described in subsection (a);

retains the rights and privileges under IC 20-28-6 through IC 20-28-10 that the teacher held at the time the teacher lost the job in the joint program as described in subdivision (2).
As added by P.L.1-2005, SEC.10.

IC 20-26-10-8
Joint services, leasing, construction, and supply fund

Sec. 8. (a) The governing bodies of participating school corporations may pay into a joint fund, known as the joint services, leasing, construction, and supply fund, an amount set forth in the written agreement under section 3 of this chapter. Each governing body shall budget and appropriate funds for the joint program from the school corporation's general fund in accordance with laws governing the use of the general fund.

(b) The joint services, leasing, construction, and supply fund shall be held by the governing body of the school corporation designated in the written agreement to administer and supervise the joint program. The designated governing body shall receive, disburse, and maintain an account for the fund in the same manner as prescribed for other funds of the governing body and under the written agreement but without any further or additional appropriation of the funds. The designated governing body shall:

(1) make a complete and detailed financial report of all receipts and disbursements not later than thirty (30) days after the end of each school year; and

(2) furnish copies of the report to the governing bodies of all other participating school corporations.

The reports required under this section are supplementary to and do not supersede or repeal the requirements for publication of annual reports of certain school corporations as provided by IC 5-3-1.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.129.

IC 20-26-10-9

Joint investment fund; administration; designated depositories

Sec. 9. (a) The governing bodies of participating school corporations may pay into a joint fund, to be known as the joint investment fund, all or part of the money the governing bodies may otherwise invest under IC 5-13-9. The fund shall be administered by the governing body of the school corporation designated in the written agreement under section 3 of this chapter. The designated governing body shall receive, invest, maintain an account for, and disburse the fund in the same manner as prescribed for other funds for the governing body representing money available for investment and in accordance with the written agreement.

(b) With respect to an investment described in IC 5-13-9, quotes may be solicited and received orally, and the investment shall be made with the designated depository that submitted the highest quote. If two (2) or more designated depositories submit the highest quote, the investment shall be made either:

(1) by dividing the investment among the depositories so as not to lose the benefits of the quotes received; or

(2) if division is not practicable, by lot.

(c) The designated depository holding the investment shall remit to the governing body administering the joint program any money due under the investment on the date the investment matures and in the manner directed by the governing body. A designated depository participating in an agreement for joint investment of money under

IC 5-13 shall provide a detailed accounting of the transactions as required for audit purposes by the state board of accounts.
As added by P.L.1-2005, SEC.10.

IC 20-26-10-10
Joint employment of professional personnel; joint purchase of supplies and equipment

Sec. 10. Two (2) or more school corporations within a county may through their respective school trustees and boards engage in any of the following:

(1) Joint employment of professional personnel.

(2) Joint purchases of necessary supplies, equipment, and other materials that the participating school officers consider proper to the operation of their respective schools.

The cost of these services and purchases to participating corporations shall be determined by their proportionate use in the schools of participating corporations. The county superintendent of schools is the administrator of these joint activities.
As added by P.L.1-2005, SEC.10.

IC 20-26-10-11
Joint service and supply fund; authorization; reports

Sec. 11. (a) A county board of education may authorize the county superintendent of schools to establish a joint service and supply fund, into which fund the participating school corporations shall pay their proportionate share under an agreement for the joint services and supplies in which the school corporations are interested. The county superintendent of schools may disburse from the service and supply fund proper expenditures to pay salaries of jointly employed personnel and other joint service expenditures.

(b) The county superintendent of schools shall keep a complete written accounting of all receipts and disbursements related to the joint service and supply fund in a form approved by the state board of accounts. The accounting shall be audited by the state board of accounts. The county superintendent of schools shall make a complete and detailed financial report of all receipts and disbursements in the joint service and supply fund at the end of each fiscal year and shall furnish copies of the report to all participating school corporations.
As added by P.L.1-2005, SEC.10.

IC 20-26-10-12
Purchasing and bidding rules

Sec. 12. The purchasing of equipment, supplies, and materials shall be under the same laws and regulations as the purchasing would be if it were by a single school corporation. However, the bids shall be submitted by the superintendent of county schools to the participating corporations for approval.
As added by P.L.1-2005, SEC.10.

IC 20-26-11

Chapter 11. Legal Settlement and Transfer of Students; Transfer Tuition

IC 20-26-11-0.2

Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 20-8.1-6.1-9 (before its repeal, now codified at section 14 of this chapter) by P.L.260-1997 apply only to school years beginning after June 30, 1996.

As added by P.L.220-2011, SEC.330.

IC 20-26-11-1

"Residence", "resides", and comparable terms

Sec. 1. As used in this chapter with respect to legal settlement, transfers, and the payment of tuition, the words "residence", "resides", or other comparable language means a permanent and principal habitation that an individual uses for a home for a fixed or indefinite period, at which the individual remains when not called elsewhere for work, studies, recreation, or other temporary or special purpose. These terms are not synonymous with legal domicile. Except as provided in section 2(3) of this chapter, where a court order grants an individual custody of a student, the residence of the student is where that individual resides.

As added by P.L.1-2005, SEC.10. Amended by P.L.13-2006, SEC.1.

IC 20-26-11-2

Legal settlement

Sec. 2. The legal settlement of a student is governed by the following provisions:

(1) If the student:

(A) is less than eighteen (18) years of age; or

(B) is at least eighteen (18) years of age but is not emancipated;

the legal settlement of the student is in the attendance area of the school corporation where the student's parents reside.

(2) If the student's mother and father, in a situation to which subdivision (1) otherwise applies, are divorced or separated, the legal settlement of the student is the school corporation whose attendance area contains the residence of the parent with whom the student is living, in the following situations:

(A) If a court order has not been made establishing the custody of the student.

(B) Except as provided in subdivision (3), if both parents have agreed on the parent or person with whom the student will live.

(C) If the parent granted custody of the student has abandoned the student.

In the event of a dispute between the parents of the student, or between the parents and a student at least eighteen (18) years of age, the legal settlement of the student shall be determined as

otherwise provided in this section.

(3) If, in a situation in which subdivision (1) otherwise applies, the student's mother and father are divorced or separated, and if a court order grants the student's:

(A) mother;

(B) father; or

(C) both mother and father;

custody of the student, the legal settlement of the student is the school corporation whose attendance area contains the residence of the mother or father, as elected under section 2.5(a) of this chapter. If the custodial parent (or the student, if at least eighteen (18) years of age) does not make an election under section 2.5(a) of this chapter, the legal settlement of the student is the school corporation whose attendance area contains the residence of the parent granted physical custody by the court order.

(4) If the legal settlement of a student, in a situation to which subdivision (1) otherwise applies, cannot reasonably be determined and the student is being supported by, cared for by, and living with some other individual, the legal settlement of the student is in the attendance area of that individual's residence, except where the parents of the student are able to support the student but have placed the student in the home of another individual, or allowed the student to live with another individual, primarily for the purpose of attending school in the attendance area where the other individual resides. The school may, if the facts are in dispute, condition acceptance of the student's legal settlement on the appointment of that individual as legal guardian or custodian of the student, and the date of legal settlement will be fixed to coincide with the commencement of the proceedings for the appointment of a guardian or custodian. However, if a student does not reside with the student's parents because the student's parents are unable to support the child and the child is not residing with an individual other than a parent primarily to attend a particular school, the student's legal settlement is where the student resides, and the establishment of a legal guardianship may not be required by the school. In addition, a legal guardianship or custodianship established solely to attend school in a particular school corporation does not affect the determination of the legal settlement of the student under this chapter.

(5) If a student, to whom subdivision (1) would otherwise apply, is married and living with a spouse, the legal settlement of that student is in the attendance area of the school corporation where the student and the student's spouse reside.

(6) If the student's parents:

(A) are living outside the United States due to educational pursuits or a job assignment;

(B) do not maintain a permanent home in any school corporation in the United States; and

(C) have placed the student in the home of another individual;

the legal settlement of the student is in the attendance area where the other individual resides.

(7) If the student is emancipated, the legal settlement is the attendance area of the school corporation of the student's residence.

(8) If a student's legal settlement is changed after the student has begun attending school in a school corporation in any school year, the effective date of change may:

(A) at the election of:

(i) the parent;

(ii) the student, if the student is at least eighteen (18) years of age; or

(iii) a juvenile court conducting a proceeding under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal);

be extended until the end of that semester; or

(B) at the discretion of the school, until the end of that school year.

However, that election, where a student has completed grade 11 in any school year, shall extend to the end of the following school year in grade 12.

(9) If a juvenile court has:

(A) made findings of fact concerning the legal settlement of a student under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6 (or IC 31-6-4-18.5 before its repeal); and

(B) jurisdiction over the student under IC 31-34 or IC 31-37;

the legal settlement of the student is the attendance area specified as the legal settlement in the latest findings of fact issued by the juvenile court.

As added by P.L.1-2005, SEC.10. Amended by P.L.13-2006, SEC.2.

IC 20-26-11-2.5

Election to have legal settlement

Sec. 2.5. (a) In the case of a student described in section 2(3) of this chapter, the:

(1) parent granted physical custody by a court; or

(2) student, if the student is at least eighteen (18) years of age;

may, not later than fourteen (14) days before the first student day of the school year, elect for the student to have legal settlement in the school corporation whose attendance area contains the residence of the student's mother or the school corporation whose attendance area contains the residence of the student's father.

(b) An election under subsection (a) may be made only on a yearly basis.

(c) The parent or student who makes an election under subsection (a) is not required to pay transfer tuition.

As added by P.L.13-2006, SEC.3. Amended by P.L.141-2006,

SEC.93.

IC 20-26-11-3

Forms concerning legal settlement

Sec. 3. The state superintendent shall prepare the form of agreement to be used under section 2(2) of this chapter and a form to be executed by any individual with whom the student is living under section 2(2), 2(3), 2(4), or 2(6) of this chapter. The execution of the form by the individual and its continuance in force is a condition to the application of section 2(2), 2(3), 2(4), or 2(6) of this chapter. The form must contain an agreement of the individual that the individual shall, with respect to dealing with the school corporation and for all other purposes under this article, assume all the duties and be subject to all the liabilities of a parent of the student in the same manner as if the individual were the student's parent. On the execution of that form and for as long as it remains in force, the individual has these duties and liabilities.

As added by P.L.1-2005, SEC.10. Amended by P.L.13-2006, SEC.4.

IC 20-26-11-4

Appeal from determination of legal settlement

Sec. 4. A student is emancipated when the student:

(1) furnishes the student's support from the student's own resources;

(2) is not dependent in any material way on the student's parents for support;

(3) files or is required by applicable law to file a separate tax return; and

(4) maintains a residence separate from that of the student's parents.

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

IC 20-26-11-5

Transfer at request of parent or student; approval; appeal

Sec. 5. (a) The parents of any student, regardless of the student's age, or the student after the student has become eighteen (18) years of age may request a transfer from a school corporation in which the student has a legal settlement to a transferee school corporation in Indiana or another state if the student may be better accommodated in the public schools of the transferee corporation. Whether the student can be better accommodated depends on such matters as:

(1) crowded conditions of the transferee or transferor corporation; and

(2) curriculum offerings at the high school level that are important to the vocational or academic aspirations of the student.

(b) The request for transfer must be made in writing to the transferor corporation, which shall immediately mail a copy to the transferee corporation. The request for transfer must be made at the times provided under rules adopted by the state board. The transfer

is effected if both the transferee and the transferor corporations approve the transfer not more than thirty (30) days after that mailing. If the transferor school corporation fails to act on the transfer request within thirty (30) days after the request is received, the transfer is considered approved. The transfer is denied when either school corporation: mails a written denial by certified mail to the requesting parents or student at their last known address.

(c) If a request for transfer is denied under subsection (b), an appeal may be taken to the state board by the requesting parents or student, if commenced not more than ten (10) days after the denial. An appeal is commenced by mailing a notice of appeal by certified mail to the superintendent of each school corporation and the state board. The state superintendent shall develop forms for this purpose, and the transferor corporation shall assist the parents or student in the mechanics of commencing the appeal. An appeal hearing must comply with section 15 of this chapter.

As added by P.L.1-2005, SEC.10. Amended by P.L.89-2005, SEC.3.

IC 20-26-11-6

Transfer tuition

Sec. 6. (a) A school corporation may accept a transferring student without approval of the transferor corporation under section 5 of this chapter.

(b) A transfer may be accepted regardless of whether, as a condition of the transfer, the transferee school requires the requesting parents or student to pay transfer tuition in an amount determined under the formula established in section 13 of this chapter for the payment of transfer tuition by a transferor school corporation. However, if the transferee school elects to charge transfer tuition, the transferee school may not offset the amounts described in section 13(b) STEP TWO (B) through section 13(b) STEP TWO (D) of this chapter from the amount charged to the requesting parents or student.

(c) When the transferee school elects to charge tuition to the requesting parents or student, the tuition determined under subsection (b) must be paid by the parents or the student before the end of the school year in installments as determined by the transferee corporation.

(d) Failure to pay a tuition installment that is agreed to by the parents or student and the transferee school corporation is a ground for exclusion from school.

(e) If the transferee school elects not to charge transfer tuition to the parents or student under this section, the transferee school may not charge transfer tuition or fees to the transferor school.

As added by P.L.1-2005, SEC.10. Amended by P.L.30-2010, SEC.1.

IC 20-26-11-7

Transfers; students with disabilities

Sec. 7. (a) A school corporation may transfer a student with a physical, emotional, or mental disability to a transferee corporation that maintains special programs or facilities for children with the

disability of the transferred student.

(b) A transferee corporation may refuse the transfer under subsection (a) by mailing a notice by certified mail to:

(1) the transferor corporation;

(2) the parents of the student; and

(3) the state board.

(c) If a transferee corporation refuses transfer under subsection (b), the state board shall determine the question of granting a transfer under the procedures set out in section 15 of this chapter.

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

IC 20-26-11-8

Payment of transfer tuition for students in public and private institutions or in foster homes

Sec. 8. (a) A student who is placed in a state licensed private or public health care facility or child care facility:

(1) by or with the consent of the department of child services;

(2) by a court order; or

(3) by a child placing agency licensed by the department of child services;

may attend school in the school corporation in which the facility is located. If the school corporation in which the facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as having a disability under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as having a disability under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board

under IC 20-35-2-1(b)(5).

(c) A student who is placed in:

(1) an institution operated by the division of disability and rehabilitative services or the division of mental health and addiction; or

(2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) This subsection applies to a student who is placed:

(1) by or with the consent of the department of child services;

(2) by a court order; or

(3) by a child placing agency licensed by the department of child services;

in a foster family home or the home of a relative or other unlicensed caretaker that is not located in the school corporation in which the student has legal settlement. The student may attend school in either the school corporation in which the foster family home or other home is located or the school corporation in which the student has legal settlement. The department of child services and the student's foster parents or caretaker shall make the determination concerning where the student attends school unless that determination is made by a court that has jurisdiction over the student. If a licensed child placing agency is responsible for oversight of the foster family home in which the student is placed or for providing services to the student, the department of child services must consult with the licensed child placing agency concerning the determination of, or the recommendations made to the court concerning, where the student attends school. Except as provided in subsection (e), transfer tuition is not required for the student.

(e) If a student to whom subsection (d) applies is attending school in a school corporation that is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay transfer tuition to the school corporation in which the student is enrolled in school if all of the following conditions apply:

(1) The student was previously placed in a child caring institution licensed under IC 31-27-3.

(2) While placed in the child caring institution, the student was enrolled in a school that is:

(A) administered by the school corporation in which the child caring institution is located; and

(B) located at the child caring institution.

(3) The student was moved from the child caring institution to a licensed foster family home supervised by the child caring

institution either:

(A) with the approval of the department of child services and the court having jurisdiction over the student in a case under IC 31-34; or

(B) by a court order in a case under IC 31-37.

(4) After moving from the child caring institution to the foster family home, the student continues to attend the school located at the child caring institution.

(5) The legal settlement of the student was determined by a juvenile court under IC 31-34-20-5, IC 31-34-21-10, IC 31-37-19-26, or IC 31-37-20-6.

(f) A student:

(1) who is placed in a facility, home, or institution described in subsection (a), (b), or (c);

(2) to whom neither subsection (d) nor (e) applies; and

(3) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

As added by P.L.1-2005, SEC.10. Amended by P.L.89-2005, SEC.4; P.L.231-2005, SEC.33; P.L.1-2006, SEC.331; P.L.141-2006, SEC.94; P.L.145-2006, SEC.148; P.L.99-2007, SEC.168; P.L.159-2007, SEC.1.

IC 20-26-11-8.5

No effect of P.L.36-1994 on rights, liabilities, penalties, crimes, proceedings before July 1, 1995 relating to paying transfer tuition

Sec. 8.5. With regard to the transfer of responsibility for paying transfer tuition for certain students from the county to the school corporation of the student's legal settlement as described in IC 20-8.1-6.1-5 (as amended by P.L.36-1994, before its repeal, now codified at section 8 of this chapter), P.L.36-1994 does not affect:

(1) rights or liabilities accrued;

(2) penalties incurred;

(3) crimes committed; or

(4) proceedings begun;

before July 1, 1995. Those rights, liabilities, penalties, crimes, and proceedings continue and shall be imposed and enforced under prior law as if P.L.36-1994 had not been enacted.

As added by P.L.220-2011, SEC.331.

IC 20-26-11-9

Notice of legal settlement and placement

Sec. 9. (a) This section applies to each student:

(1) described in section 8(a) of this chapter;

(2) who is placed in a home or facility in Indiana that is outside the school corporation where the student has legal settlement; and

(3) for which the state is not obligated to pay transfer tuition.

(b) Not later than ten (10) days after the department of child services or a probation department places or changes the placement of a student, the department of child services or probation department that placed the student shall notify the school corporation where the student has legal settlement and the school corporation where the student will attend school of the placement or change of placement. Before June 30 of each year, the department of child services or a probation department that places a student in a home or facility shall notify the school corporation where a student has legal settlement and the school corporation in which a student will attend school if a student's placement will continue for the ensuing school year. The notifications required under this subsection must be made by:

(1) the department of child services, if the child is a child in need of services; or

(2) if subdivision (1) does not apply, the court or other agency making the placement.

As added by P.L.1-2005, SEC.10. Amended by P.L.145-2006, SEC.149; P.L.146-2008, SEC.469; P.L.131-2009, SEC.3.

IC 20-26-11-10

Tuition for children of certain state employees and foreign exchange students

Sec. 10. (a) A student who is the child of a state employee who resides on state owned property, resides on state owned property, or is the child of a full-time employee of a state educational institution, who resides on property owned or operated by the state educational institution and used for educational, research, or public service programs is considered a transferred student if:

(1) the student attends a public school in the school corporation located nearest to the student's residence within the county in which all or a part of either the state owned property, or the property owned or operated by the state supported postsecondary institution, is located; or

(2) the state owned property is the Soldiers' and Sailors' Children's Home and the student attends a public school in the county in which the home is located or in an adjacent county.

Transfer tuition for a student transferred under this subsection shall be paid by the state. However, this subsection does not apply to children of state employees residing in student housing on property owned by any state educational institution.

(b) A foreign student visiting in Indiana under any student exchange program approved by the state board is considered a resident student with legal settlement in the school corporation where the foreign exchange student resides. The student may attend a school in the school corporation in which the family with whom the

student is living resides. A school corporation that receives a foreign student may not be paid any transfer tuition. The school corporation shall include the foreign student in computations to determine the amount of state aid that it is entitled to receive.
As added by P.L.1-2005, SEC.10. Amended by P.L.2-2007, SEC.212.

IC 20-26-11-11
Tuition for suspended, expelled, or excluded emotionally disturbed students

Sec. 11. (a) A school corporation may enter into an agreement with:

(1) a nonprofit corporation that operates a federally approved education program; or

(2) a nonprofit corporation that:

(A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code;

(B) for its classroom instruction, employs teachers who are certified by the department;

(C) employs other professionally and state licensed staff as appropriate; and

(D) educates children who:

(i) have been suspended, expelled, or excluded from a public school in that school corporation and have been found to have an emotional disturbance;

(ii) have been placed with the nonprofit corporation by court order;

(iii) have been referred by a local health department;

(iv) have been placed in a state licensed private or public health care or child care facility as described in section 8 of this chapter; or

(v) have been placed by or with the consent of the department under IC 20-35-6-2;

in order to provide a student with an individualized education program that is the most suitable educational program available.

(b) If a school corporation that is a transferee corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon that may not exceed the total of:

(1) the transfer tuition costs for the student that otherwise would be payable to the transferee corporation; and

(2) a proportionate amount of any state or local distributions to the transferee corporation that are computed in any part using ADM or any other student count in which the student is included, if the transferee corporation includes the student in the transferee corporation's ADM for a school year.

(c) If a school corporation that is a transferor corporation enters into an agreement as described in subsection (a), the school corporation shall pay to the nonprofit corporation an amount agreed upon, which may not exceed the total of:

(1) the transfer tuition costs that otherwise would be payable to

a transferee school corporation; and

(2) a proportionate amount of any state or local distributions to the transferor corporation that are computed in any part using ADM or any other student count in which the student is included, if the transferor corporation includes the student in the transferor corporation's ADM for a school year.

As added by P.L.1-2005, SEC.10. Amended by P.L.246-2005, SEC.131; P.L.99-2007, SEC.169; P.L.159-2007, SEC.2.

IC 20-26-11-12

Interstate transfers

Sec. 12. (a) If a student is transferred under section 5 of this chapter from a school corporation in Indiana to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee may not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount may not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(b) If a child is:

(1) placed by or with the consent of the department of child services in an out-of-state institution or other facility; and

(2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the department of child services shall pay to the public school corporation in which the child is enrolled, the amount of transfer tuition specified in subsection (c).

(c) The transfer tuition for which the department of child services is obligated under subsection (b) is equal to the following:

(1) The amount under a written agreement among the department of child services, the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.

(2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(d) If a child is:

(1) placed by or with the consent of the department of child services in an out-of-state institution or other facility; and

(2) provided:

(A) onsite educational programs and services either through the facility's employees or by contract with another person

or organization that is not a public school corporation; or

(B) educational programs and services by a nonpublic school;

the department of child services shall pay in an amount and in the manner specified in a written agreement between the department of child services and the institution or other facility.

(e) For purposes of IC 4-13-2, an agreement described in subsection (c) or (d) shall not be treated as a contract.

As added by P.L.1-2005, SEC.10. Amended by P.L.145-2006, SEC.150; P.L.146-2008, SEC.470.

IC 20-26-11-13 Version a

Determination of transfer tuition

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 13. (a) As used in this section, the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, career and technical education, or career education.

(2) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized education program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

(3) "Student enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the state board.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the state board.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) student. The state board may select a different date for counts under this subdivision. However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 6 of this chapter, transfer tuition from the

transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's ADM for a school year, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school for, except as provided in clause (C), the calendar year in which the school year ends:

(A) State tuition support distributions.

(B) Property tax levies under IC 20-45-7 and IC 20-45-8.

(C) Excise tax revenue (as defined in IC 20-43-1-12) received for deposit in the calendar year in which the school year begins.

(D) Allocations to the transferee school under IC 6-3.5.

STEP THREE: Determine the greater of:

(A) zero (0); or

(B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

If a child is placed in an institution or facility in Indiana by or with the approval of the department of child services, the institution or facility shall charge the department of child services for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

(1) capital outlay;

(2) debt service;

(3) costs of transportation;

(4) salaries of board members;

(5) contracted service for legal expenses; and

(6) any expenditure that is made from extracurricular account receipts;

for the school year.

(d) The capital cost of special equipment for a school year is equal to:

(1) the cost of the special equipment; divided by

(2) the product of:

(A) the useful life of the special equipment, as determined under the rules adopted by the state board; multiplied by

(B) the number of students using the special equipment during at least part of the school year.

(e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it shall be prorated to all classes of schools on the basis of the student enrollment of each class in the transferee corporation compared with the total student enrollment in the school corporation.

(f) Operating costs shall be allocated to a transfer student for each school year by dividing:

(1) the transferee school corporation's operating costs for the class of school in which the transfer student is enrolled; by

(2) the student enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of student attendance, the transfer tuition shall be calculated by the part of the school year for which the transferred student is enrolled. A school year of student attendance consists of the number of days school is in session for student attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. If an agreement cannot be reached, the amount shall be determined by the state board, and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

(1) the total amount of revenues received; by

(2) the ADM of the transferee school for the school year that ends in the calendar year in which the revenues are received.

However, for state tuition support distributions or any other state distribution computed using less than the total ADM of the transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive in a calendar year by the student count used to compute the state distribution.

(h) Instead of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into a long term contract with the transferee corporation governing the transfer of students. The contract may:

(1) be entered into for a period of not more than five (5) years with an option to renew;

(2) specify a maximum number of students to be transferred; and

(3) fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that

provided in section 14 of this chapter.

(i) A school corporation may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may:

(1) be for one (1) year or longer; and

(2) fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 14 of this chapter.

A school corporation may not transfer a student under this section without the prior approval of the child's parent.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.130; P.L.1-2007, SEC.144; P.L.234-2007, SEC.105; P.L.146-2008, SEC.471.

IC 20-26-11-13 Version b

Determination of transfer tuition

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 13. (a) As used in this section, the following terms have the following meanings:

(1) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, career and technical education, or career education.

(2) "Special equipment" means equipment that during a school year:

(A) is used only when a child with disabilities is attending school;

(B) is not used to transport a child to or from a place where the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized education program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

(3) "Student enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the state board.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the state board.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (1/2) student. The state board may select a different date for counts under this subdivision. However, the same date shall be used for all school

corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 6 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's ADM for a school year, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school for, except as provided in clause (C), the calendar year in which the school year ends:

(A) State tuition support distributions.

(B) Property tax levies under IC 20-45-7 and IC 20-45-8.

(C) The sum of the following excise tax revenue received for deposit in the calendar year in which the school year begins:

(i) Financial institution excise tax revenue (IC 6-5.5).

(ii) Motor vehicle excise taxes (IC 6-6-5).

(iii) Commercial vehicle excise taxes (IC 6-6-5.5).

(iv) Boat excise tax (IC 6-6-11).

(v) Aircraft license excise tax (IC 6-6-6.5).

(D) Allocations to the transferee school under IC 6-3.5.

STEP THREE: Determine the greater of:

(A) zero (0); or

(B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

If a child is placed in an institution or facility in Indiana by or with the approval of the department of child services, the institution or facility shall charge the department of child services for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

(1) capital outlay;

(2) debt service;

(3) costs of transportation;

(4) salaries of board members;

(5) contracted service for legal expenses; and

(6) any expenditure that is made from extracurricular account

receipts;

for the school year.

(d) The capital cost of special equipment for a school year is equal to:

(1) the cost of the special equipment; divided by

(2) the product of:

(A) the useful life of the special equipment, as determined under the rules adopted by the state board; multiplied by

(B) the number of students using the special equipment during at least part of the school year.

(e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it shall be prorated to all classes of schools on the basis of the student enrollment of each class in the transferee corporation compared with the total student enrollment in the school corporation.

(f) Operating costs shall be allocated to a transfer student for each school year by dividing:

(1) the transferee school corporation's operating costs for the class of school in which the transfer student is enrolled; by

(2) the student enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of student attendance, the transfer tuition shall be calculated by the part of the school year for which the transferred student is enrolled. A school year of student attendance consists of the number of days school is in session for student attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. If an agreement cannot be reached, the amount shall be determined by the state board, and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

(1) the total amount of revenues received; by

(2) the ADM of the transferee school for the school year that ends in the calendar year in which the revenues are received.

However, for state tuition support distributions or any other state distribution computed using less than the total ADM of the transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive in a calendar year by the student count used to compute the state distribution.

(h) Instead of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into

a long term contract with the transferee corporation governing the transfer of students. The contract may:

(1) be entered into for a period of not more than five (5) years with an option to renew;

(2) specify a maximum number of students to be transferred; and

(3) fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that provided in section 14 of this chapter.

(i) A school corporation may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may:

(1) be for one (1) year or longer; and

(2) fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 14 of this chapter.

A school corporation may not transfer a student under this section without the prior approval of the child's parent.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.130; P.L.1-2007, SEC.144; P.L.234-2007, SEC.105; P.L.146-2008, SEC.471; P.L.229-2011, SEC.173.

IC 20-26-11-14

Estimated transfer tuition payments; statements of amount; method of payment

Sec. 14. (a) Not later than March 1, a school corporation shall estimate the:

(1) transfer tuition payments that the school corporation is required to pay for students transferring from the school corporation; and

(2) transfer tuition payments that the school corporation is entitled to receive on behalf of students transferring to the school corporation.

A school corporation shall send a preliminary statement of the amount of transfer tuition due to the state agency and to any school corporation that owes transfer tuition to the school corporation.

(b) Not later than October 1 following the end of a school year, a school corporation shall send a final statement of the amount of transfer tuition due to the state agency and to any school corporation that owes transfer tuition to the school corporation.

(c) A statement sent under subsection (a) or (b) must include the following:

(1) A statement, to the extent known, of all transfer tuition costs chargeable to the state or school corporation for the school year ending in the current calendar year.

(2) A statement of any transfer tuition costs chargeable to the state or school corporation and not previously billed for the school year ending in the immediately preceding calendar year.

(3) A statement of any transfer tuition costs previously billed to

the state or school corporation and not yet paid.

(d) Transfer tuition for each school year shall be paid by the transferor corporation or state, if the entity is obligated to pay the tuition, in not more than four (4) installments. These installments must be paid not later than October 30, January 10, April 10, and July 10 following the school year in which the obligation is incurred, unless another schedule is mutually agreed upon.

(e) Payment of operating costs shall be paid from and receipted to the respective general funds of the transferor and transferee corporations. Payment of capital costs shall be made by the transferor corporation at its discretion from any fund or source and shall be receipted by the transferee corporation at its discretion either to the capital projects fund or to the debt service fund, or if the transferee corporation has neither of these two (2) funds, to its general fund.
As added by P.L.1-2005, SEC.10.

IC 20-26-11-15
Determination by state board

Sec. 15. (a) The state board shall hear the following:

(1) All appeals from an order expelling a child under IC 20-33-8-17.

(2) All appeals provided in this chapter.

(3) All disputes on the following:

(A) Legal settlement.

(B) Right to transfer.

(C) Right to attend school in any school corporation.

(D) Amount of transfer tuition.

(E) Any other matter arising under this chapter.

The board shall hold a hearing on the timely written application of any interested party.

(b) The state board shall make its determination under the following procedure:

(1) A hearing shall be held on each matter presented.

(2) Each interested party, including where appropriate, the parents, the student, the transferor corporation, the transferee corporation, or the state, shall be given at least ten (10) days notice of the hearing by certified mail or by personal delivery.

(3) The date of giving the notice is the date of mailing or delivery.

(4) Any interested party may appear at the hearing in person or by counsel, present evidence, cross-examine witnesses, and present in writing or orally summary statements of position.

(5) A written or recorded transcript of the hearing shall be made.

(6) The hearing may be held by the state board or by a hearing examiner appointed by it who must be a state employee.

(7) The hearing, at the option of the state board or hearing examiner, may be held at any place in Indiana.

(8) The hearing examiner shall make written findings of fact and recommendations.

(9) The determination of the state board must be made on the basis of the record, summaries, and findings, but it is required to examine only those parts of the entire record as it considers necessary.

(c) The hearing and proceedings are not governed by IC 4-21.5.

(d) The determination of the state board is final and binding on the parties to the proceeding.

(e) A notice of the state board's determination shall be mailed to each party by certified mail. An action to contest the validity of the decision may not be instituted more than thirty (30) days after the mailing of the notice.

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

IC 20-26-11-16

Rules of implementation and enforcement; award to prevailing school corporation

Sec. 16. (a) The provisions to implement this chapter, including:

(1) the calculation of transfer tuition;

(2) the credits for state distribution; and

(3) the time in the year when requests for transfer must be filed;

shall be implemented by rules adopted by the state board.

(b) The state board shall adopt rules for the enforcement of the payment of transfer tuition. The enforcement may include withholding state support from the transferor corporation for the benefit of the transferee corporation, charging interest, penalties for late payment, and the costs of collection.

(c) If a school corporation prevails at the final adjudication of:

(1) an administrative proceeding under this chapter; or

(2) a lawsuit against a school corporation;

to compel payment of transfer tuition owed by the school corporation under this chapter, the administrative body or the court shall award to the prevailing party the transfer tuition owed, if any, plus reasonable attorney's fees and interest as provided by law.

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

IC 20-26-11-17

Tuition support reporting requirements

Sec. 17. (a) Each year before the date specified in the rules adopted by the state board, a school corporation shall report the information specified in subsection (b) for each student:

(1) for whom tuition support is paid by another school corporation;

(2) for whom tuition support is paid by the state; and

(3) who is enrolled in the school corporation but has the equivalent of a legal settlement in another state or country;

to the department.

(b) Each school corporation shall provide the following information for each school year for each category of student described in subsection (a):

(1) The amount of tuition support and other support received for

the students described in subsection (a).

(2) The operating expenses, as determined under section 13 of this chapter, incurred for the students described in subsection (a).

(3) Special equipment expenditures that are directly related to educating students described in subsection (a).

(4) The number of transfer students described in subsection (a).

(5) Any other information required under the rules adopted by the state board after consultation with the office of the secretary of family and social services.

(c) The information required under this section shall be reported in the format and on the forms specified by the state board.

(d) Not later than November 30 of each year the department shall compile the information required from school corporations under this section and submit the compiled information in the form specified by the office of the secretary of family and social services to the office of the secretary of family and social services.

(e) Not later than December 31 of each year, the office of the secretary of family and social services shall submit a report to the members of the budget committee and the executive director of the legislative services agency that compiles and analyzes the information required from school corporations under this section. The report must identify the types of state and local funding changes that are needed to provide adequate state and local money to educate transfer students. A report submitted under this subsection to the executive director of the legislative services agency must be in an electronic format under IC 5-14-6.

As added by P.L.1-2005, SEC.10. Amended by P.L.146-2008, SEC.472.

IC 20-26-11-18

Joint liability of health care facility or child care institution for transfer tuition

Sec. 18. (a) If a student:

(1) has legal settlement in the attendance area of a school corporation in another state, when legal settlement is determined without regard to the appointment of a guardian in Indiana solely to facilitate the placement of the student in a facility described in subdivision (2);

(2) is placed in a state licensed private or public health care facility, private or public child care institution, or treatment center in Indiana by:

(A) the parent of the student; or

(B) a governmental entity in another state; and

(3) is enrolled in a school corporation in Indiana;

the state licensed private or public health care facility, private or public child care institution, or treatment center where the student is placed, regardless of when the student is placed, is jointly liable with the person placing the student for transfer tuition under this chapter.

(b) Notwithstanding subsection (a), a sole proprietorship, a

partnership, an association, a corporation, a limited liability company, a fiduciary, an individual who is not the student's parent, or another entity in Indiana that accepts the placement of a student who:

(1) has legal settlement in the attendance area of a school corporation in another state; and

(2) is enrolled in a school corporation in Indiana;

is the guarantor for the student's transfer tuition under this chapter unless there is another guarantor. The state board shall hear all appeals under this subsection in accordance with section 15 of this chapter.

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

IC 20-26-11-19

Court ordered transfers; application

Sec. 19. (a) This section through section 29 of this chapter concern the transfer of students for education from one (1) school corporation (transferor corporation) to another school corporation (transferee corporation) in compliance with a court order as described in this section. This chapter applies solely in a situation where a court of the United States or of Indiana in a suit to which the transferor or transferee corporation or corporations are parties has found the following:

(1) A transferor corporation has violated the equal protection clause of the Fourteenth Amendment to the Constitution of the United States by practicing de jure racial segregation of the students within its borders.

(2) A unitary school system within the meaning of the Fourteenth Amendment cannot be implemented within the boundaries of the transferor corporation.

(3) The Fourteenth Amendment compels the court to order a transferor corporation to transfer its students for education to one (1) or more transferee corporations to effect a plan of desegregation in the transferor corporation that is acceptable within the meaning of the Fourteenth Amendment.

(b) This chapter does not apply until all appeals from the order, whether taken by the transferor corporation, any transferee corporation or any party to the action, have been exhausted or the time for taking the appeals has expired, except where all stays of a transfer order pending appeal or further court action have been denied.

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

IC 20-26-11-20

Court ordered transfers; definitions

Sec. 20. (a) As used in sections 19 through 29 of this chapter, "class of school" refers to a classification of each school in the transferee corporation by the grades taught therein (generally denominated as elementary schools, middle schools or junior high schools, high schools, and special schools such as schools for special

education, career and technical education, or career education). Elementary schools include schools containing kindergarten, but for purposes of this chapter, a kindergarten student shall be counted as one-half (1/2) student.

(b) As used in sections 19 through 29 of this chapter, "transferee corporation" means the school corporation receiving students under a court order described in section 19 of this chapter.

(c) As used in sections 19 through 29 of this chapter, "transferor corporation" means the school corporation transferring students under a court order described in section 19 of this chapter.

(d) As used in sections 19 through 29 of this chapter, "transferred student" means any student transferred under a court order described in section 19 of this chapter.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.131; P.L.234-2007, SEC.106.

IC 20-26-11-21

Court ordered transfers; governing body of transferee corporation

Sec. 21. (a) The governing body of a transferee corporation may add two (2) members, one (1) of whom must be a resident of the contributing geographic area within the transferor corporation from which students are being bused, to the transferee corporation's governing body for each transferor corporation that the transferee corporation serves. These members are in addition to the number of members of the governing body who are residents of the transferee corporation.

(b) Each member who is a resident of a contributing transferor corporation added to the governing body of a transferee corporation by this section:

(1) shall be elected by a majority of all registered and eligible voters who vote in each applicable school board election in the school corporation;

(2) must have the same qualifications, other than residency or property ownership, that are required for a member of the governing body who is a resident of the transferee corporation; and

(3) serves for the same number of years as members of the governing body who are residents of the transferee corporation.

(c) The members of the governing body of the transferee corporation shall appoint by majority vote the first additional members of a governing body under this section. The members appointed under this subsection serve until replacement members are elected under subsections (d) and (e).

(d) The first elected members of a governing body from a transferor corporation shall be elected at the first election after the members are added under subsection (a):

(1) that occurs in the transferor corporation; and

(2) where one (1) or more members of the governing body of the transferor corporation are elected.

The election shall be conducted in the manner required by law for the

conduct of elections of governing bodies of school corporations.

(e) This subsection applies to an additional member of a governing body appointed under subsection (c) to whom subsection (d) does not apply. The first additional elected member of a governing body must be elected at the first election after the members are added under subsection (a) where one (1) or more members of the governing body of the transferee corporation are elected. The election must be conducted in the manner required by law for the conduct of elections of governing bodies of school corporations.

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

IC 20-26-11-22

Court ordered transfers; determination of transfer tuition

Sec. 22. (a) The transferee corporation is entitled to receive from the transferor corporation transfer tuition for each transferred student for each school year calculated in two (2) parts:

(1) operating cost; and

(2) capital cost.

These costs must be allocated on a per student basis separately for each class of school.

(b) The operating cost for each class of school must be based on the total expenditures of the transferee corporation for the class from its general fund expenditures as set out on the classified budget forms prescribed by the state board of accounts, excluding from the calculation capital outlay, debt service, costs of transportation, salaries of board members, contracted service for legal expenses and any expenditure that is made out of the general fund from extracurricular account receipts, for the school year.

(c) The capital cost for each class of school must consist of the lesser of the following alternatives:

(1) The capital cost must be based on an amount equal to five percent (5%) of the cost of transferee corporation's physical plant, equipment, and all items connected to the physical plant or equipment, including:

(A) buildings, additions, and remodeling to the buildings, excluding ordinary maintenance; and

(B) on-site and off-site improvements such as walks, sewers, waterlines, drives, and playgrounds;

that have been paid or are obligated to be paid in the future out of the general fund, capital projects fund, or debt service fund, including principal and interest, lease rental payments, and funds that were legal predecessors to these funds. If an item of the physical plant, equipment, appurtenances, or part of the item is more than twenty (20) years old at the beginning of the school year, the capital cost of the item shall be disregarded in making the capital cost computation.

(2) The capital cost must be based on the amount budgeted from the general fund for capital outlay for physical plant, equipment, and appurtenances and the amounts levied for the

debt service fund and the capital projects fund for the calendar year in which the school year ends.

(d) If an item of expense or cost cannot be allocated to a class of school, the item shall be prorated to all classes of schools on the basis of the ADM of each class in the transferee corporation compared to the total ADM therein.

(e) The transfer tuition for each student transferred for each school year shall be calculated by dividing the transferee school corporation's total operating costs and the total capital costs for the class of school in which the student is enrolled by the ADM of students therein. If a transferred student is enrolled in a transferee corporation for less than the full school year, the transfer tuition shall be calculated by the proportion of such school year for which the transferred student is enrolled. A school year for this purpose consists of the number of days school is in session for student attendance. A student shall be enrolled in a transferee school, whether or not the student is in attendance, unless the:

(1) student's residence is outside the area of students transferred to the transferee corporation;

(2) student has been excluded or expelled from school; or

(3) student has been confirmed as a school dropout.

The transferor and transferee corporations may enter into written agreements concerning the amount of transfer tuition. If an agreement cannot be reached, the amount shall be determined by the state superintendent, with costs to be established, where in dispute, by the state board of accounts.

(f) The transferor corporation shall pay the transferee corporation, when billed, the amount of book rental due from transferred students who are unable to pay the book rental amount. The transferor corporation is entitled to collect the amount of the book rental from the appropriate township trustee, from its own funds, or from any other source, in the amounts and manner provided by law.

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

IC 20-26-11-23

Court ordered transfers; emergency funds for transfer

Sec. 23. (a) If a transfer is ordered to commence in a school year, where the transferor corporation has net additional costs over savings (on account of any transfer ordered) allocable to the calendar year in which the school year begins, and where the transferee corporation does not have budgeted funds for the net additional costs, the net additional costs may be recovered by one (1) or more of the following methods in addition to any other methods provided by applicable law:

(1) An emergency loan made under IC 20-48-1-7 to be paid, out of the debt service levy and fund, or a loan from any state fund made available for the net additional costs.

(2) An advance in the calendar year of state funds, which would otherwise become payable to the transferee corporation after such calendar year under law.

(3) A grant or grants in the calendar year from any funds of the state made available for the net additional costs.

(b) The net additional costs must be certified by the department of local government finance. Repayment of any advance or loan from the state shall be made from state tuition support distributions or other money available to the school corporation.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.132; P.L.146-2008, SEC.473; P.L.182-2009(ss), SEC.317.

IC 20-26-11-24

Court ordered transfers; time of payment of transfer tuition

Sec. 24. Transfer tuition for each school year shall be paid by the transferor corporation during the term of the year and following the end of term in four (4) installments within ten (10) days after the first day of November, February, May and August, respectively. The first three (3) payments shall be calculated on the basis of estimates based on the previous year's cost per student and the enrollment for the day schools are open in the transferee corporation next preceding the applicable payment date.

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

IC 20-26-11-25

Court ordered transfers; payment and receipt of funds

Sec. 25. (a) Payment of the operating cost must be paid from and receipted to the respective general funds of the transferor and transferee corporations.

(b) Payment of capital costs must be made by the transferor corporation, at its discretion, from any fund or source and be receipted by the transferee corporation, at its discretion, either to the capital projects fund or to the debt service fund.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.133.

IC 20-26-11-26

Court ordered transfers; transportation

Sec. 26. The transferor corporation shall provide each transferred student transportation to and from the school in the transferee corporation to which the student is assigned. However, the transferor corporation may require the transferred student to walk a reasonable distance from the student's home to school or to a transportation pickup point.

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

IC 20-26-11-27

Court ordered transfers; transportation contracts

Sec. 27. Transportation must be provided by the transferor corporation to each transferred student under IC 20-27. However, the transferor corporation may contract with the transferee corporation to provide transportation to the transferred students at the expense of the transferor corporation, and that the transferor corporation, in addition to the other means of financing the purchase of

transportation equipment, may make the purchases out of its capital projects fund.
As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.134.

IC 20-26-11-28
Repealed
(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-26-11-29
Court ordered transfers; implementation
Sec. 29. (a) The provisions of sections 19 through 29 of this chapter concerning the calculation of transfer tuition, the credits for state distribution, state reimbursement of transportation costs, or other state reimbursement may be implemented by rules adopted by the state board.
(b) The state board shall adopt rules for the enforcement of the payment of transfer tuition. The payment enforcement may include the withholding of state support from the transferor corporation for the benefit of the transferee corporation.
(c) A transferor or the transferee corporation may dispute the amount of transfer tuition or state reimbursement by petitioning the state superintendent. Any dispute in the amount of transfer tuition or state reimbursement shall be determined by the state superintendent.
As added by P.L.1-2005, SEC.10.

IC 20-26-11-30
School attendance in former school corporation
Sec. 30. (a) This section applies to a student who resided in a school corporation where the student had legal settlement for at least two (2) consecutive school years immediately before moving to an adjacent school corporation.
(b) A school corporation in which a student had legal settlement for at least two (2) consecutive years as described in subsection (a):
(1) shall allow the student to attend an appropriate school within the school corporation in which the student formerly resided;
(2) may not request the payment of transfer tuition for the student from the school corporation in which the student currently resides and has legal settlement or from the student's parent; and
(3) shall include the student in the school corporation's ADM;
if the principal and superintendent in both school corporations jointly agree to enroll the student in the school.
(c) If a student enrolls under this section in a school described in subsection (b)(1), the student's parent must provide for the student's transportation to school.
(d) A student to whom this section applies may not enroll primarily for athletic reasons in a school in a school corporation in which the student does not have legal settlement. However, a decision to allow a student to enroll in a school corporation in which

the student does not have legal settlement is not considered a determination that the student did not enroll primarily for athletic reasons.

As added by P.L.133-2008, SEC.2.

IC 20-26-12

Chapter 12. Textbooks

IC 20-26-12-1

Mandatory purchase and rental; public school students

Sec. 1. (a) Except as provided in subsections (b) and (c) and notwithstanding any other law, each governing body shall purchase from a publisher, either individually or through a purchasing cooperative of school corporations, the textbooks selected by the proper local officials, and shall rent these textbooks to each student enrolled in a public school that is:

(1) in compliance with the minimum certification standards of the state board; and

(2) located within the attendance unit served by the governing body.

(b) This section does not prohibit the purchase of textbooks at the option of a student or the providing of free textbooks by the governing body under sections 6 through 21 of this chapter.

(c) This section does not prohibit a governing body from suspending the operation of this section under a contract entered into under IC 20-26-15.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.8.

IC 20-26-12-2

Purchase and rental; rental fee; limitations

Sec. 2. (a) A governing body may purchase from a publisher, any textbook selected by the proper local officials. The governing body may rent these textbooks to students enrolled in any public or nonpublic school that is:

(1) in compliance with the minimum certification standards of the state board; and

(2) located within the attendance unit served by the governing body.

The annual rental rate may not exceed twenty-five percent (25%) of the retail price of the textbooks.

(b) Notwithstanding subsection (a), the governing body may not assess a rental fee of more than fifteen percent (15%) of the retail price of a textbook that has been:

(1) extended for usage by students under section 24(e) of this chapter; and

(2) paid for through rental fees previously collected.

(c) This section does not limit other laws.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.9.

IC 20-26-12-3

Obsolete textbooks; conveyance; distribution to parents or residents; storage

Sec. 3. (a) Upon a written determination by the governing body of a school corporation that a textbook is no longer scheduled for use in the school corporation, the governing body may sell, exchange,

transfer, or otherwise convey the textbook. However, before a governing body may mutilate or otherwise destroy a textbook, the governing body must first comply with the following provisions:

(1) Subsection (b).

(2) Subsection (c).

(3) Section 4 of this chapter.

(4) Section 5 of this chapter.

(b) Before a governing body may mutilate or otherwise destroy a textbook, the governing body shall provide at no cost and subject to availability one (1) copy of each textbook that is no longer scheduled for use in the school corporation to:

(1) the parent of each student who is enrolled in the school corporation and who wishes to receive a copy of the textbook; and

(2) if any textbooks remain after distribution under subdivision (1), to any resident of the school corporation who wishes to receive a copy of the textbook.

(c) If a governing body does not sell, exchange, transfer, or otherwise convey unused textbooks under subsection (a) or (b), each public elementary and secondary school in the governing body's school corporation shall provide storage for at least three (3) months for the textbooks in the school corporation. A school corporation may sell or otherwise convey the textbooks to another school corporation at any time during the period of storage.

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

IC 20-26-12-4

State master list; textbook requests

Sec. 4. (a) A school corporation shall compile a list of textbooks in storage under section 3 of this chapter. The list must include the names of the publishers and the number of volumes being stored. The list must be mailed to the department. The department shall maintain a master list of all textbooks being stored by school corporations.

(b) Upon request, the state superintendent shall mail to a nonprofit corporation or institution located in Indiana a list of textbooks available for access. A nonprofit corporation or institution may acquire the textbooks from the appropriate school corporation by paying only the cost of shipping and mailing.

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

IC 20-26-12-5

Disposal of obsolete textbooks

Sec. 5. Textbooks stored for at least three (3) months under section 3 of this chapter may not be mutilated or destroyed and must be maintained and stored according to regulations prescribed by local and state health authorities. Textbooks that have not been requested after at least three (3) months may be mutilated, destroyed, or otherwise disposed of by the school corporation.

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

IC 20-26-12-6

Free textbooks; school libraries

Sec. 6. (a) Sections 7 through 21 of this chapter apply to school libraries that contain free textbooks. The textbooks must be selected by the proper local officials.

(b) As used in sections 6 through 21 of this chapter, "resident student" means a student enrolled in any of the grades in any school located in a school corporation, whether the student resides there or is transferred there for school purposes.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.10.

IC 20-26-12-7

Free textbooks; voters' petition

Sec. 7. (a) If a petition requesting the establishment of an elementary school library is filed with a governing body, the governing body shall provide a library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the eight (8) grades of each elementary school. The petition must be signed by at least fifty-one percent (51%) of the registered voters of the governing body's school corporation.

(b) This subsection applies to a governing body that has established an elementary school library under subsection (a). If a petition requesting establishment of a high school library is filed with the governing body, the governing body shall provide a library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the four (4) grades of each high school. The petition must be signed by at least twenty percent (20%) of the voters of the school corporation as determined by the total vote cast at the last general election for the trustee of the township, clerk of the town, or mayor of the city.

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

IC 20-26-12-8

Form of petition

Sec. 8. A petition for an elementary or a high school library under section 7 of this chapter must be in substantially the following form:

To the governing body of the school corporation of _____

We, the undersigned voters of the school corporation of _____ respectfully petition the governing body of the school corporation of _____ to establish an elementary school (or high school, as appropriate) library and to lend its school textbooks free of charge to the resident students of the school corporation of _____, under IC 20-26-12.

NAME	ADDRESS	DATE
_____	_____	_____
_____	_____	_____

STATE OF INDIANA)
) SS:
_____ COUNTY)

_____ being duly sworn, deposes and says that he or she

is the circulator of this petition paper and that the appended signatures were made in his or her presence and are the genuine signatures of the persons whose names they purport to be.

Signed _____

Subscribed and sworn to before me this ____ day of _____, 20 __.

_____
Notary Public

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

IC 20-26-12-9

Petition signatures

Sec. 9. The signatures to each petition may be appended to one (1) petition paper. An affidavit of the circulator must be attached to each petition paper. The affidavit must state that each signature was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. Each signature must be made in ink or indelible pencil. Each signer shall state the signer's name, the signer's residence by street and number, or any other description sufficient to identify the place and the date of the signing.

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

IC 20-26-12-10

Qualified petitioner

Sec. 10. A person who signs a petition under this chapter must be registered to vote in the precinct in which the person resides to be qualified to sign and to have the signature count.

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

IC 20-26-12-11

Petition filing

Sec. 11. All petition papers requesting the establishment of a library under this chapter must be assembled and filed as one (1) instrument before July 2.

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

IC 20-26-12-12

Examination of petitions; employment of clerks

Sec. 12. (a) A governing body shall examine petition papers filed under section 11 of this chapter and shall have the names checked against the voter registration records in the county in which the governing body's school corporation is located.

(b) A governing body may employ clerks to check voter registration records under this section. The governing body may pay these expenses from the school corporation's general fund without a specific appropriation.

(c) A clerk employed under subsection (b) shall take an oath to perform honestly and faithfully. The clerk is entitled to daily compensation of not more than three dollars ($3) for this work.

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

IC 20-26-12-13

Duty of school corporation

Sec. 13. If a sufficient petition is filed under section 11 of this chapter, a governing body shall note on the records of the governing body's school corporation that by filing the petition the school corporation must maintain:

(1) an elementary school library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the first eight (8) grades of each elementary school located within the school corporation; or

(2) a high school library containing textbooks in sufficient numbers to meet the needs of every resident student in each of the four (4) grades of each high school located within the school corporation;

as applicable.

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

IC 20-26-12-14

Appropriation by governing body

Sec. 14. (a) This subsection applies to a school corporation described in section 13(1) of this chapter. The governing body shall make the first appropriation from the school corporation's general fund in August following the petition's filing. Not later than the school term following the first appropriation, the library must be established and textbooks must be loaned to resident students enrolled in the first five (5) grades of the elementary school. Not later than the second school term following the first appropriation, textbooks must be procured and loaned to resident students enrolled in the eight (8) grades of the elementary school.

(b) This subsection applies to a school corporation described in section 13(2) of this chapter. The governing body shall make the first appropriation from the school corporation's general fund in September following the petition's filing. Not later than the second school term following the first appropriation, the library must be established and textbooks of the library must be loaned to resident students enrolled in grade nine of the high school. During each following school term, textbooks must be procured and loaned to resident students for an additional high school grade, in addition to the earlier high school grades.

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

IC 20-26-12-15

Purchase of textbooks

Sec. 15. (a) A governing body shall purchase the necessary textbooks from publishers. The publisher shall ship the textbooks to the governing body not more than ninety (90) days after the requisition. On receipt of the textbooks, the governing body's school corporation has custody of the textbooks. The governing body shall provide a receipt to the contracting publisher and reimburse the contracting publisher the amount owed by the school corporation

from the school corporation's general fund.

(b) A governing body shall purchase textbooks:

(1) from a resident student who presents the textbooks for sale on or before the beginning of the school term in which the books are to be used;

(2) with money from the school corporation's general fund; and

(3) at a price based on the original price to the school corporation minus a reasonable reduction for damage from usage.

As added by P.L.1-2005, SEC.10. Amended by P.L.231-2005, SEC.34; P.L.73-2011, SEC.11.

IC 20-26-12-16

Availability of free textbooks

Sec. 16. Upon receipt of the textbooks, a governing body shall loan the textbooks at no charge to each resident student. Library textbooks are available to each resident student under this chapter and under regulations prescribed by the superintendent and governing body of the school corporation.

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

IC 20-26-12-17

Textbooks for transferred students

Sec. 17. (a) If a student transfers to a school corporation other than the one in which the student resides under IC 20-26-11, the governing body of the school corporation to which the student transfers shall purchase a sufficient supply of books for the transferred student.

(b) In the annual settlement between the school corporations for tuition of transferred students, the amounts must include rental of the books furnished to the transferred students. The state board shall determine the rental rate.

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

IC 20-26-12-18

Sale of textbooks

Sec. 18. A governing body may provide a sufficient number of textbooks for sale to resident students at the price stipulated in the contracts under which the textbooks are supplied to the governing body's school corporation. Proceeds from sales under this section must be paid into the school corporation's general fund.

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

IC 20-26-12-19

Facilities for textbooks

Sec. 19. A governing body shall provide sufficient library facilities for the textbooks to best accommodate the resident students.

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

IC 20-26-12-20

Care of textbooks

Sec. 20. A governing body shall prescribe reasonable rules and regulations for the care, custody, and return of library textbooks. A resident student using library textbooks is responsible for the loss, mutilation, or defacement of the library textbooks, other than reasonable wear.

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

IC 20-26-12-21

Fumigation or destruction of textbooks; distribution to parents or residents

Sec. 21. A governing body shall provide for the fumigation or destruction of library textbooks at the times and under regulations prescribed by local and state health authorities. Before a governing body may mutilate or otherwise destroy a textbook, the governing body shall provide at no cost and subject to availability one (1) copy of each textbook that is no longer scheduled for use in the school corporation to:

(1) the parent of each child who is enrolled in the school corporation and who wishes to receive a copy of the textbook; and

(2) if any textbooks remain after distribution under subdivision (1), to any resident of the school corporation who wishes to receive a copy of the textbook.

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

IC 20-26-12-22

Time basis purchase of textbooks

Sec. 22. If a school corporation purchases textbooks on a time basis:

(1) the schedule for payments shall coincide with student payments to the school corporation for textbook rental; and

(2) the schedule must not require the school corporation to assume a greater burden than payment of twenty-five percent (25%) within thirty (30) days after the beginning of the school year immediately following delivery by the contracting publisher with the school corporation's promissory note evidencing the unpaid balance.

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

IC 20-26-12-23

Borrowing to purchase textbooks

Sec. 23. (a) A school corporation may:

(1) borrow money to buy textbooks; and

(2) issue notes, maturing serially in not more than six (6) years and payable from its general fund, to secure the loan.

However, when an adoption is made by the proper local officials for less than six (6) years, the period for which the notes may be issued is limited to the period for which that adoption is effective.

(b) Notwithstanding subsection (a), a school township may not borrow money to purchase textbooks unless a petition requesting such an action and bearing the signatures of twenty-five percent (25%) of the resident taxpayers of the school township has been presented to and approved by the township trustee and township board.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.12.

IC 20-26-12-24

Local textbook adoption

Sec. 24. (a) The superintendent shall establish procedures for textbook adoption.

(b) The governing body, upon receiving these recommendations from the superintendent, shall adopt a textbook for use in teaching each subject in the school corporation.

(c) A special committee of teachers and parents may also be appointed to review books, magazines, and audiovisual material used or proposed for use in the classroom to supplement state adopted textbooks and may make recommendations to the superintendent and the governing body concerning the use of this material.

(d) A textbook selected shall be used for the lesser of:

(1) six (6) years; or

(2) the effective period of the academic standards adopted by the state board to which that textbook is aligned.

(e) A selection may be extended beyond that period for up to six (6) years.

(f) The governing body may, if the governing body considers it appropriate, retain a textbook adopted under this section and authorize the purchase of supplemental materials to ensure continued alignment with academic standards adopted by the state board.

(g) The superintendent, advisory committee, and governing body may consider using the list of curricular materials (as defined in IC 20-20-5.5-1) provided by the department under IC 20-20-5.5.

(h) Notwithstanding subsection (g) and this chapter, the superintendent, advisory committee, and governing body shall adopt reading textbooks from the list of recommended curricular materials provided by the department under IC 20-20-5.5.

(i) A governing body may not purchase textbooks from a publisher unless the publisher agrees, in accordance with Sections 612(a)(23)(A) and 674(4) of the Individuals with Disabilities Education Act 2004 (20 U.S.C. 1400 et seq.), to provide or grant a license to the school corporation to allow for the reproduction of adopted textbooks in:

(1) large type;

(2) Braille; and

(3) audio format.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.13; P.L.229-2011, SEC.174.

IC 20-26-12-25

Report of selections

Sec. 25. After a local superintendent has selected textbooks under this chapter, and not later than July 1, when new contracts become effective, the superintendent shall forward to the state board a list of those selections for all subjects and grades.

As added by P.L.1-2005, SEC.10. Amended by P.L.73-2011, SEC.14.

IC 20-26-12-26

Mandatory offer to purchase textbooks

Sec. 26. If a family moves during the school term from one (1) school corporation to another within the state, the corporation from which they move shall:

(1) evaluate the affected children's textbooks; and

(2) offer to purchase the textbooks at a reasonable price for resale to any family that moves into that corporation during a school term.

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

IC 20-26-12-27

Repealed

(*Repealed by P.L.73-2011, SEC.22.)*

IC 20-26-12-28

Repealed

(*Repealed by P.L.73-2011, SEC.22.)*

IC 20-26-13

Chapter 13. Graduation Rate Determination

IC 20-26-13-1

Applicability

Sec. 1. This chapter applies to:

(1) a public high school; and

(2) an accredited nonpublic high school.

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

IC 20-26-13-2

"Cohort"

Sec. 2. As used in this chapter, "cohort" refers to a class of students who:

(1) attend the same high school; and

(2) are first considered to have entered grade 9 in the same year.

As added by P.L.1-2005, SEC.10. Amended by P.L.229-2007, SEC.3.

IC 20-26-13-3

"Enrollment"

Sec. 3. As used in this chapter, "enrollment" means the total number of students within a grade that is reported to the department annually on:

(1) October 1; or

(2) a date specified by the department.

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

IC 20-26-13-4

"Expected graduation year"

Sec. 4. As used in this chapter, "expected graduation year" means the reporting year beginning three (3) years after the reporting year in which a student is first considered by a school corporation to have entered grade nine.

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

IC 20-26-13-5

"Graduation"

Sec. 5. (a) As used in this chapter, "graduation" means the successful completion by a student of:

(1) a sufficient number of academic credits, or the equivalent of academic credits; and

(2) the graduation examination or waiver process required under IC 20-32-3 through IC 20-32-6;

resulting in the awarding of a high school diploma or an academic honors diploma.

(b) The term does not include the granting of a general educational development diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

As added by P.L.1-2005, SEC.10. Amended by P.L.7-2011, SEC.9.

IC 20-26-13-6
"Graduation rate"

Sec. 6. As used in this chapter, "graduation rate" means the percentage of students within a cohort who graduate during their expected graduation year.

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

IC 20-26-13-7
"Reporting year"

Sec. 7. As used in this chapter, "reporting year" refers to the period beginning October 1 of a year and ending September 30 of the following year.

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

IC 20-26-13-8
"Retention"

Sec. 8. As used in this chapter, "retention" refers to the reclassification by a school corporation of a student that places the student into a cohort that has an expected graduation year after the expected graduation year of the student's initial cohort.

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

IC 20-26-13-9
Graduation rate determination by department

Sec. 9. Beginning with the class of students who are expected to graduate in the 2005-2006 school year, the department shall determine the graduation rate of high school students under this chapter.

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

IC 20-26-13-10
Formula to determine four year graduation rate

Sec. 10. Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Subtract from the sum determined under STEP TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Removal by the student's parents under IC 20-33-2-28 to

provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the department of child services.

(F) Enrollment in a virtual school.

(G) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.

(H) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children and missing endangered adults.

(I) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

STEP FOUR: Determine the total number of students determined under STEP TWO who have graduated during the current reporting year or a previous reporting year.

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

As added by P.L.1-2005, SEC.10. Amended by P.L.242-2005, SEC.11; P.L.145-2006, SEC.151; P.L.229-2007, SEC.4; P.L.45-2008, SEC.1; P.L.43-2009, SEC.17.

IC 20-26-13-10.2

Formula to determine five year graduation rate

Sec. 10.2. In the reporting year immediately following the determination of a cohort's four (4) year graduation rate under section 10 of this chapter, the department shall calculate a five (5) year graduation rate for the cohort using the following formula:

STEP ONE: Determine the number determined under STEP FOUR of the formula established in section 10 of this chapter.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students in the cohort who have graduated during the current reporting year.

STEP THREE: Divide:

(A) the sum determined under STEP TWO; by

(B) the remainder determined under STEP THREE of the formula established in section 10 of this chapter.

As added by P.L.229-2007, SEC.5.

IC 20-26-13-10.5

Formula to determine six or subsequent year graduation rate

Sec. 10.5. In the reporting year immediately following the determination of a cohort's five (5) year graduation rate under section 10.2 of this chapter and each subsequent reporting year, the department shall calculate a six (6) or subsequent year graduation rate for the cohort using the following formula:

STEP ONE: Determine the number determined under STEP TWO of the formula established in section 10.2 of this chapter.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students in the cohort who have graduated during the current reporting year.

STEP THREE: Divide:

(A) the sum determined under STEP TWO; by

(B) the remainder determined under STEP THREE of the formula established in section 10 of this chapter.

As added by P.L.229-2007, SEC.6.

IC 20-26-13-10.7

Student included in only one graduation year

Sec. 10.7. For purposes of determining a graduation rate under sections 10, 10.2, and 10.5 of this chapter, a student may be counted as a member of only one (1) cohort and as graduating during only one (1) reporting year.

As added by P.L.229-2007, SEC.7. Amended by P.L.45-2008, SEC.2.

IC 20-26-13-11

Student who has left school; responsibility of state attendance officer

Sec. 11. (a) A student who has left school is not included in clauses (A) through (I) of STEP THREE of the formula established in section 10 of this chapter unless the school corporation can provide written proof that the student has left the school for one (1) of the reasons set forth in clauses (A) through (I) of STEP THREE of section 10 of this chapter. If the location of the student is unknown to the school, the principal of the school shall send a certified letter to the last known address of the student, inquiring about the student's whereabouts and status. If the student is not located after the certified letter is delivered or if no response is received, the principal may submit the student's information, including last known address, parent or guardian name, student testing number, and other pertinent data to the state attendance officer. The state attendance officer, using all available state data and any other means available, shall attempt to locate the student and report the student's location and school enrollment status to the principal so that the principal can appropriately send student records to the new school or otherwise document the student's status.

(b) If a school corporation cannot provide written proof that a student should be included in clauses (A) through (I) of STEP THREE of section 10 of this chapter, the student is considered a

dropout.
As added by P.L.242-2005, SEC.12. Amended by P.L.229-2007, SEC.8.

IC 20-26-13-12
Estimated graduation rate

Sec. 12. For each high school, the department shall calculate an estimated graduation rate that is determined by the total number of graduates for the reporting year divided by the total number of students enrolled in grade 9 at the school three (3) years before the reporting year. For any school where the difference between the estimated graduation rate and the number determined under STEP FIVE of section 10 of this chapter is more than five percent (5%), the department shall request the data used in determining that the missing students are classified under one (1) or more of clauses (A) through (I) of STEP THREE of section 10 of this chapter.
As added by P.L.242-2005, SEC.13. Amended by P.L.229-2007, SEC.9; P.L.45-2008, SEC.3.

IC 20-26-13-13
Corrected graduation rate

Sec. 13. For any school that cannot provide written proof supporting the school's determination to include a student under any one (1) of clauses (A) through (I) of STEP THREE of section 10 of this chapter, the department shall require the publication of the corrected graduation rate in the next school year's report required under IC 20-20-8-3.
As added by P.L.242-2005, SEC.14. Amended by P.L.229-2007, SEC.10.

IC 20-26-13-14
Report; contents

Sec. 14. (a) Each reporting year, the department shall determine and report the following for each cohort:

(1) A four (4) year graduation rate determined under section 10 of this chapter.

(2) A five (5) year graduation rate determined under section 10.2 of this chapter.

(3) A six (6) and subsequent year graduation rate determined under section 10.5 of this chapter.

(b) Except for the correction of calculation errors, a four (4) year and five (5) year graduation rate may not be altered after the rates are initially reported.
As added by P.L.229-2007, SEC.11.

IC 20-26-13-15
Deadline for schools to report graduation information; report date for four year graduation rate

Sec. 15. (a) The provisions of sections 12 and 13 of this chapter must be completed before the release of the reports required under

section 14 of this chapter. The department shall establish deadlines for each school to provide the information required under section 13 of this chapter.

(b) Notwithstanding subsection (a), the department shall report the four (4) year graduation rates for each cohort not later than January 15 following the cohort's expected graduation rate.

As added by P.L.229-2007, SEC.12.

IC 20-26-13-16

Graduation rate determination under National Governors' Association guidelines

Sec. 16. In addition to any other determination required under this chapter, the department shall determine and report a statewide graduation rate that is consistent with guidelines developed by the National Governors' Association. If the guidelines are unclear or allow flexibility in determination, the requirements of this chapter apply to the determination of a statewide graduation rate. However, cohort members who leave after less than one (1) year of attendance in an Indiana school and whose location cannot be determined may not be subtracted in the calculation of a statewide graduation rate.

As added by P.L.229-2007, SEC.13.

IC 20-26-14

Chapter 14. Interscholastic Athletic Associations

IC 20-26-14-1

"Association"

Sec. 1. As used in this chapter, "association" means an organization that conducts, organizes, sanctions, or sponsors interscholastic high school athletic events as the organization's primary purpose.

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

IC 20-26-14-2

"Case"

Sec. 2. As used in this chapter, "case" refers to a decision of the association:

(1) that concerns the application or interpretation of a rule of the association to an individual student; and

(2) with which the student's parent disagrees.

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

IC 20-26-14-3

"Panel"

Sec. 3. As used in this chapter, "panel" refers to the case review panel established under section 6 of this chapter.

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

IC 20-26-14-4

"State superintendent"

Sec. 4. As used in this chapter, "state superintendent" refers to the state superintendent of public instruction.

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

IC 20-26-14-5

Participation in association by schools

Sec. 5. A school corporation may participate in:

(1) an association; or

(2) an athletic event conducted, organized, sanctioned, or sponsored by an association;

if the association complies with this chapter.

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

IC 20-26-14-5.5

Association notification requirements

Sec. 5.5. (a) Not later than three (3) business days after the association makes a decision concerning the application or interpretation of a rule of the association to an individual student, the association shall notify by registered or certified mail the following of the association's decision:

(1) The student's parent.

(2) The student's school.

(b) In its notice to the parent under subsection (a)(1), the association shall include information about the process under this chapter for appealing the association's decision.

(c) The association shall conduct its investigation, review, and decision making in an expeditious manner.

As added by P.L.92-2010, SEC.1.

IC 20-26-14-6

Case review panel; membership; meetings; decisions of panel

Sec. 6. (a) The association must establish a case review panel that meets the following requirements:

(1) The panel has nine (9) members.

(2) The state superintendent or the state superintendent's designee is a member of the panel and is the chairperson of the panel.

(3) The state superintendent appoints as members of the panel persons having the following qualifications:

(A) Four (4) parents of high school students.

(B) Two (2) high school principals.

(C) Two (2) high school athletic directors.

(4) The state superintendent shall administer the functions of the panel.

(5) A member of the panel serves for a four (4) year term, subject to the following:

(A) An appointee who ceases to meet the member's qualification under subdivision (3) ceases to be a member of the panel.

(B) The state superintendent shall appoint fifty percent (50%) of the initial appointees under each clause in subdivision (3) for terms of two (2) years, so that terms of the panel are staggered.

(6) The panel must meet monthly, unless there are no cases before the panel. The panel may meet more frequently at the call of the chairperson. However, the chairperson must call a meeting within five (5) business days, or as soon thereafter as a quorum can be assembled, after the panel receives a case in which time is a factor in relation to the scheduling of an athletic competition.

(7) A quorum of the panel is five (5) members. The affirmative vote of the greater of the majority present or four (4) members of the panel is required for the panel to take action.

(b) A student's parent who disagrees with a decision of the association concerning the application or interpretation of a rule of the association to the student shall have the right to do one (1) of the following:

(1) Accept the decision.

(2) Refer the case to the panel. The parent must refer the case to the panel not later than thirty (30) days after the date of the association's decision.

(c) After a case is referred under subsection (b)(2), the panel must

do the following:

(1) Collect testimony and information on the case, including testimony and information from both the association and the parent.

(2) Place the case on the panel's agenda and consider the case at a meeting of the panel.

(3) Not later than ten (10) business days after the meeting at which the panel considers the case, issue a written decision that does one (1) of the following:

(A) Upholds the association's decision on the case.

(B) Modifies the association's decision on the case.

(C) Nullifies the association's decision on the case.

(d) Subject to section 7 of this chapter, the association must implement the decision of the panel on each case. However, a decision of the panel:

(1) applies only to the case before the panel; and

(2) does not affect any rule of the association or decision under any rule concerning any student other than the student whose parent referred the case to the panel.

(e) The association shall pay all costs attributable to the operation of the panel, including travel and a stipend of at least fifty dollars ($50) for each meeting for panel members.

As added by P.L.1-2005, SEC.10. Amended by P.L.92-2010, SEC.2.

IC 20-26-14-7

Legal actions

Sec. 7. (a) If the association or the parent who referred a case to the panel under section 6(b)(2) of this chapter disagrees with the decision of the panel, the association or the parent may file a legal action to review the panel's decision.

(b) An action must be filed under subsection (a) with a court with jurisdiction not later than forty-five (45) days after the panel issues its decision under section 6(c) of this chapter.

(c) In an action brought under this section, the court may reverse the panel's decision if the court, upon its own review of the facts and issues involved in the decision and the applicable rule of the association, determines that the decision of the panel, or the decision of the association upheld by the panel, is:

(1) not a fair and logical interpretation or application of the association's rule;

(2) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(3) contrary to a constitutional right, power, privilege, or immunity;

(4) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(5) without observance of procedure required by law; or

(6) unsupported by substantial evidence.

(d) The court reviewing a panel decision under this section may do any of the following:

(1) Affirm the panel's decision.

(2) Modify the panel's decision.

(3) Reverse the panel's decision and remand the action to the panel for action directed by the court.

(e) Notwithstanding this chapter, if an association fails to follow its bylaws regarding hearing and appeals procedures, a student or the student's parent may proceed directly to a court with jurisdiction to resolve a dispute.

As added by P.L.92-2010, SEC.3.

IC 20-26-15

Chapter 15. Freeway School Corporation and Freeway School Program

IC 20-26-15-1

"Contract"

Sec. 1. As used in this chapter, "contract" refers to a contract entered into under this chapter for the establishment of:

(1) a freeway school corporation; or

(2) a freeway school.

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

IC 20-26-15-2

"Freeway school"

Sec. 2. As used in this chapter, "freeway school" refers to:

(1) a school for which a contract has been entered into under this chapter; or

(2) a nonpublic school that enters into a contract under section 13 of this chapter.

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

IC 20-26-15-3

"Freeway school corporation"

Sec. 3. As used in this chapter, "freeway school corporation" refers to a school corporation that enters into a contract under this chapter.

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

IC 20-26-15-4

Contract for designation as freeway school; approval

Sec. 4. (a) The state board and the governing body of a school corporation must enter into a contract that complies with this chapter to designate a school corporation as a freeway school corporation or a school within a school corporation as a freeway school if a school corporation:

(1) petitions the state board for designation as a freeway school corporation or to have a school within the school corporation designated as a freeway school; and

(2) agrees to comply with this chapter.

(b) A school corporation becomes a freeway school corporation and a school becomes a freeway school when the contract is signed by:

(1) the state superintendent, acting for the state board after a majority of the members of the state board have voted in a public session to enter into the contract; and

(2) the president of the governing body of the school corporation, acting for the governing body of the school corporation after a majority of the members of the governing body have voted in a public session to enter into the contract.

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

IC 20-26-15-5

Elective suspension of statutes and rules in freeway school contract

Sec. 5. Notwithstanding any other law, the operation of the following is suspended for a freeway school corporation or a freeway school if the governing body of the school corporation elects to have the specific statute or rule suspended in the contract:

(1) The following statutes and rules concerning curriculum and instructional time:

IC 20-30-2-7
IC 20-30-5-8
IC 20-30-5-9
IC 20-30-5-11
511 IAC 6-7-6
511 IAC 6.1-3-4
511 IAC 6.1-5-0.5
511 IAC 6.1-5-1
511 IAC 6.1-5-2.5
511 IAC 6.1-5-3.5
511 IAC 6.1-5-4.

(2) The following rule concerning pupil/teacher ratios:

511 IAC 6.1-4-1.

(3) The following statutes and rules concerning textbooks:

IC 20-20-5-1 through IC 20-20-5-4
IC 20-20-5-23
IC 20-26-12-24
IC 20-26-12-26
IC 20-26-12-28
IC 20-26-12-1
IC 20-26-12-2
511 IAC 6.1-5-5.

(4) 511 IAC 6-7, concerning graduation requirements.

(5) IC 20-31-4, concerning the performance based accreditation system.

(6) IC 20-32-5, concerning the ISTEP program established under IC 20-32-5-15, if an alternative locally adopted assessment program is adopted under section 6(7) of this chapter.

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

IC 20-26-15-6

Permitted actions by freeway school or freeway school corporation during contract period

Sec. 6. Except as provided in this chapter and notwithstanding any other law, a freeway school corporation or a freeway school may do the following during the contract period:

(1) Disregard the observance of any statute or rule that is listed in the contract.

(2) Lease school transportation equipment to others for nonschool use when the equipment is not in use for a school corporation purpose, if the lessee has not received a bid from a

private entity to provide transportation equipment or services for the same purpose.

(3) Replace the budget and accounting system that is required by law with a budget or accounting system that is frequently used in the private business community. The state board of accounts may not go beyond the requirements imposed upon the state board of accounts by statute in reviewing the budget and accounting system used by a freeway school corporation or a freeway school.

(4) Establish a professional development and technology fund to be used for:

(A) professional development; or

(B) technology, including video distance learning.

However, any money deposited in the professional development and technology fund for technology purposes must be transferred to the school technology fund.

(5) Subject to subdivision (4), transfer funds obtained from sources other than state or local government taxation among any accounts of the school corporation, including a professional development and technology fund established under subdivision (4).

(6) Transfer funds obtained from property taxation and from state distributions among the general fund and the school transportation fund, subject to the following:

(A) The sum of the property tax rates for the general fund and the school transportation fund after a transfer occurs under this subdivision may not exceed the sum of the property tax rates for the general fund and the school transportation fund before a transfer occurs under this subdivision.

(B) This subdivision does not allow a school corporation to transfer to any other fund money from the:

(i) capital projects fund; or

(ii) debt service fund.

(7) Establish a locally adopted assessment program to replace the assessment of students under the ISTEP program established under IC 20-32-5-15, subject to the following:

(A) A locally adopted assessment program must be established by the governing body and approved by the department.

(B) A locally adopted assessment program may use a locally developed test or a nationally developed test.

(C) Results of assessments under a locally adopted assessment program are subject to the same reporting requirements as results under the ISTEP program.

(D) Each student who completes a locally adopted assessment program and the student's parent have the same rights to inspection and rescoring as set forth in IC 20-32-5-9.

As added by P.L.1-2005, SEC.10. Amended by P.L.2-2006, SEC.135.

IC 20-26-15-7

Educational benefits required during contract period

Sec. 7. The minimum educational benefits that a freeway school corporation or a freeway school must produce under this chapter are the following:

(1) An average attendance rate that increases:

(A) not less than two percent (2%) each school year until the average attendance rate is eighty-five percent (85%); and

(B) one percent (1%) each school year until the average attendance rate is ninety percent (90%).

(2) A successful completion rate of the assessment program by meeting essential standards under the ISTEP program (IC 20-32-5) or a locally adopted assessment program established under section 6(7) of this chapter that increases:

(A) not less than two percent (2%) each school year until the successful completion rate is not less than eighty-five percent (85%); and

(B) one percent (1%) each school year until the successful completion rate is not less than ninety percent (90%);

of the students in the designated grade levels under the ISTEP assessment program (IC 20-32-5) or the locally adopted assessment program that are grades contained in the freeway school corporation or freeway school.

(3) Beginning with the class of students who expect to graduate four (4) years after a freeway school corporation or a freeway school that is a high school obtains freeway status, a graduation rate as determined under 511 IAC 6.1-1-2(k) that increases:

(A) not less than two percent (2%) each school year until the graduation rate is not less than eighty-five percent (85%); and

(B) one percent (1%) each school year until the graduation rate is ninety percent (90%).

After a freeway school corporation or a freeway school has achieved the minimum rates required under subdivisions (1) through (3), the freeway school corporation or freeway school must either maintain the minimum required rates or show continued improvement of those rates.

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

IC 20-26-15-8

Mandatory contract provisions and plans; additional educational benefits allowed under contract

Sec. 8. (a) The contract must contain the following provisions:

(1) A list of the statutes and rules that are suspended from operation in a freeway school corporation or freeway school, as listed in section 5 of this chapter.

(2) A description of the privileges of a freeway school corporation or freeway school, as listed in section 6 of this chapter.

(3) A description of the educational benefits listed in section 7

of this chapter that a freeway school corporation or freeway school agrees to:

(A) achieve by the end of five (5) complete school years after the contract is signed; and

(B) maintain at the end of:

(i) the sixth; and

(ii) any subsequent;

complete school year after the contract is signed.

(4) A plan and a schedule for the freeway school corporation or freeway school to achieve the educational benefits listed in section 7 of this chapter by the end of five (5) complete school years after the contract is signed. The schedule must show some percentage of improvement by the end of the second, third, and fourth complete school years after the contract is signed.

(5) A school by school strategy, including curriculum, in which character education is demonstrated to be a priority. The strategy required under this subdivision must include the following subjects as integral parts of each school's character education:

(A) Hygiene.

(B) Alcohol and drugs.

(C) Diseases transmitted sexually or through drug use, including AIDS.

(D) Honesty.

(E) Respect.

(F) Abstinence and restraint.

(6) A plan under which the freeway school corporation or freeway school will offer courses that will allow a student to become eligible to receive an academic honors diploma.

(7) A plan under which the freeway school corporation or freeway school will maintain a safe and disciplined learning environment for students and teachers.

(b) In the contract:

(1) the quantitative measures of benefits may be higher, but not lower, than the minimum educational benefits listed in section 7 of this chapter; and

(2) educational benefits may be included in addition to the minimum educational benefits listed in section 7 of this chapter.

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

IC 20-26-15-9

Contract amendment

Sec. 9. The governing body of a freeway school corporation and the state board acting jointly may amend a contract entered into under this chapter:

(1) to comply with any law enacted subsequent to the formation of the contract;

(2) to alter the educational benefits to a level that is not below the minimum educational benefits listed in section 7 of this chapter; or

(3) for a purpose jointly agreed to by the parties.
As added by P.L.1-2005, SEC.10.

IC 20-26-15-10
Annual evaluation of contract compliance

Sec. 10. On July 1 of each year, the state board shall determine whether a freeway school corporation or freeway school that has completed:

(1) a second, third, or fourth complete school year under a contract entered under this chapter has achieved the scheduled improvement in educational benefits that the freeway school corporation or freeway school has agreed to achieve;

(2) a fifth complete school year under a contract entered under this chapter has achieved the educational benefits that the freeway school corporation or freeway school has agreed to achieve; or

(3) more than five (5) full school years under a contract entered under this chapter has maintained the educational benefits that the freeway school corporation or freeway school has agreed to maintain.

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

IC 20-26-15-11
Failure to achieve minimum educational benefits standards during contract years one through five

Sec. 11. (a) A school corporation that enters into a contract under this chapter to:

(1) be a freeway school corporation; or

(2) operate a freeway school;

must achieve the educational benefits that the school corporation agrees in the contract to achieve.

(b) If a school corporation that enters into a contract under this chapter to be a freeway school corporation or to operate a freeway school fails to achieve any of the educational benefits agreed upon in the contract at the end of a school year:

(1) the state board shall review the school corporation's plan and schedule for achieving the educational benefits, and, if necessary, modify the plan; and

(2) the year in which the educational benefits are not achieved is not included in the five (5) year contract period.

(c) A contract is void and a school corporation ceases immediately to be a freeway school corporation or to be eligible to operate a freeway school if:

(1) the school corporation or school has previously undergone a plan and schedule review under subsection (b); and

(2) the state board determines that the school corporation or school failed to achieve the following that the school corporation agreed to achieve in the contract:

(A) at the end of the second, third, or fourth complete school year after a contract is signed under this chapter, two (2) of

the three (3) scheduled improvements in educational benefits that are listed in section 7 of this chapter; or

(B) at the end of the fifth complete school year after a contract is signed under this chapter, the educational benefits stated in the contract.

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

IC 20-26-15-12

Failure to achieve minimum educational benefits standards during and after contract year six

Sec. 12. (a) A school corporation that enters into a contract under this chapter to be a freeway school corporation or to operate a freeway school must maintain the educational benefits that the school corporation agrees to achieve in the contract.

(b) If the state board determines that a freeway school corporation or freeway school has failed to maintain the educational benefits described in subsection (a) for two (2) consecutive or nonconsecutive school years beginning with the end of the sixth school year after a contract is signed under this chapter:

(1) the contract is void; and

(2) the school corporation ceases to be:

(A) a freeway school corporation; or

(B) eligible to operate a freeway school;

on July 1 following the second school year in which the freeway school corporation or freeway school failed to maintain the required educational benefits.

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

IC 20-26-15-13

Nonpublic school designated as freeway school; contract approval; accreditation

Sec. 13. (a) A nonpublic school may enter into a contract with the state board to become a freeway school.

(b) The state board and the governing body of a nonpublic school must enter into a contract that complies with this chapter to designate the nonpublic school as a freeway school if the nonpublic school:

(1) petitions the state board for designation as a freeway school; and

(2) agrees to comply with this chapter.

(c) A nonpublic school becomes a freeway school when the contract is signed by:

(1) the state superintendent, acting for the state board after a majority of the members of the board have voted in a public session to enter into the contract; and

(2) the president of the governing body of the nonpublic school, acting for the governing body of the nonpublic school after a majority of the members of the governing body have voted to enter into the contract.

(d) The state board shall accredit a nonpublic school that:

(1) becomes a freeway school under this chapter; and

(2) complies with the terms of the contract.
As added by P.L.1-2005, SEC.10.

IC 20-26-15-14
Legality of actions taken following cessation of freeway school or freeway school corporation

Sec. 14. (a) This section applies to:

(1) a school corporation that has ceased to be a freeway school corporation; and

(2) a school that has ceased to be a freeway school.

(b) If an action taken by a school corporation or school described in subsection (a) while a contract was in effect was legal at the time the action was taken because of the waiver of a statute or rule in the contract, the action remains legal after the contract becomes void.

(c) An action taken by a school corporation or school described in subsection (a) after the date on which a contract becomes void must be in compliance with existing statutes and rules.
As added by P.L.1-2005, SEC.10.

IC 20-26-16

Chapter 16. School Corporation Police Departments

IC 20-26-16-1

Application

Sec. 1. This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12).

As added by P.L.132-2007, SEC.7.

IC 20-26-16-2

Authority to establish police department

Sec. 2. The governing body of a school corporation may establish a school corporation police department under this chapter.

As added by P.L.132-2007, SEC.7.

IC 20-26-16-3

Authority to appoint officers; uniforms; vehicles

Sec. 3. The governing body of a school corporation may do the following for the school corporation police department:

(1) Appoint school corporation police officers.

(2) Prescribe the duties and direct the conduct of school corporation police officers.

(3) Prescribe distinctive uniforms.

(4) Provide emergency vehicles.

As added by P.L.132-2007, SEC.7.

IC 20-26-16-4

Minimum training requirements

Sec. 4. An individual appointed as a school corporation police officer must successfully complete at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

As added by P.L.132-2007, SEC.7.

IC 20-26-16-5

Training for certain officers

Sec. 5. (a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation police officer may not:

(1) make an arrest;
(2) conduct a search or a seizure of a person or property; or
(3) carry a firearm;

unless the school corporation police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).
As added by P.L.132-2007, SEC.7.

IC 20-26-16-6
School corporation police officers; oath; powers and duties; jurisdiction

Sec. 6. (a) A school corporation police officer appointed under this chapter:

(1) is a law enforcement officer (as defined in IC 5-2-1-2(1));
(2) must take an appropriate oath of office in a form and manner prescribed by the governing body;
(3) serves at the governing body's pleasure; and
(4) performs the duties that the governing body assigns.

(b) School corporation police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body; however, any powers may be expressly forbidden them by the governing body employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation in the enforcement of the rules and regulations of the school corporation, and assist and cooperate with other law enforcement agencies and officers.

(c) Such police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the school corporation, including the streets passing through and adjacent to the property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.
As added by P.L.132-2007, SEC.7.

IC 20-26-16-7
Existing school corporation police departments

Sec. 7. A school corporation police department established before July 1, 2007, shall be considered, after June 30, 2007, a school corporation police department established under this chapter.
As added by P.L.132-2007, SEC.7.

IC 20-26-17

Chapter 17. School Corporation Employee Health Coverage

IC 20-26-17-1

"Cost of coverage"

Sec. 1. As used in this chapter, "cost of coverage" includes any deposit to a health savings account that is related to a high deductible health plan.

As added by P.L.200-2011, SEC.2.

IC 20-26-17-2

"Health plan"

Sec. 2. As used in this chapter, "health plan" refers to any of the following:

(1) A hospital or medical expense incurred policy or certificate.

(2) A hospital or medical service plan contract.

(3) A health maintenance organization subscriber contract.

(4) A self-funded employer plan that provides coverage for health care services.

The term includes a high deductible health plan with a related health savings account.

As added by P.L.200-2011, SEC.2.

IC 20-26-17-3

Limit on employer cost of coverage

Sec. 3. The employer share of the cost of coverage under a health plan provided by a school corporation for the school corporation's employees may not exceed by more than twelve percent (12%) the employer share of the cost of coverage under the same type of health plan:

(1) described in IC 5-10-8-7(b) or IC 5-10-8-7(c); and

(2) provided by the state for state employees;

for any twelve (12) month period beginning on the first health plan issue or renewal date that occurs after December 31, 2011.

As added by P.L.200-2011, SEC.2.

IC 20-26-17-4

Plan to remedy exceeding cost limitation

Sec. 4. If a school corporation for any twelve (12) month period beginning on the first health plan issue or renewal date that occurs after December 31, 2011, spends in excess of the amount specified in section 3 of this chapter, the school corporation shall do the following:

(1) Not more than forty-five (45) days after the renewal date on which the school corporation is determined to be noncompliant with section 3 of this chapter, submit to the state personnel department a plan to achieve compliance. The plan may include health plan benefit changes and implementation of best practices described in section 6 of this chapter.

(2) Twelve (12) months after the date a plan is submitted under

subdivision (1), certify to the state personnel department the school corporation's compliance with section 3 of this chapter.

(3) If the school corporation fails to file the certification described in subdivision (2), beginning on the first renewal or expiration date of the school corporation's health plan after the twelve (12) month period described in subdivision (2) expires, elect to participate in the state employee health plan as provided in IC 5-10-8-6.7 to provide any school corporation employee health coverage.

A school corporation shall provide additional information, data, and documentation that is requested by the state personnel department to substantiate compliance with this section.

As added by P.L.200-2011, SEC.2.

IC 20-26-17-5

Requirements for employee health coverage program

Sec. 5. The following apply with respect to a school corporation's employee health coverage program:

(1) If the school corporation pays a commission, a bonus, an override, a contingency fee, or any other compensation to an insurance producer or other adviser in connection with the health coverage, the school corporation shall:

(A) specify the commission, bonus, override, contingency fee, or other compensation in the school corporation's annual budget fixed under IC 6-1.1-17; and

(B) make the information specified under clause (A) available to the public upon request.

(2) The school corporation shall perform audits once each five (5) years to ensure that covered dependents of school corporation employees are entitled to coverage under the school corporation's employee health coverage program.

(3) The school corporation may allow:

(A) members of the school corporation's governing body; or

(B) an attorney of the school corporation's governing body;

to be covered under the school corporation's employee health coverage program.

(4) All individuals insured under the school corporation's employee health coverage program:

(A) are eligible for the same coverage as all other individuals insured under the program; and

(B) to the extent allowed by federal law, may pay different amounts for the coverage.

As added by P.L.200-2011, SEC.2.

IC 20-26-17-6

Best practices for employee health coverage program

Sec. 6. A school corporation may consider the following best practices with respect to the school corporation's employee health coverage program:

(1) Obtaining more than one (1) estimate for the coverage,

including use of health care service discounts and medical management, to obtain the most cost savings in the program.

(2) Requiring employer contributions of at least fifty percent (50%) and not more than eighty-five percent (85%) of the cost of the coverage.

(3) Offering at least one (1) of each of the following, in accordance with the requirements of the Internal Revenue Code, as an option for the school corporation's employees:

(A) A high deductible health plan with a health savings account.

(B) A health reimbursement arrangement.

(4) Offering wellness programs to the school corporation's employees.

(5) Either:

(A) joining a consortium or trust of school corporations; or

(B) electing to participate in the state employee health plan as provided in IC 5-10-8-6.7;

to provide school corporation employee health coverage to all school corporation employees.

(6) Providing medical clinics on the property of the school corporation for individuals insured under the school corporation employee health coverage program.

As added by P.L.200-2011, SEC.2.

IC 20-26-17-7

Participation in school corporation consortium or trust

Sec. 7. A consortium or trust of school corporations referred to in this chapter shall accept any school corporation for participation in the consortium or trust if the school corporation agrees to participate in the consortium's or trust's best practice requirements.

As added by P.L.200-2011, SEC.2.

IC 20-26-17-8

Employee participation; collective bargaining

Sec. 8. (a) This chapter does not require a school corporation employee to participate in a school corporation's employee health coverage program.

(b) With respect to a collective bargaining agreement that is in effect on July 1, 2011, this chapter does not:

(1) give a party to the collective bargaining agreement any greater rights under the collective bargaining agreement than the party had before July 1, 2011; or

(2) annul, modify, or limit the collective bargaining agreement.

As added by P.L.200-2011, SEC.2.

IC 20-26-17-9

Reports to legislative council and state personnel

Sec. 9. Not later than December 31 in each calendar year, a school corporation shall report the following information for the school year ending in the calendar year to the legislative council in an electronic

format under IC 5-14-6 and the state personnel department:

(1) The employer's share of the cost of coverage of the state employee health plan used by the school corporation, in total and separated out to show the amount payable per covered individual by type of family or single coverage plan.

(2) The covered individual's share of the cost of coverage of the state employee health plan used by the school corporation, in total and separated out to show the amount payable per covered individual by type of family or single coverage plan.

(3) The total cost of coverage incurred by the individual's covered by the health plan and the school corporation.

A school corporation shall provide additional information, data, and documentation that is requested by the state personnel department to substantiate compliance with this section.

As added by P.L.200-2011, SEC.2.

IC 20-27

ARTICLE 27. SCHOOL TRANSPORTATION

IC 20-27-1

Chapter 1. Applicability

IC 20-27-1-1

Application of article

Sec. 1. Except as otherwise provided, this article applies to the following:

(1) School corporations.

(2) Nonpublic schools.

As added by P.L.1-2005, SEC.11.

IC 20-27-2

Chapter 2. Definitions

IC 20-27-2-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-2005, SEC.11.

IC 20-27-2-2

"Committee"

Sec. 2. "Committee" refers to the state school bus committee established by IC 20-27-3-1.

As added by P.L.1-2005, SEC.11.

IC 20-27-2-3

"Common carrier contract"

Sec. 3. "Common carrier contract" means a contract for the transportation of students between a school corporation and a regular route common carrier of passengers that operates under the jurisdiction of the department of state revenue.

As added by P.L.1-2005, SEC.11.

IC 20-27-2-4

"Employment contract"

Sec. 4. "Employment contract" means a contract:

(1) between:

(A) a school corporation that owns all necessary school bus equipment; and

(B) a school bus driver; and

(2) that provides that the school bus driver is employed in the same manner as other noninstructional personnel are employed by the school corporation.

As added by P.L.1-2005, SEC.11.

IC 20-27-2-5

"Fleet contract"

Sec. 5. "Fleet contract" means a contract between a school corporation and a fleet contractor in which the contractor promises to provide two (2) or more school buses and school bus drivers for student transportation.

As added by P.L.1-2005, SEC.11.

IC 20-27-2-6

"Fleet contractor"

Sec. 6. "Fleet contractor" means a person who contracts with a school corporation to provide two (2) or more school buses and school bus drivers for student transportation.

As added by P.L.1-2005, SEC.11.

IC 20-27-2-7
"Parents supplemental transportation contract"

Sec. 7. "Parents supplemental transportation contract" means a contract between parents of students enrolled in a public school and a school bus driver in which the school bus driver promises to provide a school bus and driving services.

As added by P.L.1-2005, SEC.11.

IC 20-27-2-8
"School bus"

Sec. 8. "School bus" means a motor vehicle, other than a special purpose bus, that is:

(1) designed and constructed for the accommodation of more than ten (10) passengers; and

(2) used for the transportation of Indiana students.

The term includes the chassis or the body, or both.

As added by P.L.1-2005, SEC.11.

IC 20-27-2-9
"School bus driver"

Sec. 9. "School bus driver" means an individual charged with the responsibility of operating a school bus.

As added by P.L.1-2005, SEC.11.

IC 20-27-2-10
"Special purpose bus"

Sec. 10. "Special purpose bus" means a motor vehicle:

(1) that is designed and constructed for the accommodation of more than ten (10) passengers;

(2) that:

(A) meets the federal school bus safety requirements under 49 U.S.C. 30125 except the:

(i) stop signal arm required under federal motor vehicle safety standard (FMVSS) no. 131; and

(ii) flashing lamps required under federal motor vehicle safety standard (FMVSS) no. 108;

(B) when owned by a school corporation and used to transport students, complies with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Motor Carrier Safety Administration as set forth in 49 CFR Chapter III Subchapter B; or

(C) when owned by a school corporation and used to transport students, is a motor coach type bus with a capacity of at least thirty (30) passengers and a gross vehicle weight rating greater than twenty-six thousand (26,000) pounds; and

(3) that is used by a school corporation for transportation purposes appropriate under IC 20-27-9-5.

As added by P.L.1-2005, SEC.11.

IC 20-27-2-11
"Student"

Sec. 11. "Student" means a child enrolled in a public or nonpublic school at any grade between kindergarten and grade 12.
As added by P.L.1-2005, SEC.11.

IC 20-27-2-12
"Transportation contract"

Sec. 12. "Transportation contract" means a contract between a school corporation and a school bus driver in which the school bus driver promises to provide, in addition to driving services, a school bus, school bus chassis, or school bus body.
As added by P.L.1-2005, SEC.11.

IC 20-27-3

Chapter 3. State School Bus Committee

IC 20-27-3-1

State school bus committee; members

Sec. 1. (a) The state school bus committee is established. The committee has the following voting members:

(1) The state superintendent or the state superintendent's authorized representative, who serves as chairperson of the committee.

(2) The commissioner of the bureau of motor vehicles, or the commissioner's authorized representative.

(3) The administrator of the motor carrier services division of the department of state revenue.

(4) The director of the governor's council on impaired and dangerous driving.

(5) A school bus driver appointed by the state superintendent upon the recommendation of the Indiana State Association of School Bus Drivers, Inc.

(6) A superintendent of a school corporation appointed by the state superintendent upon the recommendation of the Indiana Association of Public School Superintendents.

(7) A member of the governing body of a school corporation appointed by the state superintendent upon the recommendation of the Indiana School Boards Association.

(8) A representative of the Indiana School for the Blind and Visually Impaired or the Indiana School for the Deaf appointed by the state superintendent.

(9) A member of the School Transportation Association of Indiana appointed by the state superintendent upon the recommendation of the School Transportation Association of Indiana.

(b) The state superintendent shall designate a secretary from the department who shall keep the official record of the meetings and of official transactions of the committee.

As added by P.L.1-2005, SEC.11. Amended by P.L.218-2005, SEC.69.

IC 20-27-3-2

Nonvoting members

Sec. 2. (a) The following nonvoting members shall advise the voting members of the committee:

(1) A member of the Indiana Association of School Bus Distributors selected by the executive committee of that association.

(2) A member of the state police department selected by the state police superintendent.

(3) A member of the Indiana Transportation Association selected by the executive committee of that association.

(4) A member of the Indiana Township Association selected by

the executive committee of that association.

(5) A school business official appointed by the state superintendent upon the recommendation of the Indiana Association of School Business Officials.

(b) An individual is not qualified to serve as a nonvoting member of the committee until proper credentials of the individual's appointment have been filed with the chairperson of the committee. Each nonvoting member shall be notified of all committee meetings and may attend each meeting and offer advice to the voting members of the committee.

As added by P.L.1-2005, SEC.11.

IC 20-27-3-3

Meetings

Sec. 3. (a) The committee:

(1) shall hold one (1) regular meeting each month; and

(2) may hold special meetings as the chairperson considers necessary.

(b) Four (4) voting members of the committee constitute a quorum for the transaction of official business.

As added by P.L.1-2005, SEC.11.

IC 20-27-3-4

Powers; bus driver performance standards; certificate of inspection

Sec. 4. (a) The committee has the following powers:

(1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses and special purpose buses, including minimum standards for the construction of school buses and special purpose buses necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(2) The committee may adopt rules under IC 4-22-2 establishing standards for the equipment of school buses and special purpose buses, including minimum standards for the equipment of school buses and special purpose buses necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(3) The committee may adopt rules under IC 4-22-2 specifying the minimum standards that must be met to avoid the issuance of an out-of-service certificate of inspection decal.

(4) The committee may provide for the inspection of all school buses and special purpose buses, new or old, that are offered for sale, lease, or contract.

(5) The committee may provide for the annual inspection of all school buses and special purpose buses and the issuance of

certificate of inspection decals.

(6) The committee may maintain an approved list of school buses and special purpose buses that have passed inspection tests under subdivision (4) or (5).

(7) The committee may, subject to approval by the state board of accounts, prescribe standard forms for school bus driver contracts.

(8) The committee may hear appeals brought under IC 20-27-7-15.

(b) The committee shall adopt rules under IC 4-22-2 to set performance standards and measurements for determining the physical ability necessary for an individual to be a school bus driver.

(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in IC 20-27-7-7, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year.

As added by P.L.1-2005, SEC.11. Amended by P.L.107-2006, SEC.6.

IC 20-27-3-5

Rules; display of school district number on bus

Sec. 5. The committee shall adopt and enforce rules under IC 4-22-2 to require that each new school bus operated by or on behalf of a school corporation bear the number of the school district on the back of the school bus in black letters that are at least four (4) inches and not more than six (6) inches high.

As added by P.L.1-2005, SEC.11.

IC 20-27-3-6

Rules; display of United States flag on bus

Sec. 6. The committee shall adopt and enforce rules under IC 4-22-2 that allow the display of the United States flag on a school bus operated by or on behalf of a school corporation. The rules must provide that a flag displayed on a school bus may not be placed in a manner that:

(1) obstructs the school bus driver's vision through the windshield or any other window;

(2) impedes the school bus driver's operation of any equipment; or

(3) distracts the attention of other motorists from the school bus's warning lamps or stop signal arm when the school bus is loading or unloading students.

As added by P.L.1-2005, SEC.11.

IC 20-27-3-7

Standards of construction and equipment

Sec. 7. (a) A school bus or special purpose bus sold or delivered in Indiana must meet the standards of construction and equipment set

forth in the rules of the committee.

(b) A school bus may not be originally licensed in Indiana until the school bus has been inspected by the state police department and found to comply with these standards.

As added by P.L.1-2005, SEC.11. Amended by P.L.107-2006, SEC.7.

IC 20-27-3-8

Violation

Sec. 8. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

As added by P.L.1-2005, SEC.11. Amended by P.L.231-2005, SEC.35.

IC 20-27-4

Chapter 4. Purchase of School Buses

IC 20-27-4-1

Authority to purchase school buses

Sec. 1. A school corporation may purchase a school bus or special purpose bus to furnish transportation for students. The school corporation may purchase:

(1) both the body and the chassis of a school bus; or

(2) either the body or the chassis.

A purchase may be made for cash or under the terms of a security agreement.

As added by P.L.1-2005, SEC.11.

IC 20-27-4-2

Security agreements; generally

Sec. 2. A security agreement under this chapter may not run for more than six (6) years. The agreement must be amortized in equal or approximately equal installments, payable on the first day of January and July each year. The first installment of principal and interest must be due and payable on the first day of July next following the collection of a tax that was levied after execution of the security agreement.

As added by P.L.1-2005, SEC.11.

IC 20-27-4-3

Security agreements; appropriation

Sec. 3. Before a security agreement is executed, an appropriation for the amount of the purchase price must be made. The appropriation is made in the same manner as any other appropriation, except that the amount of the appropriation is not limited by the amount of funds available at the time of the execution or the amount of funds to be raised by a tax levy effective at the time of the execution. A petition to borrow, a notice to taxpayers, or other formality is not necessary, except:

(1) as specifically provided in this chapter; and

(2) as may be required by law for the issuance of general obligation bonds.

As added by P.L.1-2005, SEC.11.

IC 20-27-4-4

General obligation bonds

Sec. 4. If a school corporation requires funds to purchase a school bus for cash, the school corporation may borrow the necessary funds by issuing general obligation bonds. The bonds shall be issued in the same manner as other general obligation bonds. However, the bonds may not extend for more than six (6) years.

As added by P.L.1-2005, SEC.11.

IC 20-27-4-5

Loans

Sec. 5. (a) If a school corporation requires funds to purchase a school bus for cash, the school corporation may, instead of issuing general obligation bonds, negotiate for and borrow funds or purchase the school bus on an installment conditional sales contract or a promissory note secured by the school bus.

(b) To effect a loan, the school corporation shall execute a negotiable note or notes to the lender. The notes may not extend for more than six (6) years and are payable at the same times and in the same manner as provided for security agreements in section 2 of this chapter.

(c) Before a note described in this section is executed, an appropriation for the amount of the purchase price of the school bus and any incidental expenses connected with the purchase or the loan, must be made in the same manner as other appropriations are made, except that the amount of the appropriation is not limited by the amount of funds available at the time of the loan or purchase or by the amount of funds to be raised by a tax levy effective at the time of the loan.

(d) A petition to borrow, a notice to taxpayers, or other formality is not necessary to borrow funds under this section except as specifically provided in this chapter.

As added by P.L.1-2005, SEC.11.

IC 20-27-4-6

Manner of purchase

Sec. 6. (a) The purchase of a school bus shall be made in the same manner as provided by law for the purchase of school supplies by a school corporation.

(b) If a school bus is purchased under a security agreement, the required notice to bidders or solicitation of bids must set:

(1) the length of time the security agreement shall run; and

(2) the terms of the security agreement, including the security agreement price and interest rate.

(c) The low bid for a security agreement shall be determined by adding to each bidding price the net interest cost and then comparing the totals of the price and interest on each bid. Any difference between the cash and the security agreement prices may not be considered a charge under section 2 of this chapter. Instead, a separate statement of each price shall be made to enable the governing body to determine the advisability of purchasing a school bus under a security agreement.

As added by P.L.1-2005, SEC.11.

IC 20-27-4-7

Indiana bond bank; loans, security agreements, or leases

Sec. 7. Notwithstanding any other provision of this chapter, a school corporation may negotiate and enter into loans, security agreements, or leases with the Indiana bond bank for the acquisition and financing of a school bus.

As added by P.L.1-2005, SEC.11.

IC 20-27-4-8

Effect of chapter

Sec. 8. This chapter does not affect the validity or legality of a negotiable instrument, conditional sales contract, purchase money mortgage contract, or promissory note executed and delivered before July 1, 1965, by a school corporation and given for the purchase of a school bus in accordance with Indiana law that was specifically repealed or repealed by implication by Acts 1965, c.259.

As added by P.L.1-2005, SEC.11.

IC 20-27-5

Chapter 5. Transportation Contracts

IC 20-27-5-0.2

Application of certain amendments to prior law

Sec. 0.2. The amendments made to:

(1) IC 20-9.1-2-4 (before its repeal, now codified at section 5 of this chapter); and

(2) IC 20-9.1-2-4.1 (before its repeal, now codified at section 6 of this chapter);

do not apply to contracts entered into before July 1, 1988.

As added by P.L.220-2011, SEC.332.

IC 20-27-5-1

Nonpublic school exemption

Sec. 1. This chapter does not apply to a nonpublic school or to a school bus driver contract executed for a nonpublic school.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-2

Authority to provide transportation

Sec. 2. The governing body of a school corporation may provide transportation for students to and from school.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-3

Transportation responsibilities

Sec. 3. If a school corporation provides transportation for students, the governing body of the school corporation is responsible for obtaining the necessary school buses and school bus drivers.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-4

Employment of school bus driver

Sec. 4. (a) If a school corporation owns the school bus equipment in its entirety, the school corporation may employ a school bus driver on a school year basis in the same manner as other noninstructional employees are employed.

(b) If a school corporation employs a school bus driver under subsection (a), the employment contract between the school corporation and the school bus driver must be in writing.

(c) A school corporation that hires a school bus driver under this section shall purchase and carry public liability and property damage insurance covering the operation of school bus equipment in compliance with IC 9-25.

(d) Sections 5 through 32 of this chapter do not apply to the employment of a school bus driver hired under this section.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-5

Driver furnishing body or chassis of school bus; written transportation contract; benefits

Sec. 5. (a) If a school bus driver is required to furnish the school bus body or the school bus chassis, or both, the governing body of the school corporation shall enter into a written transportation contract with the school bus driver.

(b) The transportation contract may include a provision allowing the school bus driver to be eligible for the life and health insurance benefits and other fringe benefits available to other school personnel.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-6

Fleet contract; written fleet contract; benefits

Sec. 6. (a) When a fleet contractor is required to provide two (2) or more school buses and school bus drivers, the governing body of the school corporation shall enter into a written fleet contract with the fleet contractor.

(b) The fleet contract may include a provision allowing the school bus drivers to be eligible for the life and health insurance benefits and other fringe benefits available to other school personnel.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-7

Transportation or fleet contract; negotiation

Sec. 7. Transportation or fleet contracts may either be:

(1) negotiated and let after receiving bids on the basis of specifications, as provided for in section 10 of this chapter; or
(2) negotiated on the basis of proposals by a bidder in which the bidder suggests additional or altered specifications.

A school corporation negotiating and executing a transportation contract shall comply with section 5 and sections 9 through 16 of this chapter. A school corporation negotiating and executing a fleet contract shall comply with sections 8 through 16 of this chapter.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-8

Transportation or fleet contract; specifications

Sec. 8. (a) The governing body of a school corporation shall adopt specifications for transportation and fleet contracts before entering into a transportation or fleet contract under section 5 or 6 of this chapter.

(b) The specifications shall be prepared and placed on file in the office of the governing body at least fifteen (15) days before the advertised date for beginning negotiations or receiving proposals or bids. However, if a school corporation is under the jurisdiction of a county superintendent of schools, the specifications shall be placed on file in the office of the county superintendent.

(c) All specifications are public records and are open, during regular office hours, for inspection by the public.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-9

Transportation or fleet contract; required specifications

Sec. 9. The specifications for contracts adopted under section 8 of this chapter must include the following:

(1) A description of the route for which the contract is to be let.

(2) The approximate number of students to be transported on the route.

(3) The approximate number of miles to be traveled each school day on the route.

(4) The type of school bus equipment required to be furnished by the school bus driver or fleet contractor, including the seating capacity of the equipment required.

(5) The amount of public liability and property damage insurance coverage, if any, required to be furnished by the school bus driver or fleet contractor. If a school corporation owns either the chassis or the body of the school bus equipment, the specifications must recite the amount and kind of insurance coverage required to be furnished by a bidding school bus driver. In addition to the amount and kind of insurance set forth in the specifications, the governing body, the school bus driver, or the fleet contractor may, at their own election and at their own expense, carry additional insurance, including health, accident, and medical payments insurance.

(6) The amount of surety bond required to be furnished by the school bus driver.

(7) The length of the term for which the contract may be let. However, a township trustee may not enter into a school bus contract that has a term extending beyond the June 30 following the expiration date of the trustee's term of office.

(8) Any other relevant information necessary to advise a prospective bidder of the terms and conditions of the transportation contract or fleet contract.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-10

Transportation or fleet contract; public notice

Sec. 10. (a) The governing body shall give notice to the public at least ten (10) days before beginning negotiations or receiving proposals or bids for transportation or fleet contracts. Notice shall be given in the manner provided by IC 5-3-1. The notice must include the following information:

(1) That the governing body will negotiate, receive proposals, or receive bids for transportation contracts and fleet contracts on a specified date.

(2) That the governing body will execute contracts for the school bus routes of the school corporation.

(3) That the specifications for the routes and related information are on file in the office of the governing body or in the office of the county superintendent.

(b) A transportation or fleet contract may not be negotiated until

notice has been given under this section.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-11
Transportation or fleet contract; time to be let

Sec. 11. (a) Except as provided in subsection (b), if the duration of a transportation or fleet contract is for more than one (1) full school year, the contract must be let before the May 1 preceding the beginning of the first school year covered by the contract.

(b) A contract described in subsection (a) that is let after the May 1 preceding the beginning of the first school year covered by the contract is valid if the contract was let after May 1 due to an emergency situation.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-12
Transportation or fleet contract; award

Sec. 12. (a) If a transportation or fleet contract is let under sections 5 through 11 of this chapter, or let after renegotiation under section 16 of this chapter, the contract shall be awarded to the lowest responsible bidder, subject to the limitations in this section and in sections 14 and 15 of this chapter.

(b) The governing body may refuse to award the bid to the lowest responsible bidder if the amount of the bid is not satisfactory to the school corporation.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-13
Prerequisites for bidders for transportation contract

Sec. 13. Before a bidder may be awarded a transportation contract, the bidder must meet the following conditions:

(1) The bidder must meet the physical requirements prescribed in IC 20-27-8-1 as evidenced by a certificate signed by an Indiana physician who has examined the bidder.

(2) The bidder must hold a valid public passenger chauffeur's license or commercial driver's license issued by the bureau of motor vehicles.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-14
Transportation or fleet contract; power to reject bid

Sec. 14. A governing body may reject any or all bids. If a bid is not received for a specified route, the governing body may either readvertise for bids or negotiate a contract for the route without further advertising.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-15
Transportation or fleet contract; alteration of route

Sec. 15. The governing body may alter a school bus route at any

time. If the altered route is longer than the route in the original contract, the school bus driver or fleet contractor shall be paid additional compensation for each additional mile or fraction of a mile. The additional compensation shall be based on the average rate per mile in the original contract.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-16
Transportation or fleet contract; change of equipment
Sec. 16. The governing body may require the school bus driver or fleet contractor to furnish equipment with greater seating capacity at any time. When a school bus driver or fleet contractor is required to furnish different equipment during the term of the contract, the contracting parties may mutually agree to the cancellation of the existing contract and renegotiate a new contract for the balance of the term of the original contract. Action taken by a governing body under section 15 of this chapter does not preclude simultaneous action under this section.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-17
Transportation or fleet contract; amendment
Sec. 17. Notwithstanding any other provision in this chapter, the governing body may, with the consent of the other party or parties to the contract, amend an existing transportation or fleet contract to make any necessary adjustments caused by a fluctuation in the cost of fuel that occurs during the term of the contract.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-18
Transportation or fleet contract; road conditions
Sec. 18. If highway or road conditions require a school bus driver to drive a greater distance than provided by the contract, additional compensation shall be paid to the school bus driver or fleet contractor. The additional compensation shall be computed as if the governing body had lengthened the route under section 15 of this chapter.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-19
Transportation or fleet contract; sale or assignment
Sec. 19. A transportation or fleet contract entered into under this chapter may not be sold or assigned except by written agreement of both parties to the original contract and by the assignee or purchaser of the contract.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-20
Transportation contract; substitute driver
Sec. 20. After notice to the governing body or its authorized

agent, a school bus driver may provide a substitute driver for any of the following reasons:

(1) Illness of the school bus driver.

(2) Illness or death of a member of the school bus driver's family.

(3) Compulsory absence of a school bus driver because of jury duty.

(4) Performance of services and duties related to the Indiana State Association of School Bus Drivers, Inc.

(5) Performance of services and duties required by service in the general assembly.

(6) Attendance at meetings of the committee.

(7) Management by a school bus driver of the school bus driver's personal business affairs. However, a school bus driver may not be absent for management of personal business affairs for more than ten (10) days in any one (1) school year without the approval of the governing body.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-21

Transportation contract; substitute driver requirements

Sec. 21. A substitute school bus driver may not operate a school bus unless the substitute school bus driver meets the standards required by IC 20-27-8-1 and has been approved by the governing body or its authorized agent.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-22

Transportation contract; termination; generally

Sec. 22. (a) A school bus driver's transportation contract may be terminated for:

(1) incompetency;

(2) physical disability;

(3) negligence; or

(4) failure to faithfully perform the school bus driver's duties under the contract;

only after the school bus driver has received notice and a hearing.

(b) Notice under subsection (a) must:

(1) be in writing; and

(2) allow a reasonable time before the hearing.

(c) The school bus driver may appear at a hearing under subsection (a) either in person or by counsel.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-23

Transportation contract; termination; alcoholic beverage

Sec. 23. A school bus driver may not consume an alcoholic beverage during school hours or while operating a school bus. A transportation contract may be terminated without hearing upon presentation of reliable evidence that a school bus driver has

consumed an alcoholic beverage:

(1) during school hours;

(2) while operating a school bus; or

(3) while performing the school bus driver's duties.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-24

Transportation contract; physically unfit driver; duty

Sec. 24. When a physical examination reveals that a school bus driver is physically unfit to perform the transportation contract, the school bus driver shall:

(1) furnish a substitute school bus driver who is qualified under section 21 of this chapter; or

(2) assign the school bus driver's transportation contract, if the governing body approves, to a person qualified under this chapter.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-25

Transportation contract; physically unfit driver; termination

Sec. 25. (a) If a school bus driver is found physically unfit and fails to perform the duty required by section 24 of this chapter, the governing body may terminate the school bus driver's contract after the school bus driver has been given notice and an opportunity for a hearing.

(b) Notice under subsection (a) must:

(1) be in writing; and

(2) allow a reasonable time before the hearing.

(c) The school bus driver may appear at a hearing under subsection (a) either in person or by counsel.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-26

Fleet contract; school bus driver provisions

Sec. 26. A fleet contract entered into under this chapter must provide the following:

(1) The fleet contractor is responsible for the employment, physical condition, and conduct of every school bus driver employed by the fleet contractor.

(2) The fleet contractor shall submit to the governing body a list of the names, addresses, telephone numbers, and route assignments of all regular and substitute school bus drivers employed by the fleet contractor.

(3) All school bus drivers employed by the fleet contractor must meet the physical, moral, and license standards prescribed in IC 20-27-8.

(4) School bus drivers employed by a fleet contractor shall attend the annual safety meeting for school bus drivers sponsored by the committee and the state police department in accordance with IC 20-27-8-9.

(5) Failure to employ school bus drivers who meet and maintain the physical, moral, and license standards of IC 20-27-8, or failure to compel attendance of a school bus driver at the annual safety meeting, is a breach of contract and may result in termination of the fleet contract and in forfeiture of the surety bond.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-27

Transportation or fleet contract; cancellation; purchase of equipment

Sec. 27. If a transportation or fleet contract is canceled by a governing body under this chapter, the governing body may purchase the school bus equipment owned by the school bus driver or fleet contractor and used under the transportation contract. The purchase price is the fair market value of the equipment as determined by agreement of the governing body and the school bus driver or fleet contractor.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-28

Transportation or fleet contract; bond

Sec. 28. A school bus driver or fleet contractor operating a transportation or fleet contract shall furnish a surety bond conditioned on faithful performance of the contract. The governing body shall specify the amount of bond required.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-29

Common carrier contract; generally

Sec. 29. A governing body may enter into a contract for student transportation with a regular route common carrier that operates under the jurisdiction of the department of state revenue.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-30

Common carrier contract; provisions

Sec. 30. Each common carrier contract made under section 29 of this chapter must provide the following:

(1) The common carrier is solely responsible for the employment, physical condition, and conduct of every school bus driver employed by the carrier.

(2) The carrier must submit a certificate to the governing body showing that any school bus driver used in performing the contract meets the physical standards required by IC 20-27-8-1(a)(7).

As added by P.L.1-2005, SEC.11. Amended by P.L.1-2009, SEC.123.

IC 20-27-5-31

Common carrier contract; exemption from physical examination

Sec. 31. When a school bus driver is employed by a common carrier to assist in performing a common carrier contract made under section 29 of this chapter, the school bus driver is exempt from mandatory physical examinations required under this article, except to the extent that examination may be necessary for a common carrier to comply with section 30(2) of this chapter.
As added by P.L.1-2005, SEC.11.

IC 20-27-5-32
Common carrier contract; exemption from requirements

Sec. 32. A bus operated under a common carrier contract is not required to be constructed, equipped, or painted as specified under this article or the rules of the committee unless the bus:

(1) is operated exclusively for the transportation of students to and from school; or

(2) must be operated more than three (3) miles outside the corporation limit of a city or town in order to perform the contract.

As added by P.L.1-2005, SEC.11.

IC 20-27-5-33
Violation

Sec. 33. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.
As added by P.L.1-2005, SEC.11. Amended by P.L.231-2005, SEC.36.

IC 20-27-6

Chapter 6. Parents' Supplemental Transportation Contracts

IC 20-27-6-1

Nonpublic school exemption

Sec. 1. This chapter does not apply to a nonpublic school or to a nonpublic school bus driver contract executed for a nonpublic school.

As added by P.L.1-2005, SEC.11.

IC 20-27-6-2

Authority of parents to provide bus transportation

Sec. 2. Parents may provide bus transportation for students enrolled in a public school who are not provided transportation by the school corporation.

As added by P.L.1-2005, SEC.11.

IC 20-27-6-3

Parents joint contract rights

Sec. 3. (a) The parents of public school students not provided bus transportation by the school corporation may contract jointly with a school bus driver to provide transportation under a parents' supplemental transportation contract.

(b) A parents' supplemental transportation contract is subject to the approval of the governing body of the school corporation where the students transported under the contract reside, and a school bus operated under the contract is under the supervision and direction of the governing body.

As added by P.L.1-2005, SEC.11.

IC 20-27-6-4

Parents supplemental transportation contract; contents

Sec. 4. A parents' supplemental transportation contract must include the following:

(1) The type of school bus equipment to be furnished by the school bus driver, including a provision that the contract incorporate by reference any equipment requirements prescribed by the committee.

(2) Incorporation by reference of the safety, training, and inspection requirements of the committee and the state.

(3) The amount of liability and property damage insurance required to be furnished by the school bus driver. The amount of insurance must be commensurate with insurance furnished by a school bus driver operating under a transportation contract with a school corporation.

(4) Any other relevant information necessary to advise the parties of the terms and conditions of the contract.

As added by P.L.1-2005, SEC.11.

IC 20-27-6-5

Parents supplemental transportation contract; school bus driver prerequisites

Sec. 5. Before a school bus driver may enter into a parents' supplemental transportation contract, the school bus driver must meet the following prerequisites:

(1) The school bus driver must meet all physical requirements required of school bus drivers by the committee, including the requirements under IC 20-27-8-1.

(2) The school bus driver must obtain the physical fitness certificate required of all school bus drivers by IC 20-27-8-4.

(3) The school bus driver must have a valid public passenger chauffeur's license issued by the bureau of motor vehicles.

(4) The school bus driver must meet any additional requirements required by the contracting parents.

As added by P.L.1-2005, SEC.11.

IC 20-27-6-6

Parents supplemental transportation contract; substitute driver requirements

Sec. 6. A substitute school bus driver may not operate a school bus unless the substitute school bus driver meets the standards required by IC 20-27-8-1 or any other committee requirements for substitute school bus drivers.

As added by P.L.1-2005, SEC.11.

IC 20-27-6-7

Parents supplemental transportation contract; use of school buses

Sec. 7. (a) Except as provided in subsections (b) and (d), a school bus operating under a parents' supplemental transportation contract may only be used for the following purposes:

(1) Transportation of eligible students to and from school.

(2) Transportation of eligible students and necessary adult chaperones to and from an activity that is sponsored, controlled, supervised, or participated in by the governing body of the school corporation.

(3) Transportation of students to and from a:

(A) youth baseball activity;

(B) 4-H club activity;

(C) junior achievement activity;

(D) Boy Scout activity;

(E) Girl Scout activity;

(F) Campfire activity; or

(G) recreational activity approved or sponsored by a political subdivision.

(b) Except as provided in subsection (c), the following conditions apply to a school bus operating under a parents' supplemental transportation contract that is used for a purpose described in subsection (a):

(1) Students may not be accompanied by more than four (4) adult sponsors or chaperones per school bus.

(2) Transportation must originate from a point within the geographical limits of the school district served by the affected school bus driver.

(3) The group to be transported shall be residents of the affected school district.

(4) Transportation may not exceed one hundred (100) highway miles from point of origin.

(c) Subsection (b) does not apply if transportation can be furnished by a common carrier of passengers that operates under the jurisdiction of the department of state revenue. If transportation is furnished by a common carrier of passengers that operates under the jurisdiction of the department of state revenue, IC 20-27-9-3(b) applies.

(d) A school bus operating under a parents' supplemental transportation contract may be used for the following purposes:

(1) Travel to and from a garage or repair area for maintenance or repair.

(2) Transportation requested by a governmental authority during a local, state, or national emergency.

(3) Transportation of an agricultural worker engaged in cultivating, producing, or harvesting crops under IC 20-27-9-10.

(4) Travel to a school bus driver's residence or parking facility following an authorized use described in this section.

(5) Transportation of a senior citizen under IC 20-27-9-2.

As added by P.L.1-2005, SEC.11.

IC 20-27-6-8

Violation

Sec. 8. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

As added by P.L.1-2005, SEC.11. Amended by P.L.231-2005, SEC.37.

IC 20-27-7

Chapter 7. School Bus Inspection and Registration

IC 20-27-7-1

Annual inspection of buses

Sec. 1. The state police department shall annually inspect all special purpose buses and school buses, including those operated by a nonpublic school to transport students. The inspection of a school bus must determine whether the school bus complies with the safety requirements prescribed for school bus construction and equipment in the rules of the committee.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-2

Inspection time

Sec. 2. The owner of a school bus or special purpose bus shall present the school bus or special purpose bus for the inspection required under section 1 of this chapter at the date, time, and place designated by the state police department.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-3

Certificate of inspection

Sec. 3. If the inspection required under section 1 of this chapter reveals that a school bus meets all safety requirements, the inspecting officer shall issue to the owner of the school bus a certificate that the school bus has been inspected and that it complies with the safety requirements. Except as provided in sections 5 through 7 of this chapter, a certificate of inspection issued under this section is valid until September 30 of the school year following the school year for which the certificate is issued.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-4

Certificate of inspection display

Sec. 4. A school bus may not be used to transport passengers unless a valid certificate of inspection issued under section 3 of this chapter is displayed as viewed from the outside on the lower left corner of the windshield of the school bus. However, if the left corner position obstructs the school bus driver's view, the inspection sticker may be positioned on the bottom of the windshield so as to minimize the obstruction to the school bus driver's view.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-5

Certificate of inspection upon transfer of ownership

Sec. 5. A school bus that is sold or has the ownership transferred to a new owner must be presented for an inspection under section 2 of this chapter before the school bus may be used to transport passengers. If the school bus meets the requirements specified under

section 3 of this chapter, the state police department shall issue a new certificate of inspection for the school bus. A certificate of inspection issued under this section is valid until September 30 of the school year following the school year for which the certificate is issued.
As added by P.L.1-2005, SEC.11.

IC 20-27-7-6
Inspection of buses older than 12 years

Sec. 6. In addition to the inspection required under section 1 of this chapter, a school bus that was manufactured at least twelve (12) years before the year for which a certificate of inspection is being sought must be presented for inspection not less than five (5) months nor more than seven (7) months after the inspection required under section 1 of this chapter is completed. If the school bus meets the requirements specified in section 3 of this chapter, the state police department shall issue a new certificate of inspection for the school bus. A certificate of inspection issued for a school bus described in this section is valid for seven (7) months after the date the certificate is issued.
As added by P.L.1-2005, SEC.11.

IC 20-27-7-7
Certificate of inspection after damage by accident

Sec. 7. If a school bus has received damage in an accident that has put the school bus out of service because of passenger safety concerns, the school bus must be presented for an inspection under section 2 of this chapter before the school bus may be used to transport passengers. If the school bus meets the requirements specified in section 3 of this chapter, the state police department shall issue a new certificate of inspection for the school bus. A certificate of inspection issued under this section is valid until September 30 of the school year following the school year for which the certificate is issued.
As added by P.L.1-2005, SEC.11.

IC 20-27-7-8
Inspection requirements

Sec. 8. The inspection of a special purpose bus shall consist of an inspection to determine the existence and condition of the vehicle's:

(1) brakes;
(2) lights (headlamps, tail lamps, brake lights, clearance lights, and turn signals);
(3) steering and suspension;
(4) exhaust systems;
(5) general body condition; and
(6) tires.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-9
Bus maintenance

Sec. 9. A school bus or special purpose bus must be maintained to meet the minimum standards set forth by the committee when transporting passengers.
As added by P.L.1-2005, SEC.11.

IC 20-27-7-10
Temporary certificate of inspection due to material defect

Sec. 10. If the inspection of a special purpose bus or a school bus performed under this chapter reveals any material defect that renders the school bus unsafe and in noncompliance with any safety requirements established by the committee or with the safety requirements of this chapter, the inspecting officer shall issue a temporary certificate of inspection for the special purpose bus or school bus. The following apply to a temporary certificate of inspection issued under this section:

(1) The certificate shall be displayed as viewed from the outside in the lower left corner of the windshield of the special purpose bus or school bus. However, if the left corner position obstructs the driver's view, the temporary certificate of inspection may be positioned on the bottom of the windshield so as to minimize the obstruction to the driver's view.

(2) The certificate is valid for thirty (30) days.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-11
Temporary certificate of inspection; repair

Sec. 11. Upon being issued a temporary certificate of inspection under section 10 of this chapter, the owner of a special purpose bus or school bus shall have the special purpose bus or school bus repaired to meet the minimum standards under this chapter. After having the special purpose bus or school bus repaired to meet the minimum standards under this chapter, the owner of the special purpose bus or school bus shall present the special purpose bus or school bus for an inspection under section 2 of this chapter.
As added by P.L.1-2005, SEC.11.

IC 20-27-7-12
Certificate of inspection after repair

Sec. 12. If after being repaired under section 11 of this chapter a special purpose bus or school bus meets the minimum standards under this chapter, the state police department shall issue a certificate of inspection under section 3 of this chapter.
As added by P.L.1-2005, SEC.11.

IC 20-27-7-13
Out-of-service order and certificate; issuance

Sec. 13. If:

(1) after being repaired under section 11 of this chapter a special purpose bus or school bus does not meet the minimum standards under this chapter; or

(2) a special purpose bus or school bus is not repaired to meet the minimum standards under this chapter;

the state police department shall issue an out-of-service order and certificate for the special purpose bus or school bus. Each out-of-service order and certificate shall be served personally on the driver of the special purpose bus or school bus and a copy shall be forwarded to the governing body of the school corporation that controls the operation of the special purpose bus or school bus. After an out-of-service order and certificate have been issued, the affected special purpose bus or school bus may not be used to transport passengers until all defects have been corrected.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-14

Display of out-of-service certificate

Sec. 14. An out-of-service certificate issued under section 13 of this chapter shall be displayed as viewed from the outside in the lower left corner of the windshield of the special purpose bus or school bus for which the certificate is issued. However, if the left corner position obstructs the driver's view, the out-of-service certificate may be positioned on the bottom of the windshield so as to minimize the obstruction to the driver's view. The out-of-service certificate may be removed only by the state police department following an inspection that verifies that the special purpose bus or school bus meets the minimum standards under this chapter.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-15

Out-of-service order; appeal

Sec. 15. (a) An out-of-service order may be appealed to the committee not more than five (5) days after service of the order.

(b) Not more than ten (10) days after an appeal, the committee shall review the order and decide the matter.

(c) The committee may:

(1) uphold;

(2) modify; or

(3) set aside;

the order.

(d) While an out-of-service order is appealed, the order remains in full force until set aside or modified by the committee.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-16

Registration plate; application

Sec. 16. When the owner of a school bus applies for a registration plate under IC 9-18-2-7 or IC 9-18-2-8.5, the owner shall submit with the application a certificate of inspection issued under section 3 of this chapter. If the certificate of inspection does not accompany an owner's application, the bureau of motor vehicles may not issue a registration plate.

As added by P.L.1-2005, SEC.11. Amended by P.L.31-2008, SEC.4.

IC 20-27-7-17
Registration fee

Sec. 17. A school bus driver shall be charged the same annual registration fee for a school bus that is operated under:

(1) a transportation contract with a school corporation; or

(2) a parents' supplemental transportation contract.

As added by P.L.1-2005, SEC.11.

IC 20-27-7-18
Registration fee exemption

Sec. 18. (a) A school corporation that owns a school bus or a special purpose bus and uses the school bus or special purpose bus to transport students is exempt from the payment of the annual registration fee for the school bus or special purpose bus. On application by a school corporation, the commissioner of motor vehicles shall furnish registration number plates for exempted vehicles without charge. Application for registration of exempted vehicles shall be:

(1) made whenever a newly acquired school bus or special purpose bus requires a registration number plate;

(2) made whenever a registration number plate is transferred from one (1) school bus or special purpose bus owned by the school corporation to another school bus or special purpose bus owned by the school corporation;

(3) made in the name of the school corporation that owns the school bus or special purpose bus to be registered; and

(4) signed by the proper official of the school corporation.

(b) An owner other than a school corporation that owns a school bus or a special purpose bus and uses the school bus or special purpose bus to transport students is not exempt from annual registration as required under IC 9-18-2-8.5 or payment of the annual registration fee for school buses.

As added by P.L.1-2005, SEC.11. Amended by P.L.31-2008, SEC.5.

IC 20-27-7-19
Violation

Sec. 19. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

As added by P.L.1-2005, SEC.11. Amended by P.L.231-2005, SEC.38.

IC 20-27-8

Chapter 8. School Bus Drivers

IC 20-27-8-1

School bus driver or school bus monitor; requirements

Sec. 1. (a) An individual may not drive a school bus for the transportation of students or be employed as a school bus monitor unless the individual satisfies the following requirements:

(1) Is of good moral character.

(2) Does not use intoxicating liquor during school hours.

(3) Does not use intoxicating liquor to excess at any time.

(4) Is not addicted to any narcotic drug.

(5) Is at least:

(A) twenty-one (21) years of age for driving a school bus; or

(B) eighteen (18) years of age for employment as a school bus monitor.

(6) In the case of a school bus driver, holds a valid public passenger chauffeur's license or commercial driver's license issued by the state or any other state.

(7) Possesses the following required physical characteristics:

(A) Sufficient physical ability to be a school bus driver, as determined by the committee.

(B) The full normal use of both hands, both arms, both feet, both legs, both eyes, and both ears.

(C) Freedom from any communicable disease that:

(i) may be transmitted through airborne or droplet means; or

(ii) requires isolation of the infected person under 410 IAC 1-2.3.

(D) Freedom from any mental, nervous, organic, or functional disease that might impair the person's ability to properly operate a school bus.

(E) Visual acuity, with or without glasses, of at least 20/40 in each eye and a field of vision with one hundred fifty (150) degree minimum and with depth perception of at least eighty percent (80%).

(b) This subsection applies to a school bus monitor. Notwithstanding subsection (a)(5)(B), a school corporation or school bus driver may not employ an individual who is less than twenty-one (21) years of age as a school bus monitor unless the school corporation or school bus driver does not receive a sufficient number of qualified applicants for employment as a school bus monitor who are at least twenty-one (21) years of age. A school corporation or school bus driver shall maintain a record of applicants, their ages, and their qualifications to show compliance with this subsection.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-2

School bus driver driving summary

Sec. 2. (a) Before a school corporation enters into a:

(1) contract with a school bus driver; or
(2) fleet contract under IC 20-27-5;

the school corporation shall obtain, at no fee from the bureau of motor vehicles, a copy of the school bus driver's driving summary for the last seven (7) years as maintained by the bureau of motor vehicles or the equivalent agency in another state.

(b) To obtain a copy of the school bus driver's driving summary as required under subsection (a), the school corporation shall provide the bureau of motor vehicles with the following information:

(1) The school bus driver's name.
(2) The school bus driver's Social Security number.
(3) Any other information required by the bureau of motor vehicles.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-3

Consumption or possession of controlled substance; offense

Sec. 3. (a) As used in this section, "controlled substance" has the meaning set forth in IC 35-48-1.

(b) An individual who is a school bus driver and who knowingly and intentionally:

(1) consumes a controlled substance or an intoxicating liquor within six (6) hours before:
  (A) going on duty; or
  (B) operating a school bus; or
(2) consumes or possesses a controlled substance or an intoxicating liquor while on duty or while operating a school bus;

commits a Class A misdemeanor.

(c) It is a defense in a prosecution under this section if a controlled substance is consumed or possessed in accordance with a medical prescription issued by an Indiana physician to the individual who consumes or possesses the controlled substance.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-4

School bus driver; physical examination certificate

Sec. 4. An individual who is or intends to become a school bus driver must obtain a physical examination certificate stating that the individual possesses the physical characteristics required by section 1(a)(7) of this chapter. The certificate shall be made by a physician who is licensed in Indiana or a state bordering Indiana after the physician has conducted a physical examination of the school bus driver or prospective school bus driver. The physician shall be chosen by the school bus driver or prospective driver, who shall pay for the examination.

As added by P.L.1-2005, SEC.11. Amended by P.L.82-2009, SEC.1.

IC 20-27-8-5

School bus driver; public passenger chauffeur license; physical

examination timing

Sec. 5. (a) When an individual holds a contract to serve or is serving as a school bus driver at the time the individual obtains a public passenger chauffeur's license, the individual shall undergo the physical examination required by section 4 of this chapter at about the same time as the individual acquires the chauffeur's license. The certificate of examination and qualification shall be filed not more than seven (7) days after the examination.

(b) When an individual executes a contract to drive a school bus or begins serving as a school bus driver after obtaining a public passenger chauffeur's license, the individual may not drive a school bus unless:

(1) the individual files a certificate of a physical examination made at the time the individual last secured a public passenger chauffeur's license; or

(2) if a certificate was not made at the time of the prior examination or is unobtainable, the individual undergoes a new physical examination and files a certificate from that examination.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-6

School bus driver; additional physical examination

Sec. 6. A governing body may, at any time, require a school bus driver operating a school bus for the school corporation to submit to a physical examination by an Indiana physician selected by the corporation. The school corporation shall pay the cost of an examination under this section.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-7

Transportation or fleet contract; compensation

Sec. 7. When a school bus driver operates under a transportation or fleet contract, the compensation for the school bus driver or fleet contractor is determined and fixed by the contract on a per diem basis for the number of days on which:

(1) the calendar of the school corporation provides that students are to attend school;

(2) the driver is required by the school corporation to operate the bus on school related activities; and

(3) inservice training is required by statute or authorized by the school corporation, including the safety meeting workshops required under section 9 of this chapter.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-8

School bus driver employment contract; compensation

Sec. 8. The compensation of a school bus driver who is employed by a school corporation on a school year basis under an employment contract shall be fixed in the employment contract.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-9

Annual safety meeting; attendance required

Sec. 9. A school bus driver, including a school bus driver who drives a bus for a nonpublic school, shall attend an annual safety meeting or workshop. A safety meeting or workshop may not exceed two (2) days in any one (1) calendar year.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-10

Preservice school bus driver safety experience and education requirements

Sec. 10. (a) An individual who does not have at least thirty (30) days experience in driving a school bus during the three (3) year period immediately preceding the effective date of the individual's assignment as a school bus driver for a public or nonpublic school that is accredited by the state board within Indiana shall satisfactorily complete a preservice school bus driver safety education training course. The course may not exceed forty (40) hours.

(b) Course attendance must be completed:

(1) before the assignment of an individual required to take the course as a school bus driver; or

(2) if immediate assignment is necessary, upon the completion of the next scheduled course following the assignment.

(c) The state superintendent shall provide instructors, adequate meeting facilities, registration forms, a uniform course of instruction, and all other necessary materials for the preservice school bus driver safety education meetings.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-10.5

Special purpose bus driver safety plan

Sec. 10.5. (a) Not later than September 1, 2009, the department shall:

(1) develop;

(2) provide to the general assembly and the public; and

(3) implement;

a plan to promote safe driving practices for drivers of special purpose buses.

(b) The plan developed under subsection (a) must provide clear, concise information concerning statutes and rules that affect special purpose buses and special purpose bus drivers.

(c) The department shall update the plan developed under subsection (a) as necessary.

(d) The department shall distribute the plan developed under subsection (a) in the most cost effective manner, as determined by the department.

As added by P.L.146-2009, SEC.5.

IC 20-27-8-11

Annual safety meeting; time and place

Sec. 11. The committee shall fix the date, time, and place for the annual safety meetings or workshops.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-12

Conduct of annual safety meeting

Sec. 12. The committee and the superintendent of the state police department shall provide instructors, adequate meeting facilities, and all other necessary facilities for the annual school bus driver safety meetings or workshops. The committee and the state police superintendent shall also prepare and furnish a uniform course of instruction to be used in the meetings or workshops.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-13

Annual safety meeting; registration

Sec. 13. (a) The committee shall provide a uniform system for the registration of school bus drivers who are required to attend the annual safety meetings or workshops. This registration system must do the following:

(1) Accurately reflect the attendance of each school bus driver at each session of the annual meeting or workshop.

(2) Provide a registration form indicating the school bus driver's name and legal address, and the name of the school the school bus driver represents.

(b) The state superintendent shall supervise registration of school bus drivers at the annual safety meetings or workshops.

(c) The principal of each school shall prepare and collect the attendance records of school bus drivers who attend any safety meeting or workshops and shall make a written report of the attendance records to the state superintendent not more than ten (10) days after the meeting or workshop.

(d) Records of attendance shall be filed in the office of the state superintendent and maintained there as public records for at least three (3) years.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-14

Annual safety meeting; nonattendance

Sec. 14. If a school bus driver for a school corporation fails or refuses to attend a school bus driver meeting or workshop, the governing body of the school corporation shall deduct one (1) day's compensation for each day of absence.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-15

School bus driver training certification

Sec. 15. (a) The driver of a school bus for a public or nonpublic

school that is accredited by the state board shall have in the school bus driver's possession, while transporting passengers, a certificate that states the school bus driver has:

(1) enrolled in or completed a course in school bus driver safety education as required under sections 9 and 10 of this chapter; or

(2) operated a school bus at least thirty (30) days during the three (3) year period preceding the effective date of the school bus driver's employment.

(b) A certificate of enrollment in or completion of the course or courses in school bus driver safety education shall be prescribed by the committee and completed by the designated representative of the committee.

(c) A driver of a school bus who fails to complete the school bus driver safety education course or courses, as required, shall be reported by the person who conducted the course to the committee and to the school corporation where the school bus driver is employed or under contract.

(d) A driver of a school bus who fails to complete the school bus driver safety education course or courses, as required, may not drive a school bus within Indiana while transporting a student.

As added by P.L.1-2005, SEC.11.

IC 20-27-8-16

Violation

Sec. 16. Except as provided in section 3(b) of this chapter, a person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

As added by P.L.1-2005, SEC.11. Amended by P.L.231-2005, SEC.39.

IC 20-27-9

Chapter 9. Use of School Buses

IC 20-27-9-1

Generally

Sec. 1. (a) This section does not apply to the use of school buses owned and operated by:

(1) a nonpublic school; or

(2) a nonprofit agency with primary responsibility for the habilitation or rehabilitation of individuals with a developmental or physical disability.

(b) Except as provided under sections 2 through 15 of this chapter, a person may not operate or permit the operation of a school bus on a highway in Indiana for a private purpose or a purpose other than transportation of eligible students to and from school.

As added by P.L.1-2005, SEC.11. Amended by P.L.99-2007, SEC.170.

IC 20-27-9-2

Persons 65 years of age or older

Sec. 2. The governing body of a school corporation may allow, by written authorization, the use of a school bus for the transportation of adults at least sixty-five (65) years of age.

As added by P.L.1-2005, SEC.11.

IC 20-27-9-3

School and other activities

Sec. 3. (a) The governing body of a school corporation may allow, by written authorization, the use of a school bus for transportation of eligible students and necessary adult chaperones or of adults to and from an activity that is sponsored, controlled, supervised, or participated in by the governing body. The number and qualifications of adult chaperones under this section may be determined by the governing body.

(b) The governing body may allow, by written authorization, the use of a school bus for transportation of students and necessary adult chaperones to and from an educational or recreational activity approved or sponsored by a political subdivision if:

(1) the transportation originates from a place within the geographical limits of the school corporation served by the affected bus;

(2) the persons transported are Indiana residents; and

(3) the trip does not involve more than two hundred (200) miles of travel out of state.

As added by P.L.1-2005, SEC.11.

IC 20-27-9-4

Transportation; chaperones

Sec. 4. (a) The governing body of a school corporation may, by written authorization, allow the use of a school bus for

transportation:

(1) of preschool children who attend preschool offered by the school corporation or under a contract entered into by the school corporation to and from the preschool facility site; and

(2) subject to the geographic and residency requirements set forth in section 3(b) of this chapter, of preschool children and necessary adult chaperones to and from an educational or recreational activity approved or sponsored by the governing body for the preschool children.

(b) The number and qualifications of adult chaperones under subsection (a)(2) may be determined by the governing body.

As added by P.L.1-2005, SEC.11.

IC 20-27-9-5

Use of special purpose bus

Sec. 5. (a) A special purpose bus may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips;

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of persons with a developmental or physical disability; and

(4) to transport homeless students under IC 20-27-12.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

(1) If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid:

(A) operator's;

(B) chauffeur's;

(C) public passenger chauffeur's; or

(D) commercial driver's;

license.

(2) If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2.1.

As added by P.L.1-2005, SEC.11. Amended by P.L.191-2006, SEC.1;

P.L.99-2007, SEC.171; P.L.146-2009, SEC.6; P.L.182-2009(ss), SEC.318.

IC 20-27-9-6

Groups and organizations

Sec. 6. (a) In addition to the exemptions granted in this chapter and notwithstanding section 16 of this chapter, a school corporation may allow a school bus operated under a fleet or transportation contract and not owned in whole or in part by a public agency to be used for the transportation of a group or an organization for any distance, if that group or organization agrees to maintain the condition of the school bus and to maintain order on the school bus while in use.

(b) When authorizing transportation described in subsection (a), the school corporation shall require the owner of the school bus to:

(1) obtain written authorization of the superintendent of the contracting school corporation;

(2) clearly identify the school bus with the name of the sponsoring group; and

(3) provide proof to the superintendent and the sponsoring group of financial responsibility, as required by IC 9-25 and IC 20-27-5-9 for the transportation.

(c) The governing body of a school corporation may allow, by written authorization, the use of a school bus owned in whole or in part by the school corporation for the transportation needs of a fair or festival operated by or affiliated with a nonprofit organization exempt from federal taxation under Section 501(c)(3) through 501(c)(7) of the Internal Revenue Code.

As added by P.L.1-2005, SEC.11.

IC 20-27-9-7

Developmental disability

Sec. 7. (a) As used in this section, "developmental disability" has the meaning set forth in IC 12-7-2-61.

(b) A special education cooperative operating under IC 36-1-7, IC 20-35-5, or IC 20-26-10 or a school corporation may enter into an agreement with a state supported agency serving persons with a developmental disability in which a school bus or special purpose bus used by the special education cooperative or school corporation may be used to transport persons with a developmental disability who:

(1) are at least two (2) years of age; and

(2) live within the boundaries of the special education cooperative or school corporation;

to and from programs for persons with a developmental disability.

(c) An increased cost of transportation for persons with a developmental disability shall be borne by the persons transported or the state supported agency serving persons with a developmental disability. However, a person with a developmental disability may not be required to pay for transportation provided under this section

if the required payment is contrary to law.
As added by P.L.1-2005, SEC.11. Amended by P.L.2-2006, SEC.136; P.L.99-2007, SEC.172.

IC 20-27-9-8
Employee meetings

Sec. 8. The governing body of a school corporation may use a school bus to transport school employees to and from a meeting that is authorized or required for the employees either locally or by the state. This includes a meeting conducted by the school corporation.
As added by P.L.1-2005, SEC.11.

IC 20-27-9-9
Public emergency

Sec. 9. The governing body of a school corporation may allow the use of a school bus during a local, state, or national emergency when requested by any governmental authority.
As added by P.L.1-2005, SEC.11.

IC 20-27-9-10
Agricultural workers

Sec. 10. (a) The governing body of a school corporation may allow the use of a school bus for the transportation of agricultural workers engaged in cultivating, producing, or harvesting crops.

(b) A school bus used under this section may transport only the school bus driver, a supervisor or foreman, students, and enrolled college or university students.

(c) When a school bus is used to transport agricultural workers, a sign shall be displayed on the front and on the rear of the school bus. The sign must carry the words "Agricultural Workers" in letters at least four (4) inches in height. These signs may be removed or covered whenever the school bus is not being used to transport agricultural workers.

(d) Notwithstanding any other provision of this article or IC 9, if a school bus:

(1) is:

(A) registered as a school bus; and

(B) in compliance with all safety and equipment related requirements for a school bus;

in a state other than Indiana;

(2) while in Indiana is used solely to transport agricultural workers employed to detassel corn; and

(3) is operated in accordance with subsection (e);

the out-of-state school bus may be operated for not more than sixty (60) days in a calendar year in Indiana without meeting the inspection and safety requirements of this article.

(e) Before operating a school bus described in subsection (d), an individual must:

(1) be licensed to operate a school bus in:

(A) the state in which the school bus is registered; or

(B) Indiana; and

(2) annually give written notice to the committee at least ten (10) days before the school bus is operated in Indiana of the:

(A) jurisdiction in which the school bus has been registered and inspected for safety and equipment related requirements;

(B) approximate dates that the school bus will be operated in Indiana; and

(C) license plate number of the school bus.

As added by P.L.1-2005, SEC.11.

IC 20-27-9-11

Day care center and nonprofit agency; use of school bus

Sec. 11. (a) As used in this section, "day care center" means an institution operated primarily for the purpose of providing:

(1) care;

(2) maintenance; or

(3) supervision and instruction;

to children who are less than six (6) years of age and are separated from their parent for more than four (4) hours but less than twenty-four (24) hours a day for at least ten (10) consecutive workdays.

(b) A:

(1) day care center; or

(2) nonprofit agency with primary responsibility for the habilitation or rehabilitation of persons with a developmental or physical disability;

may own, operate, lease, or contract for a school bus that meets the color, equipment, and other requirements of the committee.

(c) The school bus must be used only for the purpose of transporting:

(1) persons in the care of the day care center or agency; and

(2) supervisors of those persons;

to and from educational, social, recreational, or occupational functions.

(d) If an entity described in subsection (b) acquires:

(1) a school bus; or

(2) the use of a school bus;

authorized under subsection (b), each driver of the school bus authorized by the entity must comply with the requirements imposed upon persons transporting students under IC 20-27-8 in order to be certified by the department as a school bus driver.

As added by P.L.1-2005, SEC.11. Amended by P.L.99-2007, SEC.173.

IC 20-27-9-12

Child care center; transportation

Sec. 12. (a) As used in this section, "child care center" means a nonresidential building where at least one (1) child receives child care from a provider licensed under IC 12-17.2-4:

(1) while unattended by a parent;

(2) for regular compensation; and

(3) for more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, and holidays.

(b) This subsection does not apply to a person with a developmental or physical disability who is provided transportation by a school corporation by means of a special purpose bus as provided in section 5(a)(3) of this chapter. An individual or entity who transports children in the care of a:

(1) preschool operated by a school corporation;

(2) public elementary school; or

(3) public secondary school;

on a public highway (as defined in IC 9-25-2-4) within or outside Indiana shall transport the children only in a school bus. However, a special purpose bus may be used for transportation of the children to activities other than regular transportation between the residences of the children and the school.

(c) An individual or entity that transports children in the care of a child care center on a public highway (as defined in IC 9-25-2-4) within or outside Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers shall transport the children only in a school bus or special purpose bus.

(d) The operator of a:

(1) school bus that transports children as required under subsection (b) or (c) must meet the requirements of IC 20-27-8; and

(2) special purpose bus that transports children as required under subsection (b) or (c) must meet the requirements of section 5(c) of this chapter.

(e) This section does not prohibit the use of a public transportation system for the transportation of children if the motor carriage used is designed to carry at least twenty (20) passengers.

(f) This section does not prohibit a:

(1) preschool operated by a school corporation;

(2) public elementary school;

(3) public secondary school; or

(4) child care center;

from contracting with a common carrier for incidental charter bus service for nonregular transportation if the carrier and the carrier's motor coach comply with the Federal Motor Carrier Safety Regulations as prescribed by the United States Department of Transportation Federal Highway Administration.

(g) Notwithstanding section 17 of this chapter, a person who violates this section commits a Class B infraction.

As added by P.L.1-2005, SEC.11. Amended by P.L.99-2007, SEC.174.

IC 20-27-9-12.5

Use of vehicle other than school bus under contract before July 1, 2001

Sec. 12.5. If a person described in IC 20-9.1-5-6.6 (as added by P.L.278-2001, before its repeal, now codified at section 12 of this chapter) has contracted for the use of a vehicle other than a school bus (as defined in IC 20-9.1-1-5, before its repeal, now codified at IC 20-27-2-8) or a special purpose bus (as defined in IC 20-9.1-1-4.5, as amended by P.L.278-2001, before its repeal, now codified at IC 20-27-2-10) before July 1, 2001, the person may continue to use the vehicle to transport children until the contract expires.
As added by P.L.220-2011, SEC.333.

IC 20-27-9-13
Travel for repair and maintenance
Sec. 13. The governing body of a school corporation may allow its school buses to travel to and from a garage or repair area for maintenance or repair.
As added by P.L.1-2005, SEC.11.

IC 20-27-9-14
Proof of financial responsibility
Sec. 14. The governing body of a school corporation that authorizes the operation of a school bus under sections 1 through 13 of this chapter shall file proof of financial responsibility as required by IC 9-25.
As added by P.L.1-2005, SEC.11.

IC 20-27-9-15
Responsibility for funds from transportation
Sec. 15. The governing body of a school corporation shall have sole control of and shall account for all funds received for the transportation of students and the transportation of other groups authorized by sections 1 through 14 of this chapter.
As added by P.L.1-2005, SEC.11.

IC 20-27-9-16
Bus not used to transport students; modification required
Sec. 16. (a) Except as provided in subsection (b), whenever a school bus is purchased for and is being used for any purpose except to transport students, the purchaser shall:
(1) remove the flasher lights;
(2) remove the stop arm; and
(3) paint the bus any color except the national standard school bus chrome yellow.
(b) Whenever a school bus is purchased for use, and is being used, as a church bus (as defined in IC 9-29-5-9(a)), the purchaser:
(1) may retain the flasher lights if the purchaser renders the flasher lights inoperable;
(2) may retain the stop arm if the purchaser renders the stop arm inoperable; and
(3) shall paint the bus any color except the national standard school bus chrome yellow.

As added by P.L.1-2005, SEC.11. Amended by P.L.70-2009, SEC.4.

IC 20-27-9-17

Violation

Sec. 17. Except as provided in this article, a person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

As added by P.L.1-2005, SEC.11. Amended by P.L.231-2005, SEC.40.

IC 20-27-10

Chapter 10. School Bus Safety

IC 20-27-10-1

Loading conveniences

Sec. 1. To promote safety in school bus operations, school corporations shall cooperate with the civil divisions of local and state government to provide necessary loading and unloading conveniences as an accessory to public streets and highways. The cost of providing these conveniences shall be paid by the civil divisions of government.

As added by P.L.1-2005, SEC.11.

IC 20-27-10-2

Discipline on school bus

Sec. 2. When students are being transported on a school bus, the students are under the supervision, direction, and control of the school bus driver and are subject to disciplinary measures by the school bus driver and the governing body of the school corporation.

As added by P.L.1-2005, SEC.11.

IC 20-27-10-3

Capacity of school bus

Sec. 3. A governing body may not require a school bus driver to transport students for whom a regular seat is not available in the school bus.

As added by P.L.1-2005, SEC.11.

IC 20-27-10-4

Violation

Sec. 4. A person who knowingly, intentionally, or recklessly violates this chapter commits a Class C misdemeanor.

As added by P.L.1-2005, SEC.11. Amended by P.L.231-2005, SEC.41.

IC 20-27-11

Chapter 11. Transportation Costs

IC 20-27-11-1

Transportation cost; nonpublic school student

Sec. 1. (a) If a student who attends a nonpublic school in a school corporation resides on or along the highway constituting the regular route of a public school bus, the governing body of the school corporation shall provide transportation for the nonpublic school student on the school bus.

(b) The transportation provided under this section must be from the home of the nonpublic school student or from a point on the regular route nearest or most easily accessible to the home of the nonpublic school student to and from the nonpublic school or to and from the point on the regular route that is nearest or most easily accessible to the nonpublic school.

As added by P.L.1-2005, SEC.11.

IC 20-27-11-2

Transportation cost; student living on state owned property

Sec. 2. (a) Except as provided in subsection (b), a student who resides on state owned property and attends a public school away from the student's residence shall be furnished transportation in a public school bus to and from the student's residence and the public school the student attends. Expenses for the transportation shall be paid out of the state general fund, without further appropriation, on allowance by the state superintendent.

(b) This section does not apply to students who reside on property owned by Indiana University, Purdue University, Ball State University, or Indiana State University.

As added by P.L.1-2005, SEC.11.

IC 20-27-11-3

Transportation cost; high school student

Sec. 3. (a) If a school corporation does not maintain or operate a high school and a high school student who resides in the school corporation is transferred to attend a high school in a contiguous school corporation, the governing bodies of the school corporations may enter into an agreement for the transportation of the student.

(b) The agreement under subsection (a) must specify that the transportation shall be provided by the receiving school corporation and that the costs of transportation shall be paid by the transferring school corporation out of the school corporation's special school funds. The costs of transportation shall be calculated from the per capita cost for each student transported and shall be mutually agreed upon by both governing bodies. Payment of transportation charges shall be made at the same time and in the same manner as payments of transfer tuition are made for transferred students.

As added by P.L.1-2005, SEC.11.

IC 20-27-11-4

Transportation cost; contracts

Sec. 4. The governing body of a school corporation that transfers a student to another school corporation may contract with the receiving corporation for the provision of transportation costs for the transferred student.

As added by P.L.1-2005, SEC.11.

IC 20-27-12

Chapter 12. Transportation of Homeless Students

IC 20-27-12-0.5

"Homeless student"

Sec. 0.5. (a) As used in this chapter, "homeless student" includes a student who is awaiting placement in foster care.

(b) The term does not include a student who is in foster care.

As added by P.L.159-2007, SEC.3.

IC 20-27-12-1

"Original school corporation"

Sec. 1. As used in this chapter, "original school corporation" refers to a school corporation in which a homeless student's school of origin is located.

As added by P.L.191-2006, SEC.2.

IC 20-27-12-2

"School of origin"

Sec. 2. As used in this chapter, "school of origin" means the school:

(1) that a homeless student attended when the student last had a permanent residence; or

(2) in which the homeless student was last enrolled.

As added by P.L.191-2006, SEC.2.

IC 20-27-12-3

"Transitional school corporation"

Sec. 3. As used in this chapter, "transitional school corporation" refers to a school corporation in which a homeless student temporarily stays.

As added by P.L.191-2006, SEC.2.

IC 20-27-12-4

Transportation of homeless student to school of origin; agreement between school corporations; shared responsibility

Sec. 4. (a) If a homeless student temporarily stays in the homeless student's original school corporation but outside the attendance area for the school of origin, the original school corporation shall provide transportation for the homeless student from the place where the homeless student is temporarily staying to the school of origin.

(b) If:

(1) a homeless student's school of origin is located in a school corporation in which the homeless student does not temporarily stay; and

(2) the homeless student does not elect to attend a school located in the school corporation in which the homeless student is temporarily staying;

the original school corporation and the transitional school corporation shall enter into an agreement concerning the

responsibility for and apportionment of the costs of transporting the homeless student to the school of origin.

(c) If the original school corporation and the transitional school corporation are unable to reach an agreement under subsection (b), the responsibility for transporting the homeless student to the school of origin is shared equally between both school corporations, and the cost of transporting the homeless student to the school of origin is apportioned equally between both school corporations.

As added by P.L.191-2006, SEC.2.

IC 20-27-12-5

Vehicles used to transport homeless students

Sec. 5. (a) A school corporation may use the following types of vehicles in transporting a homeless student to a school of origin:

(1) If at least four (4) homeless students are being transported to schools in the same school corporation, a special purpose bus must be used to transport the students.

(2) If three (3) or fewer students are being transported to schools in the same school corporation, an appropriate vehicle owned by the school corporation may be used to transport the students.

(b) The driver of a vehicle used to transport homeless students to a school of origin under subsection (a) must meet the qualifications set forth in IC 20-27-9-5(c).

As added by P.L.191-2006, SEC.2.

IC 20-28

ARTICLE 28. SCHOOL TEACHERS

IC 20-28-1

Chapter 1. Definitions

IC 20-28-1-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-2005, SEC.12.

IC 20-28-1-1.5

Repealed

(*Repealed by P.L.90-2011, SEC.50.)*

IC 20-28-1-2

"Applicant"

Sec. 2. "Applicant" refers to an applicant for:

(1) a new license;

(2) a renewal license;

(3) a substitute teacher certificate; or

(4) a transition to teaching permit;

issued by the department.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.133; P.L.150-2006, SEC.1.

IC 20-28-1-3

"Assistant superintendent"

Sec. 3. "Assistant superintendent" means an assistant to the superintendent of schools. The term includes a deputy superintendent or an associate superintendent.

As added by P.L.1-2005, SEC.12.

IC 20-28-1-4

Repealed

(*Repealed by P.L.246-2005, SEC.228.)*

IC 20-28-1-5

"Defense service"

Sec. 5. "Defense service" refers to the United States military service, the United States naval service, and the allied or auxiliary war service, including the Red Cross, Salvation Army, and other similar services connected with the armed forces of the United States.

As added by P.L.1-2005, SEC.12.

IC 20-28-1-5.5

"Division"

Sec. 5.5 "Division" refers to the division of professional standards

of the department of education established by IC 20-28-2-1.5.
As added by P.L.246-2005, SEC.134.

IC 20-28-1-6
"Disposition"
Sec. 6. "Disposition" has the meaning set forth in IC 10-13-3-7.
As added by P.L.1-2005, SEC.12.

IC 20-28-1-7
"License"
Sec. 7. "License" refers to a document issued by the department that grants permission to serve as a particular kind of teacher. The term includes any certificate or permit issued by the department.
As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.135.

IC 20-28-1-8
Repealed
(*Repealed by P.L.121-2009, SEC.17.)*

IC 20-28-1-9
"Local director"
Sec. 9. "Local director" means an individual who is:
(1) licensed as a director of special education by the department; and
(2) employed as a director of special education by a managing body.
As added by P.L.1-2005, SEC.12.

IC 20-28-1-10
"Managing body"
Sec. 10. "Managing body" refers to:
(1) the governing body;
(2) the board of managers (as defined in IC 20-35-5-1(3)); or
(3) any other governing entity;
that has the responsibility for administering the school corporation's special education program or a special education cooperative organized under IC 20-35-5, IC 20-26-10, or IC 36-1-7.
As added by P.L.1-2005, SEC.12. Amended by P.L.231-2005, SEC.42; P.L.1-2006, SEC.332.

IC 20-28-1-11
"School psychology"
Sec. 11. "School psychology" means the following:
(1) Administering, scoring, and interpreting educational, cognitive, career, vocational, behavioral, and affective tests and procedures that address a student's:
(A) education;
(B) developmental status;
(C) attention skills; and

(D) social, emotional, and behavioral functioning;

as they relate to the student's learning or training in the academic or vocational environment.

(2) Providing consultation, collaboration, and intervention services (not including psychotherapy) and providing referral to community resources to:

(A) students;

(B) parents of students;

(C) teachers;

(D) school administrators; and

(E) school staff;

concerning learning and performance in the educational process.

(3) Participating in or conducting research relating to a student's learning and performance in the educational process:

(A) regarding the educational, developmental, career, vocational, or attention functioning of the student; or

(B) screening social, affective, and behavioral functioning of the student.

(4) Providing inservice or continuing education services relating to learning and performance in the educational process to schools, parents, or others.

(5) Supervising school psychology services.

(6) Referring a student to:

(A) a speech-language pathologist or an audiologist licensed under IC 25-35.6 for services for speech, hearing, and language disorders; or

(B) an occupational therapist licensed under IC 25-23.5 for occupational therapy services;

by a school psychologist who is employed by a school corporation and who is defined as a practitioner of the healing arts for the purpose of referrals under 42 CFR 440.110.

The term does not include the diagnosis or treatment of mental and nervous disorders, except for conditions and interventions provided for in state and federal mandates affecting special education and vocational evaluations as the evaluations relate to the assessment of handicapping conditions and special education decisions or as the evaluations pertain to the placement of children and the placement of adults with a developmental disability.

As added by P.L.1-2005, SEC.12. Amended by P.L.157-2006, SEC.9; P.L.99-2007, SEC.175; P.L.197-2007, SEC.14.

IC 20-28-1-12

"Type of license"

Sec. 12. "Type of license" refers to the various types and grades of licenses issued by the board.

As added by P.L.1-2005, SEC.12.

IC 20-28-2

Chapter 2. Division of Professional Standards

IC 20-28-2-0.3

Professional standards board abolished; transfer of property, powers, duties, assets, liabilities, money, and appropriations; treatment of rules, references, permits issued; status of pending proceedings; board members

Sec. 0.3. (a) The professional standards board (previously established by section 1 of this chapter) is abolished.

(b) The following are transferred on July 1, 2005, from the professional standards board to the department:

(1) All real and personal property of the professional standards board.

(2) All powers, duties, assets, and liabilities of the professional standards board.

(3) All appropriations to the professional standards board.

(c) Money in the professional standards board licensing fund established by P.L.224-2003, SECTION 9 is transferred on July 1, 2005, to the professional standards fund established by section 10 of this chapter.

(d) Rules that were adopted by the professional standards board before July 1, 2005, shall be treated as though the rules were adopted by the advisory board of the division of professional standards of the department established by section 2 of this chapter, as amended by P.L.246-2005.

(e) After June 30, 2005, a reference to the professional standards board in a statute or rule shall be treated as a reference to the division of professional standards established by section 1.5 of this chapter.

(f) The members appointed before July 1, 2005, to the professional standards board:

(1) become members of the advisory board for the division of professional standards established by section 2 of this chapter; and

(2) may serve until the expiration of the term for which the members were appointed.

(g) A license or permit issued by the professional standards board before July 1, 2005, shall be treated after June 30, 2005, as a license or permit issued by the department.

(h) Proceedings pending before the professional standards board on July 1, 2005, shall be transferred from the professional standards board to the department and treated as if initiated by the department.

As added by P.L.220-2011, SEC.334.

IC 20-28-2-1

Department authority over teacher education, licensing, and professional development

Sec. 1. Except as provided in section 6 of this chapter, the department has the sole authority and responsibility for governing teacher education and teacher licensing matters, including

professional development.
As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.136.

IC 20-28-2-1.5
Division of professional standards; established

Sec. 1.5. The division of professional standards is established within the department to administer the responsibilities of the department described in section 1 of this chapter.
As added by P.L.246-2005, SEC.137.

IC 20-28-2-2
Repealed

(*Repealed by P.L.90-2011, SEC.50.)*

IC 20-28-2-3
Repealed

(*Repealed by P.L.90-2011, SEC.50.)*

IC 20-28-2-4
Repealed

(*Repealed by P.L.90-2011, SEC.50.)*

IC 20-28-2-5
Repealed

(*Repealed by P.L.90-2011, SEC.50.)*

IC 20-28-2-6
Adoption of rules; occupational experience awarded for instructor license in cosmetology

Sec. 6. (a) Subject to subsection (c) and in addition to the powers and duties set forth in IC 20-20-22 or this article, the state board may adopt rules under IC 4-22-2 to do the following:

(1) Set standards for teacher licensing and for the administration of a professional licensing and certification process by the department.
(2) Approve or disapprove teacher preparation programs.
(3) Set fees to be charged in connection with teacher licensing.
(4) Suspend, revoke, or reinstate teacher licenses.
(5) Enter into agreements with other states to acquire reciprocal approval of teacher preparation programs.
(6) Set standards for teacher licensing concerning new subjects of study.
(7) Evaluate work experience and military service concerning postsecondary education and experience equivalency.
(8) Perform any other action that:
(A) relates to the improvement of instruction in the public schools through teacher education and professional development through continuing education; and
(B) attracts qualified candidates for teacher education from

among the high school graduates of Indiana.

(9) Set standards for endorsement of school psychologists as independent practice school psychologists under IC 20-28-12.

(10) Before July 1, 2011, set standards for sign language interpreters who provide services to children with disabilities in an educational setting and an enforcement mechanism for the interpreter standards.

(b) Notwithstanding subsection (a)(1), an individual is entitled to one (1) year of occupational experience for purposes of obtaining an occupational specialist certificate under this article for each year the individual holds a license under IC 25-8-6.

(c) The state board may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to establish procedures to expedite the issuance, renewal, or reinstatement under this article of a license or certificate of a person whose spouse serves on active duty (as defined in IC 25-1-12-2) and is assigned to a duty station in Indiana.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.142; P.L.2-2007, SEC.214; P.L.144-2007, SEC.18; P.L.12-2009, SEC.1; P.L.30-2010, SEC.2; P.L.90-2011, SEC.13.

IC 20-28-2-7

Recommendations

Sec. 7. (a) The department may recommend to the general assembly for consideration measures relating to the department's powers and duties that improve the quality of teacher preparation or teacher licensing standards.

(b) The department shall submit to the general assembly before November 1 of each year a report:

(1) detailing the findings and activities of the department, the division, and the advisory board; and

(2) including any recommendations developed under this chapter.

A report under this subsection must in an electronic format under IC 5-14-6.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.143.

IC 20-28-2-8

Advisory committees; expenditure of funds; budget

Sec. 8. (a) The department may, subject to approval by the budget agency, do the following to administer the responsibilities of the department under this chapter:

(1) Establish advisory committees the department determines necessary.

(2) Expend funds made available to the department according to policies established by the budget agency.

(b) The department shall comply with the requirements for submitting a budget request to the budget agency as set forth in IC 4-12-1, for funds to administer the responsibilities of the

department described in section 1 of this chapter.
As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.144; P.L.90-2011, SEC.14.

IC 20-28-2-9
Orders
Sec. 9. IC 4-21.5 applies to orders issued by the department under this chapter.
As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.145.

IC 20-28-2-10
Professional standards fund
Sec. 10. There is established the professional standards fund to be administered by the department. The fund consists of fees collected under this chapter. Money in the fund does not revert to the state general fund at the end of a state fiscal year.
As added by P.L.246-2005, SEC.146.

IC 20-28-2-11
Teacher recruitment and retention initiatives
Sec. 11. The department shall collaborate with nonprofit entities, the commission for higher education, and state educational institutions to develop and implement initiatives focusing on the recruitment and retention of qualified educators from underrepresented populations. The initiatives should include, but are not limited to, the following activities:

(1) Development of a recruitment plan for underrepresented and teacher shortage areas.

(2) Production of a web site as a communication tool that provides resource information and scholarship opportunities.

(3) Development of a research agenda and network support system at each state educational institution to remove barriers and address challenges faced by students of underrepresented populations in order to recruit, retain, and graduate these students.

As added by P.L.10-2009, SEC.1.

IC 20-28-3

Chapter 3. Teacher Education and Continuing Education

IC 20-28-3-1

Duties of department

Sec. 1. (a) The department shall:

(1) arrange a statewide system of professional instruction for teacher education;

(2) accredit and inspect teacher education schools and departments that comply with the rules of the department;

(3) recommend and approve courses for the education of particular kinds of teachers in accredited schools and departments; and

(4) specify the types of licenses for graduates of approved courses.

(b) The department shall work with teacher education schools and departments to develop a system of teacher education that ensures individuals who graduate from the schools and departments are able to meet the highest professional standards.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.147.

IC 20-28-3-2

Accredited schools and departments

Sec. 2. (a) An accredited school or department may use the word "accredited" in advertising approved courses and the types of teachers the school or department is accredited to prepare. An accredited school or department may enter into the student teaching agreements specified in IC 20-26-5.

(b) The department shall revoke the right to use the word "accredited" when an accredited school or department refuses to abide by the advisory board's rules.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.148.

IC 20-28-3-3

Guidelines for teacher education

Sec. 3. (a) The department, shall develop guidelines for use by accredited teacher education institutions and departments in preparing individuals to teach in various environments.

(b) The guidelines developed under subsection (a) must include courses and methods that assist individuals in developing cultural competency (as defined in IC 20-31-2-5).

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.149.

IC 20-28-3-4

Continuing education

Sec. 4. A governing body may adjourn the governing body's schools for not more than three (3) days in a school year to allow

teachers, school administrators, and paraprofessionals to participate in:

(1) a session concerning agricultural instruction conducted in the county;

(2) a meeting of a teachers' association;

(3) a visitation of model schools under a governing body's direction;

(4) a basic or inservice course of education and training on autism that is certified by the state board in conjunction with the state health commissioner and any other appropriate entity determined by the state board; or

(5) a basic or inservice course of education and training on the prevention of child suicide and the recognition of signs that a student may be considering suicide. A governing body shall pay a teacher the teacher's per diem salary for the teacher's participation.

As added by P.L.1-2005, SEC.12. Amended by P.L.122-2007, SEC.2; P.L.93-2011, SEC.2.

IC 20-28-4

Chapter 4. Transition to Teaching Program

IC 20-28-4-1

"Program"

Sec. 1. As used in this chapter, "program" refers to the transition to teaching program established by section 2 of this chapter.

As added by P.L.1-2005, SEC.12.

IC 20-28-4-2

Establishment

Sec. 2. The transition to teaching program is established to accomplish the following:

(1) Facilitate the transition into the teaching profession of competent professionals in fields other than teaching.

(2) Allow competent professionals who do not hold a teaching license to earn and be issued a teaching license through participation in and satisfactory completion of the program.

As added by P.L.1-2005, SEC.12.

IC 20-28-4-3

Program; development and administration

Sec. 3. Subject to the requirements of this chapter, the department shall develop and administer the program. The department shall determine the details of the program that are not included in this chapter.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.150.

IC 20-28-4-4

Program; requirements

Sec. 4. An entity approved by the department may establish a course of study that meets the requirements of this section. A program approved under this section must comply with the following requirements:

(1) Include the following study requirements:

(A) For a program participant who seeks to obtain a license to teach in grades 5 through 12, up to eighteen (18) credit hours of study or the equivalent that:

(i) prepare a program participant to meet Indiana standards for teaching in the subject areas corresponding to the area in which the program participant has met the education requirements under section 5 of this chapter, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching; and

(ii) provides the program participants with instruction in scientifically based reading instruction.

(B) For a program participant who seeks to obtain a license to teach in kindergarten through grade 6, twenty-four (24)

credit hours of study or the equivalent, which must include at least six (6) credit hours in teaching scientifically based reading instruction, that prepare a program participant to meet Indiana standards for teaching, unless the program participant demonstrates that the program participant requires fewer credit hours of study to meet Indiana standards for teaching.

(2) Focus on student mastery of standards established by the state.

(3) Include suitable field or classroom experiences if the program participant does not have teaching experience.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.151; P.L.2-2007, SEC.215; P.L.90-2011, SEC.15.

IC 20-28-4-5

Participants; qualifications

Sec. 5. An individual who wishes to participate in the program must have one (1) of the following qualifications:

(1) For a program participant who seeks to obtain a license to teach in grades 5 through 12, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited postsecondary educational institution in the subject area that the individual intends to teach.

(B) A graduate degree from an accredited postsecondary educational institution in the subject area or a related field that the individual intends to teach.

(C) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years professional experience;

in the subject or a related area that the individual intends to teach.

(2) For a program participant who seeks to obtain a license to teach in kindergarten through grade 6, one (1) of the following:

(A) A bachelor's degree or the equivalent with a grade point average of at least three (3.0) on a four (4.0) point scale from an accredited institution of higher education.

(B) Both:

(i) a bachelor's degree from an accredited postsecondary educational institution with a grade point average of at least two and five-tenths (2.5) on a four (4.0) point scale; and

(ii) five (5) years professional experience in an education related field, as determined by the department.

As added by P.L.1-2005, SEC.12. Amended by P.L.2-2007, SEC.216; P.L.90-2011, SEC.16.

IC 20-28-4-6

Grant of initial practioner license

Sec. 6. The department shall grant an initial practitioner license to a program participant who does the following:

(1) Successfully completes the requirements of the program.

(2) Demonstrates proficiency through a written examination in:

(A) basic reading, writing, and mathematics;

(B) pedagogy; and

(C) knowledge of the areas in which the program participant is required to have a license to teach;

under IC 20-28-5-12(b).

(3) Participates successfully in a beginning teacher residency program that includes implementation in a classroom of the teaching skills learned in the program.

(4) Receives a successful assessment of teaching skills upon completion of the beginning teacher residency program under subdivision (3) from the administrator of the school where the beginning teacher residency program takes place, or, if the program participant does not receive a successful assessment, continues participating in the beginning teacher residency program.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.152; P.L.2-2007, SEC.217; P.L.90-2011, SEC.17.

IC 20-28-4-7

Restriction of initial practioner license; application of section

Sec. 7. This section applies to a program participant who has a degree or related experience described in section 5 of this chapter that does not include all the content areas of a proficient practitioner license issued by the department. The department shall issue an initial practitioner license that is restricted to only the content areas in which the program participant has a degree unless the program participant demonstrates sufficient knowledge in other content areas of the license.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.153; P.L.90-2011, SEC.18.

IC 20-28-4-8

Program participant school corporation employee; qualified instructor in subject area

Sec. 8. A school corporation may hire a program participant to teach only in the subject area in which the participant meets the qualifications set forth under section 5 of this chapter.

As added by P.L.1-2005, SEC.12.

IC 20-28-4-9

Renewal of initial practitioner license

Sec. 9. After receiving an initial practitioner license under section 6 or 7 of this chapter, a program participant who seeks to renew the participant's initial practitioner license must meet the same

requirements for license renewal as other candidates for license renewal.
As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.19.

IC 20-28-4-10
Rules
Sec. 10. (a) The state board may adopt rules under IC 4-22-2 to administer this chapter.
(b) Rules adopted under this section must include a requirement that entities approved to offer the program submit an annual report to the department of the number of individuals who:
(1) enroll in; and
(2) complete;
the program.
As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.154; P.L.90-2011, SEC.20.

IC 20-28-4-11
Teacher shortage areas; employment of transition to teaching program participants; conditions; transition to teaching permit
Sec. 11. (a) This section applies only to:
(1) a school corporation; or
(2) a subject area;
that is designated by the state board as having an insufficient supply of licensed teachers.
(b) The governing body of a school corporation or the appointing authority of an accredited nonpublic school may employ a program participant if the program participant is hired to teach in a subject area or a school corporation to which this section applies.
(c) Before employing a program participant under subsection (b), the superintendent of the school corporation must make a determination that one (1) of the following conditions exists:
(1) There is no fully certified and highly effective teacher available for the position.
(2) The program participant is the best qualified candidate for the position.
(d) A program participant who is employed under this section is eligible to receive a transition to teaching permit. The transition to teaching permit is valid for three (3) years, and may not be renewed.
(e) A program participant who is employed under this section:
(1) shall enter into either:
(A) a regular teacher's contract under IC 20-28-6-5; or
(B) a temporary teacher's contract under IC 20-28-6-6, if replacing a teacher on a leave of absence;
(2) is eligible to participate in a mentor teacher program; and
(3) satisfies the field or classroom experience component of the program under section 4(3) of this chapter.
(f) The state board:
(1) shall review; and
(2) may renew;

the designation of a school corporation or a subject area as having an insufficient supply of licensed teachers not more than two (2) years following the initial designation under subsection (a).

As added by P.L.150-2006, SEC.2. Amended by P.L.121-2009, SEC.9; P.L.90-2011, SEC.21.

IC 20-28-5

Chapter 5. Licenses

IC 20-28-5-1

Responsibility for licensing teachers

Sec. 1. The department is responsible for the licensing of teachers.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.155.

IC 20-28-5-2

Rules; substitute teachers

Sec. 2. The state board may adopt rules for:

(1) the issuance of a substitute teacher's license; and

(2) the employment of substitute teacher licensees.

An individual may not serve as a substitute teacher without a license issued by the department.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.156; P.L.90-2011, SEC.22.

IC 20-28-5-3 Version a

Designation of standards for licensing

Note: This version of section amended by P.L.90-2011, SEC.23. See also following version of this section amended by P.L.93-2011, SEC.3, and following version of this section amended by P.L.146-2011, SEC.1.

Sec. 3. (a) The department shall designate the grade point average required for each type of license.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

(1) The conversion of one (1) type of license into another.

(2) The accreditation of teacher education schools and departments.

(3) The exchange and renewal of licenses.

(4) The endorsement of another state's license.

(5) The acceptance of credentials from teacher education institutions of another state.

(6) The academic and professional preparation for each type of license.

(7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.

(8) The issuance of licenses on credentials.

(9) The type of license required for each school position.

(10) The size requirements for an elementary school requiring a licensed principal.

(11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) This subsection does not apply to an applicant for a substitute

teacher license. After June 30, 2007, the department may not issue an initial practitioner license at any grade level to an applicant for an initial practitioner license unless the applicant shows evidence that the applicant:

(1) has successfully completed training approved by the department in:

(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;

(B) removing a foreign body causing an obstruction in an airway; and

(C) the Heimlich maneuver;

(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:

(A) the American Red Cross;

(B) the American Heart Association; or

(C) a comparable organization or institution approved by the advisory board; or

(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

(d) The department shall periodically publish bulletins regarding:

(1) the details described in subsection (b);

(2) information on the types of licenses issued;

(3) the rules governing the issuance of each type of license; and

(4) other similar matters.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.157; P.L.166-2007, SEC.1; P.L.75-2008, SEC.1; P.L.90-2011, SEC.23.

IC 20-28-5-3 Version b

Designation of standards for licensing

Note: This version of section amended by P.L.93-2011, SEC.3. See also preceding version of this section amended by P.L.90-2011, SEC.23, and following version of this section amended by P.L.146-2011, SEC.1.

Sec. 3. (a) The department shall designate:

(1) the grade point average required for each type of license; and

(2) the types of licenses to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

(1) The conversion of one (1) type of license into another.

(2) The accreditation of teacher education schools and departments.

(3) The exchange and renewal of licenses.

(4) The endorsement of another state's license.

(5) The acceptance of credentials from teacher education

institutions of another state.

(6) The academic and professional preparation for each type of license.

(7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.

(8) The issuance of licenses on credentials.

(9) The type of license required for each school position.

(10) The size requirements for an elementary school requiring a licensed principal.

(11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2007, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant:

(1) has successfully completed training approved by the department in:

(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;

(B) removing a foreign body causing an obstruction in an airway; and

(C) the Heimlich maneuver;

(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:

(A) the American Red Cross;

(B) the American Heart Association; or

(C) a comparable organization or institution approved by the advisory board; or

(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

(d) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2013, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant has successfully completed education and training on the prevention of child suicide and the recognition of signs that a student may be considering suicide.

(e) The department shall periodically publish bulletins regarding:

(1) the details described in subsection (b);

(2) information on the types of licenses issued;

(3) the rules governing the issuance of each type of license; and

(4) other similar matters.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.157; P.L.166-2007, SEC.1; P.L.75-2008, SEC.1; P.L.93-2011, SEC.3.

IC 20-28-5-3 Version c

Designation of standards for licensing

Note: This version of section amended by P.L.146-2011, SEC.1. See also preceding version of this section amended by P.L.90-2011, SEC.23, and preceding version of this section amended by P.L.93-2011, SEC.3.

Sec. 3. (a) The department shall designate:

(1) the grade point average required for each type of license; and

(2) the types of licenses to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

(1) The conversion of one (1) type of license into another.

(2) The accreditation of teacher education schools and departments.

(3) The exchange and renewal of licenses.

(4) The endorsement of another state's license.

(5) The acceptance of credentials from teacher education institutions of another state.

(6) The academic and professional preparation for each type of license.

(7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.

(8) The issuance of licenses on credentials.

(9) The type of license required for each school position.

(10) The size requirements for an elementary school requiring a licensed principal.

(11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2011, the department may not issue an initial teaching license at any grade level to an applicant for an initial teaching license unless the applicant shows evidence that the applicant:

(1) has successfully completed training approved by the department in:

(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;

(B) removing a foreign body causing an obstruction in an airway;

(C) the Heimlich maneuver; and

(D) the use of an automated external defibrillator;

(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:

(A) the American Red Cross;

(B) the American Heart Association; or
(C) a comparable organization or institution approved by the advisory board; or
(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

The training in this subsection applies to a teacher (as defined in IC 20-18-2-22(b)).

(d) This subsection does not apply to an applicant for a substitute teacher license. After June 30, 2012, the department may not issue a teaching license renewal at any grade level to an applicant unless the applicant shows evidence that the applicant:

(1) has successfully completed training approved by the department in:
(A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
(B) removing a foreign body causing an obstruction in an airway;
(C) the Heimlich maneuver; and
(D) the use of an automated external defibrillator;
(2) holds a valid certification in each of the procedures described in subdivision (1) issued by:
(A) the American Red Cross;
(B) the American Heart Association; or
(C) a comparable organization or institution approved by the advisory board; or
(3) has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).

(e) The department shall periodically publish bulletins regarding:
(1) the details described in subsection (b);
(2) information on the types of licenses issued;
(3) the rules governing the issuance of each type of license; and
(4) other similar matters.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.157; P.L.166-2007, SEC.1; P.L.75-2008, SEC.1; P.L.146-2011, SEC.1.

IC 20-28-5-4

Application for license; oath or affirmation

Sec. 4. (a) An individual who applies for a license or a license renewal to teach in a public school shall subscribe to the following oath or affirmation, which may be administered by the governing body:

"I solemnly swear (or affirm) that I will support the Constitution of the United States of America and the Constitution of the State of Indiana.".

(b) Two (2) copies of the oath or affirmation shall be executed as follows:

(1) One (1) copy shall be filed with the state superintendent

when the license application is made.

(2) The individual who subscribes to the oath or affirmation shall retain the other copy.

(c) The oath or affirmation must be filed with the state superintendent before a license may be issued.

As added by P.L.1-2005, SEC.12.

IC 20-28-5-5

Out-of-state graduate applicant

Sec. 5. If a teacher who is a graduate of an accredited institution outside Indiana does not meet certain technical requirements for a license, the teacher may be granted a particular type of license and a reasonable amount of time to fulfill the requirements of the license granted.

As added by P.L.1-2005, SEC.12.

IC 20-28-5-6

Repealed

(*Repealed by P.L.246-2005, SEC.228.)*

IC 20-28-5-7

License revocation and suspension

Sec. 7. On the written recommendation of the state superintendent, the department may suspend or revoke a license for:

(1) immorality;

(2) misconduct in office;

(3) incompetency; or

(4) willful neglect of duty.

For each suspension or revocation, the department shall comply with IC 4-21.5-3.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.158.

IC 20-28-5-8

Conviction of offenses by licensed employee; notice; hearing on revocation; revocation; suspension; development of data base

Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC 35-42-3-2).
(2) Criminal confinement (IC 35-42-3-3).
(3) Rape (IC 35-42-4-1).
(4) Criminal deviate conduct (IC 35-42-4-2).
(5) Child molesting (IC 35-42-4-3).
(6) Child exploitation (IC 35-42-4-4(b)).
(7) Vicarious sexual gratification (IC 35-42-4-5).
(8) Child solicitation (IC 35-42-4-6).
(9) Child seduction (IC 35-42-4-7).
(10) Sexual misconduct with a minor (IC 35-42-4-9).
(11) Incest (IC 35-46-1-3).
(12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(13) Dealing in methamphetamine (IC 35-48-4-1.1).
(14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(17) Dealing in a counterfeit substance (IC 35-48-4-5).
(18) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10(b)).
(19) Possession of child pornography (IC 35-42-4-4(c)).
(20) Homicide (IC 35-42-1).
(21) Voluntary manslaughter (IC 35-42-1-3).
(22) Reckless homicide (IC 35-42-1-5).
(23) Battery as any of the following:
(A) A Class A felony (IC 35-42-2-1(a)(5)).
(B) A Class B felony (IC 35-42-2-1(a)(4)).
(C) A Class C felony (IC 35-42-2-1(a)(3)).
(24) Aggravated battery (IC 35-42-2-1.5).
(25) Robbery (IC 35-42-5-1).
(26) Carjacking (IC 35-42-5-2).
(27) Arson as a Class A felony or a Class B felony (IC 35-43-1-1(a)).
(28) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
(29) Attempt under IC 35-41-5-1 to commit an offense listed in

subdivisions (1) through (28).

(30) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (28).

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.159; P.L.151-2006, SEC.8; P.L.121-2009, SEC.10; P.L.90-2011, SEC.24; P.L.138-2011, SEC.4; P.L.182-2011, SEC.4; P.L.155-2011, SEC.4.

IC 20-28-5-9

Repealed

(*Repealed by P.L.121-2009, SEC.17.)*

IC 20-28-5-10

Records

Sec. 10. (a) The department shall keep a record of:

(1) all licenses issued;

(2) all licenses in force; and

(3) the academic preparation, professional preparation, and teaching experience of each applicant for a license or a license renewal.

(b) A superintendent of a school corporation shall register and keep a record of the following for each licensed teacher employed by the school corporation:

(1) The type of license held by the teacher.

(2) The teacher's date of first employment.

(3) The teacher's annual or monthly salary.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.161.

IC 20-28-5-11

Repealed

(*Repealed by P.L.90-2011, SEC.50.)*

IC 20-28-5-12

Initial practitioner license; requirements; rules; application

Sec. 12. (a) Subsection (b) does not apply to an individual who held an Indiana limited, reciprocal, standard teaching license on June 30, 1985.

(b) The department may not grant an initial practitioner license to an individual unless the individual has demonstrated proficiency in the following areas on a written examination or through other

procedures prescribed by the department:

(1) Basic reading, writing, and mathematics.

(2) Pedagogy.

(3) Knowledge of the areas in which the individual is required to have a license to teach.

(4) If the individual is seeking to be licensed as an elementary school teacher, comprehensive scientifically based reading instruction skills, including:

(A) phonemic awareness;

(B) phonics instruction;

(C) fluency;

(D) vocabulary; and

(E) comprehension.

(c) An individual's license examination score may not be disclosed by the department without the individual's consent unless specifically required by state or federal statute or court order.

(d) The state board shall adopt rules under IC 4-22-2 to do the following:

(1) Adopt, validate, and implement the examination or other procedures required by subsection (b).

(2) Establish examination scores indicating proficiency.

(3) Otherwise carry out the purposes of this section.

(e) The state board shall adopt rules under IC 4-22-2 establishing the conditions under which the requirements of this section may be waived for an individual holding a valid teacher's license issued by another state.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.163; P.L.90-2011, SEC.25.

IC 20-28-5-13

Examination for teacher licensure; furnishing test scores

Sec. 13. (a) This section applies to an examination required for teacher licensure under this chapter.

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or a part of an examination, the examination's scorer must provide the individual with the individual's test scores.

As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.26.

IC 20-28-5-14 Version a

Initial standard license applicant; delinquent tax liability

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 14. If the department is notified by the department of state revenue that an individual is on the most recent tax warrant list, the department may not grant a license to the individual until:

(1) the individual provides the department with a statement from the department of state revenue indicating that the individual's delinquent tax liability has been satisfied; or

(2) the department receives a notice from the commissioner of

the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.164; P.L.90-2011, SEC.27.

IC 20-28-5-14 Version b

Initial standard license applicant; delinquent tax liability; individual on tax warrant list

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 14. If the department is notified by the department of state revenue that an individual is on the most recent tax warrant list, the department shall not grant a license to the individual until:

(1) the individual provides the department with a statement from the department of state revenue indicating that the individual's tax warrant has been satisfied; or

(2) the department receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.164; P.L.90-2011, SEC.27; P.L.172-2011, SEC.121.

IC 20-28-5-15

Teacher shortage areas; licensing and employment of individuals with postgraduate degrees; conditions for renewal

Sec. 15. (a) Notwithstanding section 3(b)(6) of this chapter, the department shall grant an initial practitioner's license in a specific subject area to an applicant who:

(1) has earned a postgraduate degree from a regionally accredited postsecondary educational institution in the subject area in which the applicant seeks to be licensed;

(2) has at least one (1) academic year of experience teaching students in a middle school, high school, or college classroom setting; and

(3) complies with sections 4 and 12 of this chapter.

(b) An individual who receives an initial practitioner's license under this section may teach in the specific subject for which the individual is licensed only in:

(1) high school; or

(2) middle school;

if the subject area is designated by the state board as having an insufficient supply of licensed teachers.

(c) After receiving an initial practitioner's license under this section, an applicant who seeks to renew the applicant's initial practitioner's license or obtain a proficient practitioner's license must:

(1) demonstrate that the applicant has:

(A) participated in cultural competency professional development activities;

(B) obtained training and information from a special education teacher concerning exceptional learners; and

(C) received:

(i) training or certification that complies; or

(ii) an exemption from compliance;

with the standards set forth in section 3(c) of this chapter; and

(2) meet the same requirements as other candidates.

As added by P.L.75-2008, SEC.2. Amended by P.L.121-2009, SEC.11.

IC 20-28-5-16

Licensing program for charter school teachers

Sec. 16. The department shall establish a program under which an individual who:

(1) wishes to teach in a charter school in Indiana; and

(2) holds at least a bachelor's degree with a grade point average of at least 3.0 on a 4.0 point scale from an accredited postsecondary institution in the content or a related area in which the individual wishes to teach;

may obtain a license that allows the individual to teach in a charter school. The program must allow the individual to teach in a charter school while the individual is in the process of obtaining the license.

As added by P.L.91-2011, SEC.28.

IC 20-28-6

Chapter 6. Contracts

IC 20-28-6-1

Preemployment consideration; qualifications

Sec. 1. (a) Not later than ten (10) days after a request from the governing body, the superintendent of a school corporation shall make a report on an individual being considered by the school corporation for either a teaching appointment or an indefinite contract as described in section 8 of this chapter. The report must contain information on the individual's teaching preparation, experience, and license.

(b) The governing body of a school corporation may not employ an individual who receives an initial standard or reciprocal license after March 31, 1988, for a teaching appointment under this chapter unless the individual:

(1) has successfully completed a beginning teacher internship program, under IC 20-6.1-8 (repealed); or

(2) has at least two (2) years teaching experience outside Indiana.

(c) This section does not prevent the granting of additional authority in the selection or employment of teachers to a superintendent of a school corporation by the rules of the school corporation.

As added by P.L.1-2005, SEC.12.

IC 20-28-6-2

Basic contract requirements

Sec. 2. (a) A contract entered into by a teacher and a school corporation must:

(1) be in writing;

(2) be signed by both parties; and

(3) contain the:

(A) beginning date of the school term as determined annually by the school corporation;

(B) number of days in the school term as determined annually by the school corporation;

(C) total salary to be paid to the teacher during the school year;

(D) number of salary payments to be made to the teacher during the school year; and

(E) the number of hours per day the teacher is expected to work, as discussed pursuant to IC 20-29-6-7.

(b) The contract may provide for the annual determination of the teacher's annual compensation by a local salary schedule, which is part of the contract. The salary schedule may be changed by the school corporation on or before May 1 of a year, with the changes effective the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed schedule not later than thirty (30) days after the schedule's adoption.

(c) A contract under this section is also governed by the following statutes:

(1) IC 20-28-9-5 through IC 20-28-9-6.

(2) IC 20-28-9-9 through IC 20-28-9-11.

(3) IC 20-28-9-13.

(4) IC 20-28-9-14.

(d) A governing body shall provide the blank contract forms, carefully worded by the state superintendent, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.

(e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d).

As added by P.L.1-2005, SEC.12. Amended by P.L.48-2011, SEC.3.

IC 20-28-6-3

Contract forms; state superintendent's duties

Sec. 3. The state superintendent shall do the following:

(1) Prescribe the following forms:

(A) The uniform teacher's contract in the following alternate forms:

(i) The regular teacher's contract.

(ii) The temporary teacher's contract.

(B) The supplemental service teacher's contract.

(2) Furnish each school corporation with the forms.

(3) Require each school corporation to include in the school corporation's semiannual report on ADA a statement that the school corporation is in compliance with IC 20-28-5-2, sections 4 through 7 of this chapter, IC 20-28-9-7, and IC 20-28-9-8.

As added by P.L.1-2005, SEC.12. Amended by P.L.2-2006, SEC.137.

IC 20-28-6-4

Contract forms; applicable teachers

Sec. 4. (a) This section does not apply to a teacher employed as a substitute teacher.

(b) A teacher employed in a public school must be employed on a uniform teacher's contract or a supplemental service teacher's contract.

As added by P.L.1-2005, SEC.12.

IC 20-28-6-5

Regular teacher's contract

Sec. 5. The regular teacher's contract must be used statewide without amendment and must contain, in addition to the items in section 2(a)(3) of this chapter:

(1) the manner of salary payment; and

(2) any provisions relating to the government of the school that the state superintendent includes.

As added by P.L.1-2005, SEC.12.

IC 20-28-6-6

Temporary teacher's contract

Sec. 6. (a) A temporary teacher's contract shall be used only for employing:

(1) a teacher to serve in the absence of a teacher who has been granted a leave of absence by the school corporation for:

(A) engaging in defense service or in service auxiliary to defense service;

(B) professional study or advancement;

(C) exchange teaching;

(D) extended disability to which a licensed physician has attested; or

(E) serving in the general assembly; or

(2) a new teacher for a position:

(A) that is funded by a grant outside the school funding formula for which funding is available only for a specified period or purpose; or

(B) vacated by a teacher who is under a regular contract and who temporarily accepts a teacher position that is funded by a grant outside the school funding formula for which funding is available only for a specified period or purpose.

(b) The temporary teacher's contract must contain:

(1) the provisions of the regular teacher's contract except those providing for continued tenure of position;

(2) a blank space for the name of the teacher granted the leave, which may not be used on another temporary teacher's contract for the same leave of absence; and

(3) an expiration date that:

(A) is the date of the return of the teacher on leave; and

(B) is not later than the end of the school year.

(c) If a teacher is employed on the temporary teacher's contract for at least sixty (60) days in a school year, the teacher may, on request, receive the service credit that the teacher would otherwise receive with regard to the Indiana state teachers' retirement fund.

As added by P.L.1-2005, SEC.12. Amended by P.L.48-2011, SEC.4.

IC 20-28-6-7

Supplemental service teacher's contract

Sec. 7. (a) As used in this section, "teacher" includes an individual who:

(1) holds a substitute teacher's license; and

(2) provides instruction in a joint summer school program under IC 20-30-7-5.

(b) The supplemental service teacher's contract shall be used when a teacher provides professional service in evening school or summer school employment, except when a teacher or other individual is employed to supervise or conduct noncredit courses or activities.

(c) If a teacher serves more than one hundred twenty (120) days on a supplemental service teacher's contract in a school year, the following apply:

(1) Sections 1, 2, 3, and 8 of this chapter.

(2) IC 20-28-10-1 through IC 20-28-10-5.

(d) The salary of a teacher on a supplemental service contract shall be determined by the superintendent. The superintendent may, but is not required to, base the salary on the regular salary schedule for the school corporation.

As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.28.

IC 20-28-6-7.5

Probationary teacher; effect of evaluations

Sec. 7.5. (a) A teacher who is subject to section 8 of this chapter is not subject to this section.

(b) After June 30, 2011, a teacher who:

(1) serves under contract as a teacher in a public school corporation;

(2) has not received a rating in an evaluation under IC 20-28-11.5 or receives a rating of ineffective in an evaluation under IC 20-28-11.5;

(3) has not at any time before July 1, 2012, entered into a teaching contract for further service with the school corporation; and

(4) has not received three (3) ratings in a five (5) year period of effective or highly effective in an evaluation under IC 20-28-11.5;

shall be considered a probationary teacher.

(c) After June 30, 2011, a teacher who receives a rating of:

(1) effective;

(2) highly effective; or

(3) a combination of both subdivisions (1) and (2);

in an evaluation under IC 20-28-11.5 for at least three (3) years in a five (5) year or shorter period becomes a professional teacher by entering into a contract described in section 2 of this chapter.

(d) A professional teacher who receives a rating of ineffective in an evaluation under IC 20-28-11.5 shall be considered a probationary teacher but is not subject to the cancellation of the teacher's contract unless at least one (1) of the following criteria applies:

(1) The teacher receives a rating of ineffective in an evaluation under IC 20-28-11.5 in the year immediately following the teacher's initial rating of ineffective.

(2) The teacher's contract cancellation is due to a justifiable decrease in the number of teaching positions under IC 20-28-7.5-1(b)(3).

(3) The teacher's contract cancellation is due to conduct set forth in IC 20-28-7.5-1(b).

As added by P.L.90-2011, SEC.29.

IC 20-28-6-8

Indefinite contract; established teacher

Sec. 8. (a) An individual who:

(1) serves under contract as a teacher in a public school corporation before July 1, 2012; and

(2) at any time before July 1, 2012, enters into a teacher's contract for further service with the school corporation;

becomes, by entering into the contract described in subdivision (2), an established teacher of the school corporation. When a contract between the school corporation and an established teacher expires by the contract's terms, the contract is considered to continue indefinitely as an indefinite contract, subject to IC 20-28-7.5.

(b) An indefinite contract remains in force until the indefinite contract is:

(1) replaced by a new contract signed by both parties; or

(2) canceled as provided in IC 20-28-7.5.

As added by P.L.1-2005, SEC.12. Amended by P.L.43-2010, SEC.1; P.L.90-2011, SEC.30.

IC 20-28-6-9

Laboratory school teacher; transfer to local school corporation; service credit; indefinite contract

Sec. 9. (a) A teacher serving under a regular contract at a laboratory school operated under IC 20-24.5-2 who is offered and accepts a position in the local school corporation that is a party to the agreement with the university operating the laboratory school is entitled to:

(1) transfer to the local school corporation any years served as a regular teacher at the laboratory school; and

(2) receive credit for the years in meeting the five (5) year requirement for an indefinite contract contained in section 8 of this chapter.

(b) If the teacher accepting a position with the local school corporation has served as a regular teacher at the laboratory school for at least five (5) successive years, the teacher's contract with the local school corporation is an indefinite contract under section 8 of this chapter.

As added by P.L.1-2005, SEC.12. Amended by P.L.2-2007, SEC.218.

IC 20-28-6-10

Repealed

(*Repealed by P.L.90-2011, SEC.50.)*

IC 20-28-7
Repealed

(*Repealed by P.L.90-2011, SEC.50.)*

IC 20-28-7.5

Chapter 7.5. Cancellation of Teacher Contracts

IC 20-28-7.5-1

Application; grounds for cancellation

Sec. 1. (a) This chapter applies to a teacher in a school corporation (as defined in IC 20-18-2-16(a)).

(b) A principal may decline to continue a probationary teacher's contract under sections 2 through 4 of this chapter if the probationary teacher:

(1) receives an ineffective designation on a performance evaluation under IC 20-28-11.5;

(2) receives two (2) consecutive improvement necessary ratings on a performance evaluation under IC 20-28-11.5; or

(3) is subject to a justifiable decrease in the number of teaching positions or any reason relevant to the school corporation's interest.

(c) Except as provided in subsection (e), a principal may not decline to continue a professional or established teacher's contract unless the teacher is subject to a justifiable decrease in the number of teaching positions.

(d) After June 30, 2012, the cancellation of teacher's contracts due to a justifiable decrease in the number of teaching positions shall be determined on the basis of performance rather than seniority. In cases where teachers are placed in the same performance category, any of the items in IC 20-28-9-1(b) may be considered.

(e) A contract with a teacher may be canceled immediately in the manner set forth in sections 2 through 4 of this chapter for any of the following reasons:

(1) Immorality.

(2) Insubordination, which means a willful refusal to obey the state school laws or reasonable rules adopted for the governance of the school building or the school corporation.

(3) Justifiable decrease in the number of teaching positions.

(4) Incompetence, including receiving:

(A) an ineffective designation on two (2) consecutive performance evaluations under IC 20-28-11.5; or

(B) an ineffective designation or improvement necessary rating in three (3) years of any five (5) year period.

(5) Neglect of duty.

(6) A conviction for an offense listed in IC 20-28-5-8(c).

(7) Other good or just cause.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-2

Procedure for cancellation

Sec. 2. (a) Before a teacher is refused continuation of the teacher's contract, the teacher has the following rights:

(1) The principal shall notify the teacher of the principal's preliminary decision. The notification must be:

(A) in writing; and

(B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

(2) The notice in subdivision (1) must include a written statement, subject to IC 5-14-3-4, giving the reasons for the preliminary decision.

(3) Notification due to a reduction in force must be delivered between May 1 and July 1.

(b) For a cancellation of a teacher's contract for a reason other than a reduction in force, the notice required under subsection (a)(1) must inform the teacher that, not later than five (5) days after the teacher's receipt of the notice, the teacher may request a private conference with the superintendent. The superintendent must set the requested meeting not later than ten (10) days after the request.

(c) At the conference between the superintendent and the teacher, the teacher may be accompanied by a representative.

(d) After the conference between the superintendent and the teacher, the superintendent shall make a written recommendation to the governing body of the school corporation regarding the cancellation of the teacher's contract.

(e) If the teacher does not request a conference under subsection (b), the principal's preliminary decision is considered final.

(f) For items listed in section (1)(e)(3), (1)(e)(4), or (1)(e)(6) of this chapter, if the teacher files a request with the governing body for an additional private conference not later than five (5) days after the initial private conference with the superintendent, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision, which must be in writing, concerning the cancellation of the teacher's contract.

(g) For items listed in section (1)(e)(1), (1)(e)(2), (1)(e)(5), or (1)(e)(7) of this chapter, if, not later than five (5) days after the initial private conference with the superintendent, the teacher files a request with the governing body for an additional private conference, the teacher is entitled to an additional private conference with the governing body before the governing body makes a final decision. The final decision must be in writing and must be made not more than thirty (30) days after the governing body receives the teacher's request for the additional private conference. At the private conference the governing body shall do the following:

(1) Allow the teacher to present evidence to refute the reason or reasons for contract cancellation and supporting evidence provided by the school corporation. Any evidence presented at the private conference must have been exchanged by the parties at least seven (7) days before the private conference.

(2) Consider whether a preponderance of the evidence supports the cancellation of the teacher's contract.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-3
Governing body action

Sec. 3. At the first public meeting following a private conference with:

(1) the governing body under section 2(f) of this chapter; or

(2) the superintendent under section 2(b) of this chapter, if no conference with the governing body is requested;

the governing body may cancel a contract with a teacher by a majority vote evidenced by a signed statement in the minutes of the board. The decision of the governing body is final.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-4

Suspension pending cancellation of contract

Sec. 4. Pending a final decision on the cancellation of a teacher's contract, the teacher may be suspended from duty.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-5

Extension of time periods

Sec. 5. The time periods set out in section 2 of this chapter shall be extended for a reasonable period:

(1) when a teacher or school official is ill or absent from the school corporation; or

(2) for other reasonable cause.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-6

Continuation of contract

Sec. 6. A contract entered into by a teacher and a school employer continues in force on the same terms and for the same wages, unless increased under IC 20-28-9-1, for the next school term following the date of the contract's termination unless one (1) of the following occurs:

(1) The school corporation refuses continuation of the contract under this chapter.

(2) The teacher delivers in person or by registered or certified mail to the school corporation the teacher's written resignation.

(3) The contract is replaced by another contract agreed to by the parties.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-7

Effect of chapter

Sec. 7. (a) This chapter shall be construed to:

(1) limit the provisions of a collective bargaining agreement negotiated under IC 20-29; and

(2) prohibit the negotiation of contracts that violate the requirements of this chapter and IC 20-28-9-21 through IC 20-28-9-23.

(b) This chapter prohibits a school employer and an exclusive representative (as defined in IC 20-29-2-9) from collectively

bargaining contracts that alter the requirements of this chapter and IC 20-28-9-21 through IC 20-28-9-23.

(c) This chapter shall be construed to prohibit a school employer and an exclusive representative from mutually agreeing to binding arbitration concerning teacher dismissals.

As added by P.L.90-2011, SEC.31.

IC 20-28-7.5-8

Void contract; teacher bound by previous contract to teach in public school

Sec. 8. (a) This section does not apply to an individual who works at a conversion charter school (as defined in IC 20-24-1-5) for purposes of the individual's employment with the school corporation that sponsored the conversion charter school.

(b) A contract entered into after August 15 between a school corporation and a teacher is void if the teacher, at the time of signing the contract, is bound by a previous contract to teach in a public school. However, another contract may be signed by the teacher that will be effective if the teacher:

(1) furnishes the principal a release by the employer under the previous contract; or

(2) shows proof that thirty (30) days written notice was delivered by the teacher to the first employer.

(c) A principal may request from a teacher, at the time of contracting, a written statement as to whether the teacher has signed another teaching contract. However, the teacher's failure to provide the statement is not a cause for subsequently voiding the contract.

As added by P.L.90-2011, SEC.31.

IC 20-28-8

Chapter 8. Contracts With School Administrators

IC 20-28-8-1

School principal's and administrative assistant's contracts

Sec. 1. A school corporation may provide in the contract of a principal or of any of the principal's administrative assistants compensation for services performed for a time, either before or after the school term, as considered necessary by the governing body.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-2

School principal's and administrative assistant's contracts; conditions

Sec. 2. A contract of employment shall be entered into between the governing body of the school corporation and a principal or assistant principal subject to the following conditions:

(1) The basic contract must be the regular teacher's contract as prescribed by the state superintendent.

(2) The term of the initial contract must be the equivalent of at least two (2) school years.

(3) The contract may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the governing body of the school corporation and the principal or assistant principal, if the contract, when reduced to writing, is consistent with this chapter.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-3

Assistant superintendent, principal, and assistant principal contracts; renewal or refusal to renew; written notice

Sec. 3. (a) Before February 1 of the year during which the contract of an assistant superintendent, a principal, or an assistant principal is due to expire, the governing body of the school corporation, or an employee at the direction of the governing body, shall give written notice of renewal or refusal to renew the individual's contract for the ensuing school year.

(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force shall be reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the assistant superintendent, the principal, or the assistant principal and the governing body.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-4

Written preliminary notice that governing body considering not renewing contract; private conference

Sec. 4. (a) At least thirty (30) days before giving written notice of refusal to renew a contract under section 3 of this chapter, the

governing body, or an employee at the direction of the governing body, shall inform the assistant superintendent, the principal, or the assistant principal by written preliminary notice that:

(1) the governing body is considering a decision not to renew the contract; and

(2) if the individual files a request with the school corporation for a private conference not later than five (5) days after receiving the preliminary notice, the individual is entitled to a private conference with the superintendent of the school corporation.

(b) If the individual files a request with the school corporation for an additional private conference not later than five (5) days after the initial private conference with the superintendent of the school corporation, the individual is entitled to an additional private conference with the governing body of the school corporation before being given written notice of refusal to renew the contract.

(c) The preliminary notice required under this section must include the governing body's reasons for considering a decision not to renew.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-5

Consideration of ISTEP test scores in evaluation of principal's performance

Sec. 5. The evaluation of a principal's performance may not be based wholly on the ISTEP program test scores under IC 20-32-5 of the students enrolled at the principal's school. However, the ISTEP program test scores under IC 20-32-5 of the students enrolled at a principal's school may be considered as one (1) of the factors in the evaluation of the principal's overall performance at the school.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-6

Superintendent contracts

Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) The basic contract must be in the form of the regular teacher's contract.

(2) The contract must be for a term of at least thirty-six (36) months.

(3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and sections 7 through 8 of this chapter.

(4) The rights of a superintendent as a teacher under any other law are not affected by the contract.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-7

Superintendent's contract; termination

Sec. 7. A superintendent's contract terminates on the following dates and under the following conditions only:

(1) On any date, if the governing body and the superintendent mutually consent.

(2) Before the expiration date set forth in the contract, if the governing body terminates the contract for cause under a statute that sets forth causes for dismissal of teachers. However, the governing body must give the superintendent proper notice and, if the superintendent requests a hearing at least ten (10) days before the termination, must grant the superintendent a hearing at an official meeting of the governing body.

(3) On the expiration date set forth in the contract, if the governing body not later than January 1 of the year in which the contract expires gives notice to the superintendent in writing, delivered in person or by registered mail.

(4) On the expiration date set forth in the contract, if the superintendent not later than January 1 of the year in which the contract expires gives proper notice in writing to the governing body.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-8

Superintendent's contract; extension

Sec. 8. If the governing body fails to give a termination notice under section 7(3) of this chapter, the superintendent's contract is extended for twelve (12) months following the expiration date of the contract.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-9

Director of special education; compensation for services before or after school term

Sec. 9. A managing body may provide in the contract of a local director compensation for services performed for a time, either before or after the school term, as considered necessary by the managing body.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-10

Director of special education; conditions for employment contract

Sec. 10. A contract of employment shall be entered into between the managing body and a local director subject to the following conditions:

(1) The basic contract must be the regular teacher's contract as prescribed by the state superintendent.

(2) The minimum term of the initial contract must be the equivalent of two (2) school years.

(3) The contract may be altered, modified, or rescinded in favor of a new contract at any time by mutual consent of the

managing body and the local director if the written contract is consistent with this chapter.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-11

Director of special education; expiration of contract; reinstatement; modification or termination

Sec. 11. (a) Before February 1 of the year during which the contract of a local director is due to expire, the managing body, or an employee at the direction of the managing body, shall give written notice of renewal or refusal to renew the local director's contract for the ensuing school year.

(b) If notice is not given before February 1 of the year during which the contract is due to expire, the contract then in force is reinstated only for the ensuing school year.

(c) This section does not prevent the modification or termination of a contract by mutual agreement of the local director and the managing body.

As added by P.L.1-2005, SEC.12.

IC 20-28-8-12

Director of special education; nonrenewal of contract; notice; private conference

Sec. 12. (a) At least thirty (30) days before giving written notice of refusal to renew a contract under section 11 of this chapter, the managing body, or an employee at the direction of the managing body, shall inform the local director by written preliminary notice that:

(1) the managing body is considering a decision not to renew the contract; and

(2) if the local director files a request with the managing body for a private conference not later than five (5) days after receiving the preliminary notice, the local director is entitled to a private conference with the superintendent, president, trustee, or other head of the managing body.

(b) If the local director files a request with the managing body for an additional private conference not more than five (5) days after the initial private conference with the superintendent, president, trustee, or other head of the managing body, the local director is entitled to an additional private conference with the managing body before being given written notice of refusal to renew the contract.

(c) The preliminary notice required under this section must include the managing body's reasons for considering a decision not to renew.

As added by P.L.1-2005, SEC.12.

IC 20-28-9

Chapter 9. Salary and Related Payments

IC 20-28-9-0.2

Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 20-6.1-5-14 (before its repeal, now codified at section 20 of this chapter) by P.L.46-1985 do not affect contracts entered into before, and in effect on, July 1, 1986.

As added by P.L.220-2011, SEC.335.

IC 20-28-9-1 Version a

Teacher's minimum salary; basis

Note: This version of section amended by P.L.229-2011, SEC.175. See also following repeal of this section by P.L.48-2011, SEC.39.

Sec. 1. (a) This subsection takes effect July 1, 2012, or upon the expiration of a contract in existence on July 1, 2011, whichever is earlier, and governs salary increases for a teacher employed by a school corporation on or after the date this subsection takes effect. Compensation attributable to additional degrees or graduate credits earned before the effective date of the local salary schedule created under this chapter shall continue. Compensation attributable to additional degrees for which a teacher has started course work before July 1, 2011, and completed course work before September 2, 2014, shall also continue.

(b) Increases or increments in a local salary scale must be based upon a combination of the following factors:

(1) A combination of the following factors taken together may account for not more than thirty-three percent (33%) of the calculation used to determine a teacher's increase or increment:

(A) The number of years of a teacher's experience.

(B) The attainment of either:

(i) additional content area degrees beyond the requirements for employment; or

(ii) additional content area degrees and credit hours beyond the requirements for employment, if required under an agreement bargained under IC 20-29.

(2) The results of an evaluation conducted under IC 20-28-11.5.

(3) The assignment of instructional leadership roles, including the responsibility for conducting evaluations under IC 20-28-11.5.

(4) The academic needs of students in the school corporation.

(c) A teacher rated ineffective or improvement necessary under IC 20-28-11.5 may not receive any raise or increment for the following year if the teacher's employment contract is continued. The amount that would otherwise have been allocated for the salary increase of teachers rated ineffective or improvement necessary shall be allocated for compensation of all teachers rated effective and highly effective based on the criteria in subsection (b).

(d) A teacher who does not receive a raise or increment under

subsection (c) may file a request with the superintendent or superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

(e) Not later than January 31, 2012, the department shall publish a model salary schedule that a school corporation may adopt.

(f) Each school corporation shall submit its local salary schedule to the department. The department shall publish the local salary schedules on the department's Internet web site.

(g) The department shall report any noncompliance of this section to the state board.

(h) The state board shall take appropriate action to ensure compliance with this section.

(i) This chapter may not be construed to require or allow a school corporation to decrease the salary of any teacher below the salary the teacher was earning on or before July 1, 2012, if that decrease would be made solely to conform to the new salary scale.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.165; P.L.90-2011, SEC. 32; P.L.229-2011, SEC.175.

IC 20-28-9-1 Version b
Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

Note: This section repealed by P.L.48-2011, SEC.39. See also preceding version of this section amended by P.L.229-2011, SEC.175.

IC 20-28-9-2
Repealed

(*Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)*

IC 20-28-9-3
Repealed

(*Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)*

IC 20-28-9-4
Repealed

(*Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)*

IC 20-28-9-5
Computation of annual salary of teacher or distribution of state funds; rounding to nearest dollar

Sec. 5. In computing the annual salary of a teacher or when distributing state funds, an amount of less than fifty cents ($0.50) is dropped while an amount of fifty cents ($0.50) or more is rounded up to the next whole dollar.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-6

Substitute teachers; wages; no written contract required

Sec. 6. (a) The governing body shall fix wages for substitute teachers.

(b) A substitute teacher may be engaged without a written contract.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-7

Substitute teachers; certain licenses; pay schedule

Sec. 7. (a) An individual who:

(1) holds:

(A) a professional license;

(B) a provisional license;

(C) a limited license; or

(D) an equivalent license issued by the department; and

(2) serves as an occasional substitute teacher;

shall be compensated on the pay schedule for substitutes of the school corporation the individual serves.

(b) An individual who:

(1) holds a:

(A) professional license; or

(B) provisional license; and

(2) serves as a substitute teacher in the same teaching position for more than fifteen (15) consecutive school days;

shall be compensated on the regular pay schedule for teachers of the school corporation the individual serves.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.168.

IC 20-28-9-8

Substitute teacher with substitute license; compensation schedule

Sec. 8. An individual who holds a substitute license shall be compensated on the pay schedule for substitutes of the school corporation the individual serves.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-9

Teacher absence from work with pay; accumulated unused days

Sec. 9. (a) Each teacher may be absent from work with pay:

(1) on account of illness or quarantine for ten (10) days the first year and seven (7) days in each succeeding year (referred to as "sick days" in this chapter); and

(2) for death in the teacher's immediate family for a period extending not more than five (5) days beyond the death.

(b) If the teacher does not use all the teacher's sick days in a school year, the unused days accumulate up to a total of ninety (90) days. However, each teacher shall be credited with the accumulative days accrued to the teacher on January 1, 1966.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-10

Teacher with at least one accumulated sick day; employment by another school corporation

Sec. 10. (a) This section applies whenever a teacher accumulates at least one (1) sick day and then is employed in another school corporation.

(b) Beginning in the teacher's second year, the teacher's employer shall add up to three (3) sick days each year to the number of sick days to which the teacher is entitled under section 9(a) of this chapter until the accumulated sick days to which the teacher was entitled in the teacher's last employment are exhausted.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-11

Teacher absence from work with pay; agreement between school employer and exclusive representative

Sec. 11. Absences that are not described in sections 9 through 10 of this chapter may be taken with pay when agreed on by the school employer and the exclusive representative under IC 20-29.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-12

Adoption of regulations by school corporation governing payment or part payment of teachers; conditions

Sec. 12. A school corporation may adopt regulations governing the payment or part payment of teachers and then make payments in accordance with those regulations to teachers who are absent because of:

(1) sickness;
(2) attending school conventions or meetings;
(3) visiting other schools; or
(4) a death in the immediate family.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-13

Voluntary sick day bank

Sec. 13. A school corporation may establish a voluntary sick day bank:

(1) to which a teacher may contribute unused sick days; and
(2) from which a contributing teacher may draw sick days when the contributing teacher's accumulated sick days are exhausted.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-14

Teacher personal days

Sec. 14. Each teacher may have at least two (2) days each year with pay for the transaction of personal business or the conduct of personal or civic affairs. The teacher shall submit to the superintendent a written statement describing the reason and necessity for the absence.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-15
Teacher payment when school is closed

Sec. 15. If during the term of the teacher's contract:

(1) the school is closed by order of the:

(A) school corporation; or

(B) health authorities; or

(2) school cannot be conducted through no fault of the teacher;

the teacher shall receive regular payments during that time. If a canceled student instructional day (as defined in IC 20-30-2-2) is rescheduled to comply with IC 20-30-2, each teacher and (notwithstanding IC 20-27-8-7) each school bus driver shall work on that rescheduled day without additional compensation.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-16
School closure for Christmas holidays; no payment of teachers' salaries; length of school term

Sec. 16. A school may be closed for up to two (2) weeks for Christmas holidays without payment of teachers' salaries. Closing the school for Christmas holidays does not shorten the length of the school term.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-17
Teacher payment for Saturdays

Sec. 17. The governing body of a school city may pay the salary of teachers for Saturdays in addition to the other days that school is in session.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-18
Salary deductions

Sec. 18. (a) Upon a teacher's written request, a governing body shall withhold the requested amount of money from the salary of the teacher for a purpose described in subsection (c).

(b) Upon a written request from a beneficiary of the Indiana state teachers' retirement fund, a governing body may receive a given amount of money for a purpose described in subsection (c).

(c) The governing body shall hold the amounts described in subsections (a) and (b) and pay the amounts, as requested by the teacher or the beneficiary, to an insurance company or other agency or organization in Indiana that provides, extends, supervises, or pays for:

(1) insurance or other protection; or

(2) the establishment of or payment on an annuity account;

for the teacher. If a dividend accrues on a policy, the dividend shall be paid or credited to the teacher.

(d) If less than twenty percent (20%) of the teachers employed by

a governing body request payment of the amounts described in subsection (c) to a single recipient, withholding the amounts of money for insurance, dues, or other purposes is discretionary with the governing body.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-19
Retirement, savings, or severance pay plan

Sec. 19. (a) If a governing body of a school corporation agrees to a retirement, savings, or severance pay plan with a teacher or with an exclusive representative under IC 20-29, the benefits may be paid to:

(1) the teacher who is eligible under a negotiated retirement, savings, or severance pay plan; or
(2) in the case of the teacher's death:
(A) the teacher's designated beneficiary; or
(B) the teacher's estate, if there is no designated beneficiary.

Payments may be made in a lump sum or in installments as agreed upon by the parties or to a savings plan established under IC 5-10-1.1-1(2).

(b) Notwithstanding IC 6-1.1-20, the payments under this section shall be made from the general fund of the school corporation and may be made for a period exceeding one (1) year.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-20
Participation in health insurance plan upon retirement

Sec. 20. A teacher who is employed by a school corporation that provides a health insurance plan for its employees may participate in the health insurance plan upon retirement under IC 5-10-8.
As added by P.L.1-2005, SEC.12.

IC 20-28-9-21
Suspension of teacher without pay; reasons

Sec. 21. (a) This section and sections 22 through 23 of this chapter apply to the suspension of a teacher without pay when the procedure for the cancellation of the teacher's contract under IC 20-28-7.5 does not apply.

(b) A teacher may be suspended from duty without pay only for the following reasons:

(1) Immorality.
(2) Insubordination, which means the willful refusal to obey the state school laws or reasonable rules prescribed for the government of the school corporation.
(3) Neglect of duty.
(4) Substantial inability to perform teaching duties.
(5) Good and just cause.

As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.33.

IC 20-28-9-22
Suspension of teacher without pay; procedure

Sec. 22. A teacher may be suspended without pay only under the following procedure:

(1) The teacher must be notified in writing not more than forty (40) days and not less than thirty (30) days before the date of the consideration of the date, time, and place for the consideration by the school corporation of the suspension of the teacher without pay.

(2) The teacher shall be furnished, not later than five (5) days after a written request, a written statement of the reasons for the consideration.

(3) The teacher may file a written request for a hearing not later than fifteen (15) days after receipt of the notice of this consideration.

(4) If a request for a hearing is filed, the teacher must be given a hearing before the governing body on a day not earlier than five (5) days after filing the request.

(5) The teacher must be given at least five (5) days notice of the date, time, and place of the hearing.

(6) At the hearing, the teacher is entitled:

(A) to a full statement of the reasons for the proposed suspension without pay; and

(B) to be heard and to present the testimony of witnesses and other evidence bearing on the reasons for the proposed suspension without pay.

(7) A teacher may not be suspended without pay until:

(A) the date is set for consideration of the suspension without pay;

(B) after a hearing is held, if a hearing is requested by the teacher; and

(C) except on the suspension of a superintendent's contract, the superintendent has given recommendations on the suspension not later than five (5) days after the school corporation makes the request for recommendations.

(8) After complying with this section, the governing body of the school corporation may suspend a teacher without pay for a reasonable time by a majority vote evidenced by a signed statement in the minutes of the board.

The vote to suspend a teacher without pay described in subdivision (8) must be taken by the governing body on the date and at the time and place specified in subdivision (1).

As added by P.L.1-2005, SEC.12.

IC 20-28-9-23

Hearing regarding suspension of teacher without pay; subpoenas

Sec. 23. The governing body may appoint an agent (who is not an employee of the school corporation but who may be a member of the governing body or an attorney retained to administer the hearing proceedings under this section) to issue subpoenas for the attendance of witnesses for either party at the hearing under section 22 of this chapter. A subpoena issued under this section shall be:

(1) served by the party who seeks to compel the attendance of a witness; and

(2) upon application to the court by the party, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.

As added by P.L.1-2005, SEC.12.

IC 20-28-9-24

Examination for teacher licensure; furnishing of test scores

Sec. 24. (a) This section applies to an examination that is required for teacher licensure under this chapter.

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or a part of an examination, the examination's scorer must provide the individual with the individual's test scores, including subscores for each area tested.

As added by P.L.1-2005, SEC.12.

IC 20-28-10

Chapter 10. Conditions of Employment

IC 20-28-10-1

Leave of absence; generally

Sec. 1. (a) A school corporation may grant a teacher a leave of absence not to exceed one (1) year for:

(1) a sabbatical;

(2) a disability leave; or

(3) a sick leave.

(b) The school corporation may grant consecutive leaves to a teacher.

(c) A school corporation may grant partial compensation for a leave in an amount the school corporation determines. However, if a teacher on a sabbatical serves an employer that agrees to reimburse the school corporation in whole or in part of the amount of the teacher's regular salary, the school corporation may grant full or partial compensation.

(d) A teacher who is pregnant shall be granted a leave of absence for the period provided in and subject to section 5 of this chapter.

(e) Except where a contract is not required under IC 20-28-7.5 in a situation that occurs before or after the commencement of leave, the teacher and the school corporation shall execute a regular teacher's contract for each school year in which any part of the teacher's leave is granted.

(f) The teacher has the right to return to a teaching position for which the teacher is certified or otherwise qualified under the rules of the state board.

As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.34.

IC 20-28-10-2

Leave of absence; rights of teacher; group insurance coverage; sick leave; probationary years of service; charges against teacher's accumulated sick days

Sec. 2. (a) Except as provided in section 1 of this chapter, rights existing at the time a leave commences that arise from a teacher's:

(1) status as a professional or established teacher;

(2) accumulation of successive years of service;

(3) service performed under a teacher's contract under IC 20-28-6-8; or

(4) status or rights negotiated under IC 20-29;

remain intact.

(b) During a leave the teacher may maintain coverage in a group insurance program by paying the total premium including the school corporation's share, if any, attributable to the leave period. The school corporation may elect to pay all or part of the cost of the premium as an adopted or negotiated fringe benefit to teachers on leave.

(c) During a leave extending into a part of a school year, a teacher accumulates sick leave under IC 20-28-9-9 through IC 20-28-9-12,

or a salary schedule of the school corporation that provides greater sick leave, in the same proportion that the number of days the teacher is paid during the year for work or leave bears to the total number of days for which teachers are paid in the school corporation.

(d) Except as provided in section 1 of this chapter, during a leave of a probationary teacher, the period of probationary successive years of service under a teacher's contract that is a condition precedent to becoming a professional or established teacher under IC 20-28-6-8 is uninterrupted for that teacher. However, this probationary period may not include an entire school year spent on leave.

(e) All or part of a leave granted for sickness or disability, including pregnancy related disability, may be charged at the teacher's discretion to the teacher's available sick days. However, the teacher is not entitled to take accumulated sick days when the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties. The teacher is entitled to complete the remaining leave without pay.

As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.35.

IC 20-28-10-3

Leave of absence; sabbatical

Sec. 3. (a) A school corporation may grant a teacher, on written request, a sabbatical for improvement of professional skills through:

(1) advanced study;
(2) work experience;
(3) teacher exchange programs; or
(4) approved educational travel.

(b) After taking a sabbatical, the teacher shall return for a length of time equal to that of the sabbatical leave.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-4

Leave of absence; disability or sick leave

Sec. 4. (a) A school corporation may place a teacher, with or without written request, on a disability or sick leave not to exceed one (1) year.

(b) A teacher placed on a disability or sick leave without a written request is entitled to a hearing on that action under IC 20-28-7.5.

As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.36.

IC 20-28-10-5

Leave of absence; pregnancy

Sec. 5. (a) A teacher who is pregnant may continue in active employment as late into pregnancy as the teacher wishes, if the teacher can fulfill the requirements of the teacher's position.

(b) Temporary disability caused by pregnancy is governed by the following:

(1) A teacher who is pregnant shall be granted a leave of absence any time between the commencement of the teacher's pregnancy and one (1) year following the birth of the child, if

the teacher notifies the superintendent at least thirty (30) days before the date on which the teacher wishes to start the leave. The teacher shall notify the superintendent of the expected length of this leave, including with this notice either:

(A) a physician's statement certifying the teacher's pregnancy; or

(B) a copy of the birth certificate of the newborn;

whichever is applicable. However, in the case of a medical emergency caused by pregnancy, the teacher shall be granted a leave, as otherwise provided in this section, immediately on the teacher's request and the certification of the emergency from an attending physician.

(2) All or part of a leave taken by a teacher because of a temporary disability caused by pregnancy may be charged, at the teacher's discretion, to the teacher's available sick days. However, the teacher is not entitled to take accumulated sick days when the teacher's physician certifies that the teacher is capable of performing the teacher's regular teaching duties. The teacher is entitled to complete the remaining leave without pay. However, the teacher may receive compensation for the pregnancy leave under a collective bargaining agreement or, if the teacher is not represented by an exclusive representative, by governing body policy.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-6

Full-time defense service

Sec. 6. (a) This section and sections 7 through 11 of this chapter apply to a teacher who through:

(1) volunteering; or

(2) statutory selection;

enters defense service on a full-time basis.

(b) Because the United States Congress has decreed that it is imperative to increase and train United States armed forces personnel, this section and sections 7 through 11 of this chapter:

(1) provide protection for teachers who have been called to leave their positions to defend the nation due to the necessity of war or a state of emergency;

(2) preserve the status and contract rights under the laws to any teacher who enters the defense service; and

(3) place those teachers in a position that the defense service does not operate as an interruption of teaching service because the contract rights that each teacher had when entering the defense service are preserved during that service the same as if the teacher had not entered the service.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-7

Defense service; professional or established teacher

Sec. 7. A professional or established teacher:

(1) with an indefinite contract under IC 20-28-6-8; and
(2) who is described in section 6(a) of this chapter;
is granted a leave of absence during the defense service.
As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.37.

IC 20-28-10-8
Defense service; probationary teacher
Sec. 8. (a) If a probationary teacher who is described in section 6(a) of this chapter enters the defense service, the teacher's contract as a teacher and the teacher's rights to probationary successive years under contract are preserved with the school corporation as the teacher had them when entering the defense service.
(b) The period of probationary successive years of service under a teacher's contract that is a condition precedent to becoming a professional or established teacher under IC 20-28-6-8 is considered uninterrupted for a teacher to whom this section applies. However, this probationary period may not include the time spent in defense service. The teacher is granted a leave of absence during the defense service.
As added by P.L.1-2005, SEC.12. Amended by P.L.90-2011, SEC.38.

IC 20-28-10-9
Defense service; teacher's reinstatement status
Sec. 9. On reinstatement, the status of the teacher described in section 6(a) of this chapter is the same as when the teacher entered the defense service. All rights to changes of salary or position, except as specified in section 8 of this chapter, accrue to the teacher as if no interruption had occurred.
As added by P.L.1-2005, SEC.12.

IC 20-28-10-10
Defense service; rights under teachers' retirement fund
Sec. 10. (a) A teacher described in section 6(a) of this chapter retains the teacher's contractual rights in the Indiana state teachers' retirement fund.
(b) Contributions and payments into the retirement fund shall be made in the same manner as they are made for a member of the fund who is granted a leave of absence under the law pertaining to that fund.
(c) The teacher is granted a leave of absence during the defense service.
As added by P.L.1-2005, SEC.12.

IC 20-28-10-11
Defense service; reinstatement period
Sec. 11. (a) Not later than sixty (60) days after:
(1) an honorable or medical discharge; or
(2) release from active participation in the defense service;
a teacher who has received a leave of absence for defense service shall return to the school corporation for reinstatement. The school

corporation shall then reinstate the teacher.

(b) If the teacher is unable to return for reinstatement within the sixty (60) day period for any reason arising from mental or physical disability, the teacher has sixty (60) days after the date of removal of the disability to apply for reinstatement.

(c) On reinstatement or on written resignation submitted to the school corporation, the teacher's leave of absence and defense service is considered terminated.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-12

Antidiscrimination; marital status

Sec. 12. A governing body or the governing body's agent may not make or enforce a rule or regulation concerning the employment of teachers that discriminates because of marital status.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-13

Antidiscrimination; residence requirements

Sec. 13. (a) A governing body may not adopt residence requirements for teachers or other school employees in the governing body's employment, assignment, or reassignment for services in a prescribed area.

(b) A school corporation that violates subsection (a) is ineligible for state funds under all enactments regarding that subject. The state superintendent and other state officials shall administer the funds accordingly on the submission of sworn proof of the existence of the discriminatory residence requirements.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-14

Teacher's freedom of association

Sec. 14. (a) A school corporation may not dismiss or suspend any employee because of affiliation with or activity in an organization unless that organization advocates:

(1) the overthrow of the United States government by:

(A) force; or

(B) the use of violence; or

(2) the violation of law;

to achieve its objective.

(b) A rule or regulation contrary to subsection (a) is void.

As added by P.L.1-2005, SEC.12.

IC 20-28-10-15

Teacher as public office candidate

Sec. 15. A governing body may not dismiss, suspend, or enforce a mandatory leave of absence on a teacher who is a candidate for public office unless evidence is submitted to the governing body that would substantiate a finding that the teacher's activity has:

(1) impaired the teacher's effectiveness in the teacher's service;

or

(2) interfered with the performance of the teacher's contractual obligations.

A suspension is valid only during the period of the impairing activity.
As added by P.L.1-2005, SEC.12.

IC 20-28-10-16

Teacher serving in the general assembly

Sec. 16. (a) If a teacher serves in the general assembly, the teacher shall be given credit for the time spent in this service, including the time spent for council or committee meetings. The leave for this service does not diminish the teacher's rights under the Indiana state teachers' retirement fund or the teacher's advancement on the state or a local salary schedule. For these purposes, the teacher is, despite the leave, considered teaching for the school during that time.

(b) The compensation received while serving in the general assembly shall be included for teachers retiring after June 30, 1980, in the determination of the teacher's annual compensation to compute the teacher's retirement benefit under IC 5-10.2-4. A teacher serving in the general assembly may choose to have deductions made from the teacher's salary as a legislator for contributions under either IC 5-10.4-4-11 or IC 5-10.3-7-9.
As added by P.L.1-2005, SEC.12. Amended by P.L.2-2006, SEC.139.

IC 20-28-10-17

School counselors; privileged or confidential information

Sec. 17. (a) Except as provided in IC 31-32-11-1, a school counselor is immune from disclosing privileged or confidential communication made to the counselor as a counselor by a student.

(b) Except as provided in IC 31-32-11-1, the matters communicated are privileged and protected against disclosure.
As added by P.L.1-2005, SEC.12.

IC 20-28-10-18

Teacher's legal recourse for infringement of rights and privileges

Sec. 18. A teacher whose rights and privileges under sections 14 through 17 of this chapter are or are about to be infringed by a rule or regulation may, in accord with the law governing injunctions, seek to enjoin the school corporation from the infringement. A circuit or superior court shall issue the injunction if the court finds an infringement.
As added by P.L.1-2005, SEC.12.

IC 20-28-10-19

Daily free time for teachers

Sec. 19. (a) Each governing body and its administrators shall arrange each teacher's daily working schedule to provide at least thirty (30) minutes between 10 a.m. and 2 p.m. for a period free of duties.

(b) The state superintendent shall report each failure to comply

with subsection (a) to the state board, which shall immediately inform the governing body of each alleged violation.

(c) If the school corporation persistently fails or refuses to comply with subsection (a) for one (1) year, the state board shall:

(1) lower the grade of accreditation of the school corporation; and

(2) publish notice of that action in at least one (1) newspaper published in the county.

As added by P.L.1-2005, SEC.12.

IC 20-28-11
Repealed

(*Repealed by P.L.90-2011, SEC.50.)*

IC 20-28-11.5

Chapter 11.5. Staff Performance Evaluations

IC 20-28-11.5-1

"Evaluator"

Sec. 1. As used in this chapter, "evaluator" means an individual who conducts a staff performance evaluation. The term includes a teacher who:

(1) has clearly demonstrated a record of effective teaching over several years;

(2) is approved by the principal as qualified to evaluate under the plan; and

(3) conducts staff performance evaluations as a significant part of teacher's responsibilities.

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-2

"Plan"

Sec. 2. As used in the chapter, "plan" refers to a staff performance evaluation plan developed under this chapter.

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-3

"School corporation"

Sec. 3. As used in this chapter, "school corporation" includes:

(1) a school corporation;

(2) a school created by an interlocal agreement under IC 36-1-7;

(3) a special education cooperative under IC 20-35-5; and

(4) a joint career and technical education program created under IC 20-37-1.

However, for purposes of section 4(a) and 4(b) of this chapter, "school corporation" includes a charter school, a virtual charter school, an eligible school (as defined in IC 20-51-1-4.7).

As added by P.L.90-2011, SEC.39. Amended by P.L.229-2011, SEC.176; P.L.172-2011, SEC.122.

IC 20-28-11.5-4

School corporation plan; plan components

Sec. 4. (a) Each school corporation shall develop a plan for annual performance evaluations for each certificated employee (as defined in IC 20-29-2-4). A school corporation shall implement the plan beginning with the 2012-2013 school year.

(b) Instead of developing its own staff performance evaluation plan under subsection (a), a school corporation may adopt a staff performance evaluation plan that meets the requirements set forth in this chapter or any of the following models:

(1) A plan using master teachers or contracting with an outside vendor to provide master teachers.

(2) The System for Teacher and Student Advancement (TAP).

(3) The Peer Assistance and Review Teacher Evaluation System

(PAR).

(c) A plan must include the following components:

(1) Performance evaluations for all certificated employees, conducted at least annually.

(2) Objective measures of student achievement and growth to significantly inform the evaluation. The objective measures must include:

(A) student assessment results from statewide assessments for certificated employees whose responsibilities include instruction in subjects measured in statewide assessments;

(B) methods for assessing student growth for certificated employees who do not teach in areas measured by statewide assessments; and

(C) student assessment results from locally developed assessments and other test measures for certificated employees whose responsibilities may or may not include instruction in subjects and areas measured by statewide assessments.

(3) Rigorous measures of effectiveness, including observations and other performance indicators.

(4) An annual designation of each certificated employee in one (1) of the following rating categories:

(A) Highly effective.

(B) Effective.

(C) Improvement necessary.

(D) Ineffective.

(5) An explanation of the evaluator's recommendations for improvement, and the time in which improvement is expected.

(6) A provision that a teacher who negatively affects student achievement and growth cannot receive a rating of highly effective or effective.

(d) The evaluator shall discuss the evaluation with the certificated employee.

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-5

Conduct of evaluations

Sec. 5. (a) The superintendent or equivalent authority, for a school corporation that does not have a superintendent, may provide for evaluations to be conducted by an external provider.

(b) An individual may evaluate a certificated employee only if the individual has received training and support in evaluation skills.

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-6

Completed evaluation; remediation plan; conference with superintendent

Sec. 6. (a) A copy of the completed evaluation, including any documentation related to the evaluation, must be provided to a certificated employee not later than seven (7) days after the

evaluation is conducted.

(b) If a certificated employee receives a rating of ineffective or improvement necessary, the evaluator and the certificated employee shall develop a remediation plan of not more than ninety (90) school days in length to correct the deficiencies noted in the certificated employee's evaluation. The remediation plan must require the use of the certificated employee's license renewal credits in professional development activities intended to help the certificated employee achieve an effective rating on the next performance evaluation. If the principal did not conduct the performance evaluation, the principal may direct the use of the certificated employee's license renewal credits under this subsection.

(c) A teacher who receives a rating of ineffective may file a request for a private conference with the superintendent or the superintendent's designee not later than five (5) days after receiving notice that the teacher received a rating of ineffective. The teacher is entitled to a private conference with the superintendent or superintendent's designee.

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-7

Student instructed by teachers rated ineffective; notice to parents required

Sec. 7. (a) This section applies to any teacher instructing students in a content area and grade subject to IC 20-32-4-1(a)(1) and IC 20-32-5-2.

(b) A student may not be instructed for two (2) consecutive years by two (2) consecutive teachers, each of whom was rated as ineffective under this chapter in the school year immediately before the school year in which the student is placed in the respective teacher's class.

(c) If a teacher did not instruct students in the school year immediately before the school year in which students are placed in the teacher's class, the teacher's rating under this chapter for the most recent year in which the teacher instructed students, instead of for the school year immediately before the school year in which students are placed in the teacher's class, shall be used in determining whether subsection (b) applies to the teacher.

(d) If it is not possible for a school corporation to comply with this section, the school corporation must notify the parents of each applicable student indicating the student will be placed in a classroom of a teacher who has been rated ineffective under this chapter. The parent must be notified before the start of the second consecutive school year.

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-8

State board actions; model plan; approval of plan by teachers

Sec. 8. (a) To implement this chapter, the state board shall do the following:

(1) Before January 31, 2012, adopt rules under IC 4-22-2 that establish:

(A) the criteria that define each of the four categories of teacher ratings under section 4(b)(3) of this chapter;

(B) the measures to be used to determine student academic achievement and growth under section 4(b)(2) of this chapter;

(C) standards that define actions that constitute a negative impact on student achievement; and

(D) an acceptable standard for training evaluators.

(2) Before January 31, 2012, work with the department to develop a model plan and release it to school corporations. Subsequent versions of the model plan that contain substantive changes must be provided to school corporations.

(3) Work with the department to ensure the availability of ongoing training on the use of the performance evaluation to ensure that all evaluators and certificated employees have access to information on the plan, the plan's implementation, and this chapter.

(b) A school corporation may adopt the model plan without the state board's approval. A school corporation may modify the model plan or develop the school corporation's own plan, if the modified or developed plan meets the criteria established under this chapter. If a school corporation modifies the model plan or develops its own plan, the department may request that the school corporation submit the plan to the department to ensure the plan meets the criteria developed under this chapter. Each school corporation shall submit its staff performance evaluation plan to the department. The department shall publish the staff performance evaluation plans on the department's Internet web site. A school corporation must submit its staff performance evaluation plan to the department for approval in order to qualify for any grant funding related to this chapter.

(c) This subsection applies to a school corporation that has not adopted a staff performance evaluation plan that complies with this chapter before July 1, 2011. Before submitting a staff performance evaluation plan to the department under subsection (b), the governing body shall submit the staff performance evaluation plan to the teachers employed by the school corporation for a vote. If at least seventy-five percent (75%) of the teachers voting vote in favor of adopting the staff performance evaluation plan, the governing body may submit the staff performance evaluation plan to the department under subsection (b).

As added by P.L.90-2011, SEC.39.

IC 20-28-11.5-9

Department report of evaluation results

Sec. 9. (a) Before August 1 of each year, each school corporation shall provide the results of the staff performance evaluations, including the number of certificated employees placed in each performance category, to the department. The results provided may

not include the names or any other personally identifiable information regarding certificated employees.

(b) Before September 1 of each year, the department shall report the results of staff performance evaluations to the state board, and to the public via the department's Internet web site, for:

(1) the aggregate of certificated employees of each school and school corporation; and

(2) the aggregate of graduates of each teacher preparation program in Indiana.

As added by P.L.90-2011, SEC.39.

IC 20-28-12

Chapter 12. Endorsement for Independent Practice School Psychologists

IC 20-28-12-1

Application of chapter

Sec. 1. This chapter does not apply to a psychologist who is licensed under IC 25-33.

As added by P.L.1-2005, SEC.12.

IC 20-28-12-2

Compliance with requirements for endorsement

Sec. 2. In order to:

(1) practice school psychology; and

(2) receive an endorsement as an independent practice school psychologist;

a school psychologist must comply with this chapter.

As added by P.L.1-2005, SEC.12.

IC 20-28-12-3

Requirements for endorsement

Sec. 3. An individual who applies for an endorsement as an independent practice school psychologist must meet the following requirements:

(1) Be licensed as a school psychologist by the department.

(2) Be employed by a:

(A) developmental center;

(B) state hospital;

(C) public or private hospital;

(D) mental health center;

(E) rehabilitation center;

(F) private school; or

(G) public school;

at least thirty (30) hours per week during the contract period unless the individual is retired from full-time or part-time employment as a school psychologist or the individual has a medical condition or physical disability that restricts the mobility required for employment in a school setting.

(3) Furnish satisfactory evidence to the department that the applicant has received at least a sixty (60) graduate semester hour or ninety (90) quarter hour master's or specialist degree in school psychology from:

(A) a recognized postsecondary educational institution; or

(B) an educational institution not located in the United States that has a program of study that meets the standards of the department.

(4) Furnish satisfactory evidence to the department that the applicant has demonstrated graduate level competency through the successful completion of course work and a one thousand two hundred (1,200) hour supervised internship of school

psychology, of which at least six hundred (600) hours must be in a school setting.

(5) Furnish satisfactory evidence to the department that the applicant has successfully completed at least one thousand two hundred (1,200) hours of school psychology experience after completion of graduate degree requirements and not including the supervised internship for degree or licensing requirements. At least six hundred (600) hours must be in a school setting under the supervision of any of the following:

(A) A physician licensed under IC 25-22.5.

(B) A psychologist licensed under IC 25-33.

(C) A school psychologist endorsed under this chapter or currently holding a national certification from the National Association of School Psychologists.

(6) Furnish satisfactory evidence to the department that the applicant has completed, in addition to the requirements in subdivision (5), at least:

(A) twelve (12) hours of training provided by a health service professional in psychology licensed under IC 25-33-1 or a psychiatrist licensed as a physician under IC 25-22.5 in the identification and referral of mental and behavioral disorders; and

(B) ten (10) case studies or evaluations requiring the identification or referral of mental or behavioral disorders. Case studies or evaluations may include the following:

(i) Consultations with teachers and parents.

(ii) Intervention services, excluding psychotherapy.

(iii) Functional behavior assessments.

(iv) Behavior improvement plans.

(v) Progress monitoring.

(7) Furnish satisfactory evidence to the department that the applicant has completed, in addition to the requirements of subdivisions (5) and (6), thirty (30) hours of supervision with a physician licensed under IC 25-22.5, a psychologist licensed under IC 25-33, or a school psychologist endorsed under this chapter or currently holding national certification from the National Association of School Psychologists that meets the following requirements:

(A) The thirty (30) hours must be completed within at least twenty-four (24) consecutive months but not less than six (6) months.

(B) Not more than one (1) hour of supervision may be included in the total for each week.

(8) Furnish satisfactory evidence to the department that the applicant does not have a conviction for a crime that has a direct bearing on the applicant's ability to practice competently.

(9) Furnish satisfactory evidence to the department that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of any jurisdiction on the grounds that the applicant was not able to practice as a school

psychologist without endangering the public.

(10) Pass the examination provided by the department.

As added by P.L.1-2005, SEC.12. Amended by P.L.246-2005, SEC.169; P.L.2-2007, SEC.219; P.L.177-2009, SEC.9.

IC 20-28-12-4

Provision of services on private basis

Sec. 4. (a) A school psychologist who is not employed or excused from employment as described in section 3(2) of this chapter may not provide services on a private basis to an individual unless the school psychologist receives a referral from one (1) of the following:

(1) A developmental center.

(2) A public school or private school.

(3) A physician licensed under IC 25-22.5.

(4) A health service professional in psychology licensed under IC 25-33-1.

(b) A school psychologist who is endorsed under this chapter may not provide services on a private basis to a student:

(1) who attends a school (including a nonpublic school) to which the school psychologist is assigned; or

(2) whom the school psychologist would normally be expected to serve.

As added by P.L.1-2005, SEC.12.

IC 20-28-12-5

School psychologist; disclosure of information

Sec. 5. A school psychologist who is endorsed under this chapter may not disclose any information acquired from persons with whom the school psychologist has dealt in a professional capacity, except under the following circumstances:

(1) Trials for homicide when the disclosure relates directly to the fact or immediate circumstances of the homicide.

(2) Proceedings:

(A) to determine mental competency; or

(B) in which a defense of mental incompetency is raised.

(3) Civil or criminal actions against a school psychologist for malpractice.

(4) Upon an issue as to the validity of a document.

(5) If the school psychologist has the express consent of the client or, in the case of a client's death or disability, the express consent of the client's legal representative.

(6) Circumstances under which privileged communication is lawfully invalidated.

As added by P.L.1-2005, SEC.12.

IC 20-29

ARTICLE 29. COLLECTIVE BARGAINING FOR TEACHERS

IC 20-29-1

Chapter 1. Findings and Intent

IC 20-29-1-1

Intent

Sec. 1. The general assembly declares the following:

(1) The citizens of Indiana have a fundamental interest in the development of harmonious and cooperative relationships between school corporations and their certificated employees.

(2) Recognition by school employers of the right of school employees to organize and acceptance of the principle and procedure of collective bargaining between school employers and school employee organizations can alleviate various forms of strife and unrest.

(3) The state has a basic obligation to protect the public by attempting to prevent any material interference with the normal public school educational process.

(4) The relationship between school corporation employers and certificated school employees is not comparable to the relationship between private employers and employees for the following reasons:

(A) A public school corporation is not operated for profit but to ensure the citizens of Indiana rights guaranteed them by the Constitution of the State of Indiana.

(B) The obligation to educate children and the methods by which the education is effected will change rapidly with:

(i) increasing technology;

(ii) the needs of an advancing civilization; and

(iii) requirements for substantial educational innovation.

(C) The general assembly has delegated the discretion to carry out this changing and innovative educational function to the governing bodies of school corporations, composed of citizens elected or appointed under applicable law, a delegation that these bodies may not and should not bargain away.

(D) Public school corporations have different obligations concerning certificated school employees under constitutional and statutory requirements than private employers have to their employees.

As added by P.L.1-2005, SEC.13.

IC 20-29-2

Chapter 2. Definitions

IC 20-29-2-1

Application of chapter

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-2

"Bargain collectively"

Sec. 2. "Bargain collectively" means the performance of the mutual obligation of the school employer and the exclusive representative to:

(1) meet at reasonable times to negotiate in good faith concerning the items enumerated in IC 20-29-6-4; and

(2) execute a written contract incorporating any agreement relating to the matters described in subdivision (1).

As added by P.L.1-2005, SEC.13.

IC 20-29-2-3

"Board"

Sec. 3. "Board" refers to the Indiana education employment relations board established by IC 20-29-3-1.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-4

"Certificated employee"

Sec. 4. "Certificated employee" means a person:

(1) whose contract with the school corporation requires that the person hold a license or permit from the division of professional standards of the department under IC 20-28; or

(2) who is employed as a teacher by a charter school established under IC 20-24.

As added by P.L.1-2005, SEC.13. Amended by P.L.1-2007, SEC.145.

IC 20-29-2-5

"Confidential employee"

Sec. 5. "Confidential employee" means a school employee whose:

(1) unrestricted access to confidential personnel files; or

(2) functional responsibilities or knowledge in connection with the issues involved in dealings between the school corporation and its employees;

makes the school employee's membership in a school employee organization incompatible with the school employee's official duties.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-6

"Deficit financing"

Sec. 6. "Deficit financing" for a budget year means actual

expenditures exceeding the employer's current year actual general fund revenue.
As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.7.

IC 20-29-2-7
"Discuss"
Sec. 7. "Discuss" means the performance of the mutual obligation of the school corporation through its superintendent and the exclusive representative to meet at reasonable times to:
(1) discuss;
(2) provide meaningful input; or
(3) exchange points of view;
with respect to items enumerated in IC 20-29-6-7.
As added by P.L.1-2005, SEC.13.

IC 20-29-2-8
"Employees performing security work"
Sec. 8. "Employees performing security work" means a school employee:
(1) whose primary responsibility is the protection of personal and real property owned or leased by the school corporation; or
(2) who performs police or quasi-police powers.
As added by P.L.1-2005, SEC.13.

IC 20-29-2-9
"Exclusive representative"
Sec. 9. "Exclusive representative" means the:
(1) school employee organization that has been:
(A) certified for purposes of this article by the board; or
(B) recognized by a school employer as the exclusive representative of the employees in an appropriate unit;
under IC 20-29-5-1 through IC 20-29-5-5; or
(2) person or persons authorized to act on behalf of a representative described in subdivision (1).
As added by P.L.1-2005, SEC.13.

IC 20-29-2-10
"Governing body"
Sec. 10. "Governing body" means:
(1) a township trustee and the township board of a school township;
(2) a county board of education;
(3) a board of school commissioners;
(4) a metropolitan board of education;
(5) a board of trustees;
(6) any other board or commission charged by law with the responsibility of administering the affairs of a school corporation; or
(7) the body that administers a charter school established under IC 20-24.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-11
"Noncertificated employee"

Sec. 11. "Noncertificated employee" means a school employee whose employment is not dependent on the holding of a license or permit under IC 20-28.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-12
"School corporation"

Sec. 12. "School corporation" means a local public school corporation established under Indiana law. The term includes any:

(1) school city;
(2) school town;
(3) school township;
(4) consolidated school corporation;
(5) metropolitan school district;
(6) township school corporation;
(7) county school corporation;
(8) united school corporation;
(9) community school corporation; and
(10) public career and technical education center or school or school for children with disabilities established or maintained by two (2) or more school corporations.

As added by P.L.1-2005, SEC.13. Amended by P.L.234-2007, SEC.109.

IC 20-29-2-13
"School employee"

Sec. 13. "School employee" means a full-time certificated person in the employment of the school employer. A school employee is considered full time even though the employee does not work during school vacation periods and accordingly works less than a full year. The term does not include:

(1) supervisors;
(2) confidential employees;
(3) employees performing security work; and
(4) noncertificated employees.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-14
"School employee organization"

Sec. 14. "School employee organization" means an organization that:

(1) has school employees as members; and
(2) as one (1) of its primary purposes, represents school employees in dealing with their school employer.

The term includes a person or persons authorized to act on behalf of the organization.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-15
"School employer"

Sec. 15. "School employer" means:

(1) the governing body of each:

(A) school corporation; or

(B) charter school established under IC 20-24; and

(2) a person or persons authorized to act for the governing body of the school employer in dealing with its employees.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-16
"Strike"

Sec. 16. "Strike" means:

(1) concerted failure to report for duty;

(2) willful absence from one's position;

(3) stoppage of work; or

(4) abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment;

without the lawful approval of the school employer or in any concerted manner interfering with the operation of the school employer for any purpose.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-17
Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-2-18
"Superintendent"

Sec. 18. "Superintendent" means:

(1) the chief administrative officer of a:

(A) school corporation; or

(B) charter school established under IC 20-24; or

(2) a person or persons designated by the officer or by the governing body to act in the officer's behalf in dealing with school employees.

As added by P.L.1-2005, SEC.13.

IC 20-29-2-19
"Supervisor"

Sec. 19. "Supervisor" means an individual who has:

(1) authority, acting for the school corporation, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline school employees;

(2) responsibility to direct school employees and adjust their grievances; or

(3) responsibility to effectively recommend the action described in subdivisions (1) through (2);

that is not of a merely routine or clerical nature but requires the use of independent judgment. The term includes superintendents, assistant superintendents, business managers and supervisors, directors with school corporationwide responsibilities, principals and vice principals, and department heads who have responsibility for evaluating teachers.

As added by P.L.1-2005, SEC.13.

IC 20-29-3

Chapter 3. Indiana Education Employment Relations Board

IC 20-29-3-1

Establishment of board

Sec. 1. The Indiana education employment relations board is established.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-2

Members

Sec. 2. The board consists of three (3) members appointed by the governor to serve at the governor's pleasure.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-3

Chairperson

Sec. 3. The governor shall designate one (1) member of the board to serve as chairperson.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-4

Political affiliation of board members

Sec. 4. Not more than two (2) members of the board may be members of the same political party.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-5

Terms and vacancies

Sec. 5. Each member of the board is appointed for a term of four (4) years. A member appointed to fill a vacancy is appointed for the unexpired term of the member whom the appointed member is to succeed.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-6

Qualifications

Sec. 6. Members may not:

(1) hold:

(A) another public office; or

(B) employment by the state, a public agency, or a public employer;

(2) be an officer or employee of a school employee organization or any affiliate of an organization; or

(3) represent a:

(A) school employer; or

(B) school employee organization, or an organization's affiliates.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-7
Member on university teaching staff

Sec. 7. Section 6 of this chapter does not apply to an individual on the teaching staff of a university who is knowledgeable in public administration or labor law if the individual is not actively engaged, other than as a member, with any labor or employee organization. This section shall be construed liberally to effectuate the intent of the general assembly.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-8
Chairperson's duties

Sec. 8. The chairperson of the board shall give full time to the chairperson's duties and may not engage in any other business, vocation, or employment.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-9
Compensation

Sec. 9. The members of the board (other than the chairperson) receive as compensation payment equal to that of the chairperson, computed on a daily rate and paid for every day actually spent serving on the board.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-10
Quorum

Sec. 10. Two (2) members of the board constitute a quorum.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-11
Powers

Sec. 11. The board has the following powers:

(1) To adopt an official seal and prescribe the purposes for which the seal may be used.

(2) To hold hearings and make inquiries as the board considers necessary to carry out properly the board's functions and powers.

(3) To establish a principal office in Indianapolis.

(4) To meet and exercise the board's powers at any other place in Indiana.

(5) To conduct in any part of Indiana a proceeding, a hearing, an investigation, an inquiry, or an election necessary to the performance of the board's functions. For this purpose, the board may designate one (1) member, or an agent or agents, as hearing examiners. The board may use voluntary and uncompensated services as needed.

(6) To appoint staff and attorneys as the board finds necessary for the proper performance of its duties. The attorneys appointed under this section may, at the direction of the board,

appear for and represent the board in court.

(7) To pay the reasonable and necessary traveling and other expenses of an employee, a member, or an agent of the board.

(8) To subpoena witnesses and issue subpoenas requiring the production of books, papers, records, and documents that may be needed as evidence in any matter under inquiry, and to administer oaths and affirmations. In cases of neglect or refusal to obey a subpoena issued to a person, the circuit or superior court of the county in which the investigations or the public hearings are taking place, upon application by the board, shall issue an order requiring the person to:

(A) appear before the board; and

(B) produce evidence about the matter under investigation.

A failure to obey the order may be punished by the court as a contempt. A subpoena, notice of hearing, or other process of the board issued under this chapter shall be served in the manner prescribed by the Indiana Rules of Trial Procedure.

(9) To adopt, amend, or rescind rules the board considers necessary and administratively feasible to carry out this chapter under IC 4-22-2.

(10) To request from any public agency the assistance, services, and data that will enable the board properly to carry out the board's functions and powers.

(11) To publish and report in full an opinion in every case decided by the board.

As added by P.L.1-2005, SEC.13.

IC 20-29-3-12

Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-3-13

Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-3-14

Research division

Sec. 14. The board's research division must be organized to provide:

(1) statistical data on the resources of each school corporation;

(2) the substance of any agreements reached by each school corporation; and

(3) other relevant data.

As added by P.L.1-2005, SEC.13.

IC 20-29-4

Chapter 4. Rights and Responsibilities of School Employees and Employers

IC 20-29-4-1

Rights of school employees

Sec. 1. School employees may:

(1) form, join, or assist school employee organizations;

(2) participate in collective bargaining with school employers through representatives of their own choosing; and

(3) engage in other activities, individually or in concert;

to establish, maintain, or improve salaries, wages, salary and wage related fringe benefits, and other matters set forth in IC 20-29-6-4 and IC 20-29-6-5.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.8; P.L.229-2011, SEC.177.

IC 20-29-4-2

School employee not required to join or financially support school employee organization

Sec. 2. (a) A school employee may not be required to join or financially support through the payment of:

(1) fair share fees;

(2) representation fees;

(3) professional fees; or

(4) other fees;

a school employee organization.

(b) A rule, regulation, or contract provision requiring financial support from a school employee to a school employee organization is void.

As added by P.L.1-2005, SEC.13.

IC 20-29-4-3

Responsibilities of school employers

Sec. 3. School employers have the responsibility and authority to manage and direct on behalf of the public the operations and activities of the school corporation to the full extent authorized by law, including but not limited to the following:

(1) Direct the work of the school employer's employees.

(2) Establish policy through procedures established in IC 20-29-6-4 and IC 20-29-6-5.

(3) Hire, promote, demote, transfer, assign, and retain employees.

(4) Suspend or discharge employees in accordance with applicable law through procedures established under state law.

(5) Maintain the efficiency of school operations.

(6) Relieve employees from duties because of lack of work or other legitimate reason through procedures established in IC 20-29-6-4, IC 20-29-6-5, and IC 20-29-6-7.

(7) Take actions necessary to carry out the mission of the public

schools as provided by law.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.9.

IC 20-29-5

Chapter 5. Units and Exclusive Representatives

IC 20-29-5-1

Exclusive representatives; selection of unit

Sec. 1. (a) The exclusive representative shall serve for school employees within certain groups referred to in this chapter as units or bargaining units. A bargaining unit may not contain both certificated and noncertificated employees. Subject to this limitation, the units for which an exclusive representative serves are determined in accordance with subsections (b) through (d).

(b) The parties may agree on the appropriate unit. For this purpose, the parties consist of the school employer and a school employee organization representing at least twenty percent (20%) of the school employees in a proposed unit.

(c) If the parties do not reach an agreement on the appropriate unit, or if a school employee in the proposed unit files a complaint about the unit with the board, the board shall determine the proper unit after a hearing. The board's decision must be based on but not limited to the following considerations:

(1) Efficient administration of school operations.

(2) The existence of a community of interest among school employees.

(3) The effects on the school corporation and school employees of fragmentation of units.

(4) Recommendations of the parties involved.

(d) In making a determination under subsection (c), the board shall give notice to all interested parties in accordance with the rules of the board. In giving notice under this subsection, the board is not required to follow IC 4-21.5.

As added by P.L.1-2005, SEC.13.

IC 20-29-5-2

Recognition of school employer organization as exclusive representative by school employer

Sec. 2. (a) A school employer may recognize as the exclusive representative of the school employer's employees within an appropriate unit a school employee organization that presents to the employer evidence of the school employee organization's representation of a majority of the school employees within the unit, unless:

(1) another school employee organization representing twenty percent (20%) of the school employees within the unit files written objections to the recognition; or

(2) a school employee files a complaint to the composition of the unit with the school employer or the board within the notice period set forth in this section.

(b) Before recognizing an exclusive representative under this section, the school employer shall post a written public notice of the school employer's intention to recognize the school employee

organization as exclusive representative of the school employees within the unit. The notice must be posted, for thirty (30) calendar days immediately preceding recognition, in each of the buildings where the school employees in any unit principally work.
As added by P.L.1-2005, SEC.13.

IC 20-29-5-3
Determination of exclusive representative other than exclusive school employee organization

Sec. 3. (a) If an exclusive school employee organization is not determined under section 2 of this chapter, the determination of whether a school employee organization shall be the exclusive representative shall be determined under this section.

(b) A school employee organization may file a petition asserting that:

(1) twenty percent (20%) of the employees in an appropriate unit wish to be represented for collective bargaining by the school employee organization as exclusive representative; or

(2) the designated exclusive representative is no longer the representative of the majority of school employees in the unit.

(c) The school employer may file a petition asserting:

(1) that one (1) or more school employee organizations have presented to the school employer a claim to be recognized as the exclusive representative in an appropriate unit; or

(2) that the school employer has good faith doubt that the previously certified school employee organization represents a majority of employees in the bargaining unit.

(d) Twenty percent (20%) of the school employees in a unit may file a petition asserting that the designated exclusive representative is no longer the representative of the majority of school employees in the unit.

(e) The board shall investigate a petition filed under subsection (b), (c), or (d). If the board has reasonable cause to believe that a question exists as to whether the designated exclusive representative or any school employee organization represents a majority of the school employees in a unit, the board shall provide for an appropriate hearing within thirty (30) days. In holding a hearing, the board is not required to comply with IC 4-21.5.

(f) If the board finds, based on the record of a hearing held under subsection (e), that a question of representation exists, the board shall direct an election by secret ballot in a unit the board determines to be appropriate.

(g) Certification as the exclusive representative may be granted only to a school employee organization that has been selected in a secret ballot election under subsection (f), by a majority of all the employees in an appropriate unit as their representative.

(h) An election described in subsection (f) may not be held in a bargaining unit if a valid election has been held in the preceding twenty-four (24) month period.
As added by P.L.1-2005, SEC.13. Amended by P.L.1-2006, SEC.333.

IC 20-29-5-4
Elections

Sec. 4. In any election under this chapter, the board shall:

(1) determine who is eligible to vote in the election; and

(2) establish rules governing the election.

As added by P.L.1-2005, SEC.13.

IC 20-29-5-5
Ballots

Sec. 5. The ballot in an election under this chapter must contain the following:

(1) The name of the petitioning school employee organization.

(2) The names of any other school employee organization showing written evidence satisfactory to the board of at least twenty percent (20%) representation of the school employees within the unit.

(3) A provision for choosing "No representation by a school employee organization.".

As added by P.L.1-2005, SEC.13.

IC 20-29-5-6
Dues deductions

Sec. 6. (a) The school employer shall, on receipt of the written authorization of a school employee:

(1) deduct from the pay of the employee any dues designated or certified by the appropriate officer of a school employee organization that is an exclusive representative of any employees of the school employer; and

(2) remit the dues described in subdivision (1) to the school employee organization.

(b) Deductions under this section must be consistent with:

(1) IC 22-2-6;

(2) IC 22-2-7; and

(3) IC 20-28-9-18.

As added by P.L.1-2005, SEC.13.

IC 20-29-5-7
Teacher members on committees

Sec. 7. (a) This section does not apply to the bargaining team for the exclusive representative.

(b) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created district wide committee may not exceed the percentage of teachers in the school corporation who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school corporation who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of

positions on a committee.

(c) The percentage of teacher positions the exclusive representative may appoint to serve on a statutory or locally created school wide committee may not exceed the percentage of teachers in the school who are members of the exclusive representative. If multiplying the number of teacher positions on the committee by the percentage of teachers in the school who are members of the exclusive representative does not produce a whole number, the product must be rounded up to the nearest whole number. The percentage of positions applies to the number of teacher positions on a committee and not to the total number of positions on a committee.

(d) A committee to which this section applies may not address subjects of bargaining under this article. A school employer's appointment of a teacher to a committee is not an unfair practice as it relates to the appointment of the teacher committee members.

(e) By September 15 of each school year, the local president or other officer or designee of the exclusive representative shall certify by affidavit to the school employer the number of teachers in each school and in the entire school corporation who are members of the exclusive representative.

As added by P.L.48-2011, SEC.10.

IC 20-29-6

Chapter 6. Collective Bargaining

IC 20-29-6-1

Duty to bargain collectively and discuss

Sec. 1. School employers and school employees shall:

(1) have the obligation and the right to bargain collectively the items set forth in section 4 of this chapter;

(2) have the right and obligation to discuss any item set forth in section 7 of this chapter; and

(3) enter into a contract embodying any of the matters listed in section 4 of this chapter on which they have bargained collectively.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.11.

IC 20-29-6-2

Contracts

Sec. 2. (a) Any contract may not include provisions that conflict with:

(1) any right or benefit established by federal or state law;

(2) school employee rights set forth in IC 20-29-4-1 and IC 20-29-4-2;

(3) school employer rights set forth in IC 20-29-4-3;

(4) restructuring options available to a school employer under federal or state statutes, regulations, or rules because of the failure of the school corporation or a school to meet federal or state accountability standards;

(5) a school employer's ability to contract, partner, or operate jointly with an educational entity that provides postsecondary credits to students of the school employer or dual credits from the school employer and the educational entity; or

(6) section 4.5(a) of this chapter.

(b) A subject that is set forth in section 4.5(a) of this chapter may not be included in any contract after June 30, 2011.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.12.

IC 20-29-6-3

Unlawful deficit financing

Sec. 3. (a) It is unlawful for a school employer to enter into any agreement that would place the employer in a position of deficit financing due to a reduction in the employer's actual general fund revenue or an increase in the employer's expenditures when the expenditures exceed the employer's current year actual general fund revenue.

(b) A contract that provides for deficit financing is void to that extent, and an individual teacher's contract executed under the contract is void to that extent.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.13.

IC 20-29-6-4

Subjects of bargaining

Sec. 4. (a) A school employer shall bargain collectively with the exclusive representative on the following:

(1) Salary.

(2) Wages.

(3) Salary and wage related fringe benefits, including accident, sickness, health, dental, vision, life, disability, retirement benefits, and paid time off as permitted to be bargained under IC 20-28-9-11.

(b) Salary and wages include the amounts of pay increases available to employees under the salary scale adopted under IC 20-28-9-1, but do not include the teacher evaluation procedures and criteria, or any components of the teacher evaluation plan, rubric, or tool.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.14.

IC 20-29-6-4.5

Prohibited subjects of collective bargaining

Sec. 4.5. (a) For a contract entered into after June 30, 2011, a school employer may not bargain collectively with the exclusive representative on the following:

(1) The school calendar.

(2) Teacher dismissal procedures and criteria.

(3) Restructuring options available to a school employer under federal or state statutes, regulations, or rules because of the failure of the school corporation or a school to meet federal or state accountability standards.

(4) The ability of a school employer to contract, partner, or operate jointly with an educational entity that provides postsecondary credits to students of the school employer or dual credits from the school employer and the educational entity.

(5) Any subject not expressly listed in section 4 of this chapter.

(b) A subject set forth in subsection (a) that may not be bargained collectively may not be included in an agreement entered into under this article.

As added by P.L.48-2011, SEC.15.

IC 20-29-6-4.7

Bargaining on teacher evaluation procedures and criteria prohibited; duration of contract

Sec. 4.7. (a) A school employer may not bargain collectively with the exclusive representative on teacher evaluation procedures and criteria after this section has been enacted into law.

(b) A contract entered into between a school employer and an exclusive representative after this section has been enacted into law may not extend past the end of a state budget biennium.

As added by P.L.48-2011, SEC.16.

IC 20-29-6-5

Grievance procedure

Sec. 5. A contract entered into under this chapter may contain a grievance procedure.
As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.17.

IC 20-29-6-6
Limitations on obligation to bargain collectively
Sec. 6. The obligation to bargain collectively does not include the final approval of a contract concerning any items. Agreements reached through collective bargaining are binding as a contract only if ratified by the governing body of the school corporation and the exclusive representative. The obligation to bargain collectively does not require the school employer or the exclusive representative to agree to a proposal of the other or to make a concession to the other.
As added by P.L.1-2005, SEC.13.

IC 20-29-6-7
Subjects of discussion
Sec. 7. A school employer shall discuss with the exclusive representative of certificated employees the following items:
(1) Curriculum development and revision.
(2) Textbook selection.
(3) Teaching methods.
(4) Hiring, evaluation, promotion, demotion, transfer, assignment, and retention of certificated employees.
(5) Student discipline.
(6) Expulsion or supervision of students.
(7) Pupil/teacher ratio.
(8) Class size or budget appropriations.
(9) Safety issues for students and employees in the workplace, except those items required to be kept confidential by state or federal law.
(10) Hours.
As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.18.

IC 20-29-6-8
Contract, agreement, or concession not required
Sec. 8. The obligation to discuss does not require either party to enter into a contract, agree to a proposal, or make a concession related to the items listed in section 7 of this chapter. A failure to reach an agreement on a matter of discussion does not allow the use of any part of the impasse procedure under IC 20-29-8.
As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.19.

IC 20-29-6-9
Discussions outside obligation to bargain collectively
Sec. 9. The obligation to bargain collectively or discuss a matter does not prevent:
(1) a school employee from petitioning the school employer, governing body, or superintendent for a redress of the employee's grievances, either individually or through the

exclusive representative; or

(2) the school employer or superintendent from conferring with a citizen, taxpayer, student, school employee, or other person considering the operation of the schools and the school corporation.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-10

Recommendations by superintendent

Sec. 10. Nothing shall prevent a superintendent or the superintendent's designee from making recommendations to the school employer.

As added by P.L.1-2005, SEC.13.

IC 20-29-6-11

Repealed

(*Repealed by P.L.48-2011, SEC.39; P.L.90-2011, SEC.50.)*

IC 20-29-6-12

Commencement of collective bargaining

Sec. 12. Formal collective bargaining between a school corporation and the exclusive representative shall not begin before:

(1) August 1 in the first year of the state budget biennium; or

(2) August 1 in the second year of the state budget biennium if the parties agreed to a one (1) year contract during the first year of the state budget biennium or the contract provides for renegotiating certain financial items the second year of a two (2) year contract.

Informal negotiations may be held before August 1.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.20; P.L.229-2011, SEC.178.

IC 20-29-6-12.5

Certification of estimated available revenue

Sec. 12.5. (a) Before August 1 of the first year of the state budget biennium, the department shall provide the parties with an estimate of the general fund revenue available for bargaining in the school corporation from the school funding formula.

(b) Within thirty (30) days after the date of the first state ADM count date of the school year in the first year of the state budget biennium, the department shall provide the parties with a certification of estimated general fund revenue available for bargaining from the school funding formula. A school employer that has passed a general fund operating referendum under IC 20-46-1 must have that amount certified by the department of local government finance. The school corporation must obtain the certification before the commencement of bargaining. These certifications must be the basis for determinations throughout impasse proceedings under this chapter.

As added by P.L.48-2011, SEC.21. Amended by P.L.229-2011,

SEC.179.

IC 20-29-6-13
Appointment of mediator

Sec. 13. (a) At any time after at least sixty (60) days following the beginning of formal bargaining collectively between the parties, an impasse is declared, and the board shall appoint a mediator from the board's staff or an ad hoc panel.

(b) The mediator shall begin mediation with fifteen (15) days after the board receives notice of impasse.

(c) The mediation must consist of not more than three (3) mediation sessions and must result in one (1) of the following:

(1) An agreement between the parties on the items permitted to be bargained under section 4 of this chapter.

(2) Each party's last best offer, including fiscal rationale, related to items permitted to be bargained under section 4 of this chapter.

(d) Costs for the mediator shall be borne equally by the parties.

(e) Mediation shall be completed within thirty (30) days.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.22; P.L.229-2011, SEC.180.

IC 20-29-6-14
Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-6-15
Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-6-15.1
Initiation of fact finding

Sec. 15.1. (a) If an agreement has not been reached on the items permitted to be bargained collectively under section 4 of this chapter, within fifteen (15) days after mediation under section 13 of this chapter has ended, the board shall initiate factfinding.

(b) Factfinding must culminate in the factfinder imposing contract terms on the parties. The factfinder must select one (1) party's last best offer as the contract terms. The factfinder's order must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing (as defined in IC 20-29-2-6). The factfinder's order may not impose terms beyond those proposed by the parties in their last, best offers.

(c) Costs for the factfinder shall be borne equally by the parties.

(d) Factfinding may not last longer than fifteen (15) days.

As added by P.L.229-2011, SEC.181.

IC 20-29-6-16
Continuation of existing agreement; circumstances

Sec. 16. (a) If an agreement has not been reached on the items to be bargained collectively by November 1, as provided in IC 6-1.1-17-5, the parties shall continue the terms of the current contract that is in effect, and the school employer may issue tentative individual contracts and prepare its budget on that basis. During this period, in order to allow the successful resolution of the dispute, the school employer may not unilaterally change the terms or conditions of employment that are issues in dispute.

(b) Upon the expiration of the current contract that is in effect, the school employer shall continue under the terms of the current contract that is in effect, with no increase or increment in salary, wages, or benefits for any bargaining unit employee until a new contract is executed, unless continuation would put the school employer in a position of deficit financing due to a reduction in the employer's actual general fund revenue or an increase in an employer's expenditures when the expenditures exceed the current year actual general fund revenue.

(c) The only parts of the contract that must continue under this section are the items contained in the contract and listed in section 4 of this chapter.

(d) This section may not be construed as relieving the school employer or the school employee organization from the duty to bargain collectively until a mutual agreement has been reached and a contract entered as called for in this chapter.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.24; P.L.229-2011, SEC.182.

IC 20-29-6-17

Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-6-18

Appeal of factfinder's decision

Sec. 18. (a) Either party may appeal the decision of the factfinder under IC 20-29-6-15. The appeal must be filed not later than thirty (30) days after receiving the factfinder's decision.

(b) The board's decision must be restricted to only those items permitted to be bargained and included in the collective bargaining agreement under section 4 of this chapter and must not put the employer in a position of deficit financing, as defined in IC 20-29-2-6. The board's decision may not impose terms beyond those proposed by the parties in their last, best offers.

(c) The board must rule on the appeal within thirty (30) days after receipt of notice of appeal.

As added by P.L.48-2011, SEC.25.

IC 20-29-7

Chapter 7. Unfair Practices

IC 20-29-7-1

Unfair practices by school employer

Sec. 1. (a) It is an unfair practice for a school employer to do any of the following:

(1) Interfere with, restrain, or coerce school employees in the exercise of the rights guaranteed in IC 20-29-4.

(2) Dominate, interfere, or assist in the formation or administration of any school employee organization or contribute financial or other support to the organization. Subject to rules adopted by the governing body, a school employer may permit school employees to confer with the school employer or with any school employee organization during working hours without loss of time or pay.

(3) Encourage or discourage membership in any school employee organization through discrimination in regard to:

(A) hiring;

(B) tenure of employment; or

(C) any term or condition of employment.

(4) Discharge or otherwise discriminate against a school employee because the employee has filed a complaint, affidavit, petition, or any information or testimony under this article.

(5) Refuse to:

(A) bargain collectively; or

(B) discuss;

with an exclusive representative as required by this article.

(6) Fail or refuse to comply with any provision of this article.

(b) If:

(1) a complaint is filed that alleges an unfair practice has occurred with respect to a subject that may be discussed under this article; and

(2) the complaint is found to be frivolous;

the party that filed that complaint is liable for costs and attorney's fees.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.26.

IC 20-29-7-2

Unfair practices by school employee organization

Sec. 2. It is an unfair practice for a school employee organization or the organization's agents to do any of the following:

(1) Interfere with, restrain, or coerce:

(A) school employees in the exercise of the rights guaranteed by this article; or

(B) a school employer in the selection of its representatives for the purpose of bargaining collectively, discussing, or adjusting grievances.

This subdivision does not impair the right of a school employee organization to adopt its own rules with respect to the

acquisition or retention of membership in the school employee organization.

(2) Cause or attempt to cause a school employer to discriminate against an employee in violation of section 1 of this chapter.

(3) Refuse to bargain collectively with a school employer if the school employee organization is the exclusive representative.

(4) Fail or refuse to comply with any provision of this article.

As added by P.L.1-2005, SEC.13.

IC 20-29-7-3

Right of school employer or school employee organization to bring suit

Sec. 3. This chapter does not in any way restrict the right of a:

(1) school employer; or

(2) school employee organization;

to bring suit for specific performance or breach of performance, or both, of a collective bargaining contract in any court having jurisdiction.

As added by P.L.1-2005, SEC.13.

IC 20-29-7-4

Prevention of unfair practices

Sec. 4. (a) Unfair practices are remediable under this section.

(b) A school employer or a school employee who believes the employer or employee is aggrieved by an unfair practice may file a complaint under oath:

(1) setting out a summary of the facts involved; and

(2) specifying the section or sections of this article alleged to have been violated.

(c) The board shall:

(1) give notice to the person or school employee organization against whom the complaint is directed; and

(2) determine the matter raised in the complaint.

(d) Appeals may be taken under IC 4-21.5-3.

(e) A hearing examiner or agent of the board, who may be a member of the board, may:

(1) take testimony; and

(2) make findings and conclusions.

(f) The board, but not a hearing examiner or agent of the board, may enter the interlocutory orders, after summary hearing, the board considers necessary in carrying out the intent of this chapter.

As added by P.L.1-2005, SEC.13.

IC 20-29-8

Chapter 8. Impasse Procedures

IC 20-29-8-1

Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-8-2

Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-8-3

Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-8-4

Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-8-5

Purpose of factfinding

Sec. 5. The purpose of factfinding is to provide a final solution on the items permitted to be bargained under IC 20-29-6-4 whenever the parties are unable by themselves, or through a mediator, to resolve a dispute.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.27.

IC 20-29-8-6

Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-8-7

Appointment of factfinder

Sec. 7. (a) When a factfinder is requested or required under IC 20-29-6, the board shall appoint a factfinder from the staff or panel established under section 6 of this chapter.

(b) The factfinder shall make an investigation and hold hearings as the factfinder considers necessary in connection with a dispute.

(c) The factfinder:

(1) may restrict the factfinder's findings to those issues that the factfinder determines significant;

(2) must restrict the findings to the items listed in IC 20-29-6-4; and

(3) may not impose terms beyond those proposed by the parties in their last, best offers.

(d) The factfinder may use evidence furnished to the factfinder by:

(1) the parties;

(2) the board;

(3) the board's staff; or

(4) any other state agency.

(e) The factfinder shall conduct the factfinding hearing in public in a room or facility owned by the county or local unit of government located in the county in which the school employer is located, or if the school employer is located in more than one (1) county, in the county in which the greatest number of students who attend the school employer's schools reside. The public hearing may begin not earlier than October 1 in the first year of the state budget biennium and must be concluded by December 31 of the same year.

(f) The factfinding process may not exceed fifteen (15) days from beginning to end, and not more than two (2) of those days may be used for public testimony, which may be taken at the discretion of the factfinder. During the public hearing, each party shall present fully its last, best offer, including the fiscal rationale for the offer. Only general operating funds and those funds certified by the department of education and the department of local government finance may be considered as a source of the funding for items, unless the school funding formula allows other funds to be used for certain items.

(g) The factfinder shall make a recommendation as to the settlement of the disputes over which the factfinder has jurisdiction.

(h) The factfinder shall:

(1) make the investigation, hearing, and findings as expeditiously as the circumstances permit; and

(2) deliver the findings to the parties and to the board.

(i) The board, after receiving the findings and recommendations, may make additional findings and recommendations to the parties based on information in:

(1) the report; or

(2) the board's own possession.

The board may not make any recommendations to the parties related to any items not specifically identified in IC 20-29-6-4.

(j) At any time within five (5) days after the findings and recommendations are delivered to the board, the board may make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through news media and other means the board considers effective.

(k) The board shall make the findings and recommendations described in subsection (j) available to the public not later than ten (10) days after the findings and recommendations are delivered to the board.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.28; P.L.229-2011, SEC.183.

IC 20-29-8-8

Factors considered by factfinder

Sec. 8. In conducting hearings and investigations, the factfinder is not bound by IC 4-21.5. The factfinder shall, however, consider the following factors:

(1) Past memoranda of agreements and contracts between the parties.
(2) Comparisons of wages and hours of the employees involved with wages of other employees working for other public agencies and private concerns doing comparable work, giving consideration to factors peculiar to the school corporation.
(3) The public interest.
(4) The financial impact on the school corporation and whether any settlement will cause the school corporation to engage in deficit financing as described in IC 20-29-6-3.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.29.

IC 20-29-8-9
Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-8-10
Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-8-10.1
Prohibition; serving as mediator and factfinder

Sec. 10.1. A person who has served as a mediator in a dispute between a school employer and an exclusive representative may not serve as a factfinder in a dispute arising in the same school corporation within a period of five (5) years except by the mutual consent of the parties.

As added by P.L.229-2011, SEC.184.

IC 20-29-8-11
Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-8-12 Version a
Payment of expenses by board

Note: This version of section amended by P.L.48-2011, SEC.31. See also following version of this section repealed by P.L.229-2011, SEC.274.

Sec. 12. The board shall pay the cost of an arbitrator, which shall be reimbursed equally by the two (2) parties under procedures for collection and payment established by the board.

As added by P.L.1-2005, SEC.13. Amended by P.L.48-2011, SEC.31.

IC 20-29-8-12 Version b
Repealed

(Repealed by P.L.229-2011, SEC.274.)

Note: This section repealed by P.L.229-2011, SEC.274. See also preceding version of this section amended by P.L.48-2011, SEC31.

IC 20-29-8-13

Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-8-13.1

Findings and recommendations of factfinder; distribution; review

Sec. 13.1. (a) The investigation, hearing, and findings of the factfinder must be:

(1) made as expeditiously as the circumstances allow; and

(2) delivered to the parties and to the board.

(b) The board, after receiving the findings and recommendations under subsection (a), may make additional findings and recommendations to the parties based upon information in the report or in the board's possession. The board may not make any recommendations to the parties related to any items not specifically identified in IC 20-29-6-4 and may not address items beyond those proposed by the parties in their last, best offers.

(c) The board:

(1) may, at any time within five (5) days; and

(2) shall, within ten (10) days;

after receiving the findings and recommendations delivered under subsection (a), make the findings and recommendations of the factfinder and the board's additional findings and recommendations, if any, available to the public through the news media and any other means.

As added by P.L.229-2011, SEC.185.

IC 20-29-8-14

Repealed

(*Repealed by P.L.48-2011, SEC.39.)*

IC 20-29-9
Chapter 9. Strikes

IC 20-29-9-1
Unlawful participation in strike
Sec. 1. It is unlawful for:
(1) a school employee;
(2) a school employee organization; or
(3) an affiliate, including state or national affiliates, of a school employee organization;
to take part in or assist in a strike against a school employer or school corporation.
As added by P.L.1-2005, SEC.13.

IC 20-29-9-2
Actions taken for aiding or abetting in a strike
Sec. 2. A school corporation or school employer may in:
(1) an action at law;
(2) a suit in equity; or
(3) another proper proceeding;
take action against a school employee organization, an affiliate of a school employee organization, or any person aiding or abetting in a strike for redress of the unlawful act.
As added by P.L.1-2005, SEC.13.

IC 20-29-9-3
Loss of dues deduction privilege by exclusive representative for participating in strike
Sec. 3. If an exclusive representative:
(1) engages in; or
(2) aids or abets in;
a strike, the exclusive representative shall lose the exclusive representative's dues deduction privilege for one (1) year.
As added by P.L.1-2005, SEC.13.

IC 20-29-9-4
Minimum length of school year
Sec. 4. A regulation, rule, or law concerning the minimum length of a school year may not:
(1) apply; or
(2) require makeup days;
if schools in a school corporation are closed as a result of a school employee strike.
As added by P.L.1-2005, SEC.13.

IC 20-29-9-5
School corporation not required to pay salary for days on strike
Sec. 5. A school corporation shall not pay a school employee for any day when the school employee fails, as a result of a strike, to report for work as required by the school year calendar.

As added by P.L.1-2005, SEC.13.

IC 20-30

ARTICLE 30. CURRICULUM

IC 20-30-1

Chapter 1. Applicability

IC 20-30-1-1

Application of article

Sec. 1. This article applies only to the following:

(1) Public schools.

(2) Nonpublic schools that voluntarily have become accredited under IC 20-19-2-8.

As added by P.L.1-2005, SEC.14.

IC 20-30-2

Chapter 2. Calendar

IC 20-30-2-1

"Instructional time"

Sec. 1. As used in this chapter, "instructional time" is time during which students are participating in:

(1) an approved course;

(2) a curriculum; or

(3) an educationally related activity;

under the direction of a teacher, including a reasonable amount of passing time between classes. Instructional time does not include lunch or recess.

As added by P.L.1-2005, SEC.14.

IC 20-30-2-2

Student instructional day; school flex program instructional day

Sec. 2. (a) A student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time. Except as provided in subsection (b), a student instructional day in grades 7 through 12 consists of at least six (6) hours of instructional time.

(b) An instructional day for a school flex program under section 2.2 of this chapter consists of a minimum of three (3) hours of instructional time.

As added by P.L.1-2005, SEC.14. Amended by P.L.242-2005, SEC.15.

IC 20-30-2-2.2

School flex instructional program

Sec. 2.2. (a) As used in this section, "eligible student" means a student in grade 11 or 12 who has:

(1) failed the ISTEP+ graduation exam at least twice;

(2) been determined to be chronically absent, by missing more than ten (10) unexcused days of school in one (1) school year;

(3) been determined to be a habitual truant, as identified under IC 20-33-2-11;

(4) been significantly behind in credits for graduation, as identified by an individual's school principal;

(5) previously undergone at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15;

(6) previously undergone an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16; or

(7) been determined by the individual's principal and the individual's parent or guardian to benefit by participating in the school flex program.

(b) An eligible student who participates in a school flex program must:

(1) attend school for at least three (3) hours of instructional time per school day;

(2) pursue a timely graduation;
(3) provide evidence of college or technical career education enrollment and attendance or proof of employment and labor that is aligned with the student's career academic sequence under rules established by the Indiana bureau of child labor;
(4) not be suspended or expelled while participating in a school flex program;
(5) pursue course and credit requirements for a general diploma; and
(6) maintain a ninety-five percent (95%) attendance rate.

(c) A school may allow an eligible student in grade 11 or 12 to complete an instructional day that consists of three (3) hours of instructional time if the student participates in the school flex program.

(d) If one (1) or more students participate in a school flex program, the principal shall, on forms provided by the department, submit a yearly report to the department of student participation and graduation rates of students who participate in the school flex program.

As added by P.L.242-2005, SEC.16.

IC 20-30-2-3

School year

Sec. 3. For each school year, a school corporation shall conduct at least one hundred eighty (180) student instructional days. Not later than June 15 of each school year, the superintendent of each school corporation shall certify to the department the number of student instructional days conducted during that school year.

As added by P.L.1-2005, SEC.14.

IC 20-30-2-4

Reduction of tuition support

Sec. 4. If a school corporation fails to conduct the minimum number of student instructional days during a school year as required under section 3 of this chapter, the department shall reduce the August tuition support distribution to that school corporation for a school year by an amount determined as follows:

STEP ONE: Determine the remainder of:
(A) the amount of the total tuition support allocated to the school corporation for the particular school year; minus
(B) that part of the total tuition support allocated to the school corporation for that school year with respect to student instructional days one hundred seventy-six (176) through one hundred eighty (180).

STEP TWO: Subtract the number of student instructional days that the school corporation conducted from one hundred eighty (180).

STEP THREE: Determine the lesser of five (5) or the remainder determined under STEP TWO.

STEP FOUR: Divide the amount subtracted under STEP

ONE(B) by five (5).

STEP FIVE: Multiply the quotient determined under STEP FOUR by the number determined under STEP THREE.

STEP SIX: Subtract the number determined under STEP THREE from the remainder determined under STEP TWO.

STEP SEVEN: Divide the remainder determined under STEP ONE by one hundred seventy-five (175).

STEP EIGHT: Multiply the quotient determined under STEP SEVEN by the remainder determined under STEP SIX.

STEP NINE: Add the product determined under STEP FIVE to the product determined under STEP EIGHT.

As added by P.L.1-2005, SEC.14.

IC 20-30-2-5

Waiver

Sec. 5. The department may grant a waiver of the penalty imposed under section 4 of this chapter for a particular number of canceled student instructional days if:

(1) the school corporation applies to the department for a waiver of the penalty imposed under section 4 of this chapter for a specific number of canceled student instructional days; and

(2) each of the particular number of student instructional days requested to be waived under this section was canceled due to extraordinary circumstances.

As added by P.L.1-2005, SEC.14.

IC 20-30-2-6

Guidelines

Sec. 6. The department shall develop guidelines for school corporations to apply for a waiver under section 5 of this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-2-7

Minimum school term

Sec. 7. The minimum length for a school term is nine (9) months.

As added by P.L.1-2005, SEC.14.

IC 20-30-2-8

Development of innovative school calendars

Sec. 8. The state superintendent may encourage the development and establishment of innovative or exemplary school calendars.

As added by P.L.2-2006, SEC.140.

IC 20-30-3

Chapter 3. Annual and Patriotic Observances

IC 20-30-3-1

Arbor Day

Sec. 1. (a) The last Friday of April is designated for general observance as Arbor Day to encourage the planting of shade and forest trees, shrubs, and vines.

(b) Each year the governor shall proclaim Arbor Day at least thirty (30) days before it occurs.

(c) Appropriate exercises giving due honor to:

(1) the conservators of forestry;

(2) the founders of the study and conservation of Indiana forestry; and

(3) a leading spirit of Indiana forestry conservation, Charles Warren Fairbanks;

may be prepared by each superintendent and conducted in each school and by communities throughout Indiana.

As added by P.L.1-2005, SEC.14.

IC 20-30-3-2

Other observances

Sec. 2. The public schools shall appropriately observe the commemorations designated in IC 1-1-9 through IC 1-1-11.

As added by P.L.1-2005, SEC.14.

IC 20-30-3-3

National anthem

Sec. 3. The state board shall:

(1) require the singing of the entire national anthem, "The Star Spangled Banner", in each school on all patriotic occasions; and

(2) arrange to supply the words and music in sufficient quantity for these purposes.

As added by P.L.1-2005, SEC.14.

IC 20-30-3-4

United States flag

Sec. 4. (a) Each governing body shall procure a United States flag that is four (4) feet by six (6) feet for each school under the governing body's supervision.

(b) If weather conditions permit, each governing body shall require that the United States flag be displayed on every school under the governing body's control on every day the school is in session. If the flag is not displayed outdoors for any reason, the flag must be displayed in the principal room or assembly hall. Each governing body shall establish rules and regulations for the proper care, custody, and display of the flag.

(c) A person who violates subsection (b) commits a Class C infraction.

As added by P.L.1-2005, SEC.14.

IC 20-30-4

Chapter 4. Student Graduation Plan

IC 20-30-4-1

"Student"

Sec. 1. As used in this chapter, "student" refers to a student who is enrolled in a school corporation in at least grade 6.

As added by P.L.1-2005, SEC.14. Amended by P.L.140-2008, SEC.2.

IC 20-30-4-1.5

Grade 6 initial graduation plan

Sec. 1.5. (a) In grade 6, a student and the student's parent shall develop an initial graduation plan. The plan must include the following:

(1) A statement of intent to graduate from high school.

(2) An acknowledgment of the importance of:

(A) good citizenship;

(B) school attendance; and

(C) diligent study habits.

(b) The plan must become part of the student's permanent school record.

As added by P.L.140-2008, SEC.3.

IC 20-30-4-2

Grade 9 graduation plan; consultation with guidance counselors and parents

Sec. 2. In consultation with the student's guidance counselor, after seeking consultation with each student's parents, and not later than the date on which the student completes grade 9, each student shall further develop the graduation plan developed in grade 6 under section 1.5 of this chapter to also include the following:

(1) The subject and skill areas of interest to the student.

(2) A program of study under the college/technology preparation curriculum adopted by the state board under IC 20-30-10-2 for grades 10, 11, and 12 that meets the interests and aptitude of the student.

(3) Assurances that, upon satisfactory fulfillment of the plan, the student:

(A) is entitled to graduate; and

(B) will have taken at least the minimum variety and number of courses necessary to gain admittance to a state educational institution.

(4) An indication of assessments (other than ISTEP and the graduation examination) that the student plans to take voluntarily during grade 10 through grade 12, and which may include any of the following:

(A) The SAT Reasoning Test.

(B) The ACT test.

(C) Advanced placement exams.

(D) College readiness exams approved by the department.

(E) Workforce readiness exams approved by the department of workforce development established under IC 22-4.1-2.

As added by P.L.1-2005, SEC.14. Amended by P.L.2-2007, SEC.220; P.L.140-2008, SEC.4.

IC 20-30-4-3

Children with disabilities; individualized education programs

Sec. 3. Any decisions regarding the requirements under this chapter for a student who is a child with a disability under IC 20-35 shall be made in accordance with the individualized education program for that student and federal law.

As added by P.L.1-2005, SEC.14.

IC 20-30-4-4

Modification of plan

Sec. 4. A graduation plan may be modified after initial development. However, the modifications may not interfere with the assurances described in section 2(3) of this chapter.

As added by P.L.1-2005, SEC.14. Amended by P.L.140-2008, SEC.5.

IC 20-30-4-5

Individual courses or programs

Sec. 5. This chapter may not be construed to prevent a student who chooses a particular curriculum under IC 20-30-12 or IC 20-30-10 from including within the student's graduation plan individual courses or programs that:

(1) are not included within the student's chosen curriculum; and

(2) the student is otherwise eligible to take.

As added by P.L.1-2005, SEC.14. Amended by P.L.140-2008, SEC.6.

IC 20-30-4-6

Review of plan

Sec. 6. (a) A student's guidance counselor shall, in consultation with the student and the student's parent, review annually a student's graduation plan that was developed in grade 9 under section 2 of this chapter to determine if the student is progressing toward fulfillment of the graduation plan.

(b) If a student is not progressing toward fulfillment of the graduation plan, the school counselor shall provide counseling services for the purpose of advising the student of credit recovery options and services available to help the student progress toward graduation.

As added by P.L.185-2006, SEC.8. Amended by P.L.140-2008, SEC.7.

IC 20-30-5

Chapter 5. Mandatory Curriculum

IC 20-30-5-0.5

Display of United States flag; Pledge of Allegiance

Sec. 0.5. (a) The United States flag shall be displayed in each classroom of every school in a school corporation.

(b) The governing body of each school corporation shall provide a daily opportunity for students of the school corporation to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

(1) the student chooses to not participate; or

(2) the student's parent chooses to have the student not participate.

As added by P.L.78-2005, SEC.5.

IC 20-30-5-1

Constitutions

Sec. 1. (a) In each of grades 6 through 12, every public and nonpublic school shall provide instruction on the constitutions of:

(1) Indiana; and

(2) the United States.

(b) In public elementary schools, instruction on the constitutions shall be included as a part of American history. In public high schools, instruction on the constitutions shall be included as a part of civics or another course, as the state board may require by rules. Failure of any public school teacher or principal to comply with this requirement constitutes misconduct in office under IC 20-28-5-7.

(c) Each nonpublic elementary school and high school shall provide instruction under this section as required by the state board.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-2

Constitutions; interdisciplinary course

Sec. 2. (a) Each public and nonpublic high school shall provide a required course that is:

(1) not less than one (1) year of school work; and

(2) in the:

(A) historical;

(B) political;

(C) civic;

(D) sociological;

(E) economical; and

(F) philosophical;

aspects of the constitutions of Indiana and the United States.

(b) The state board shall:

(1) prescribe the course described in this section and the course's appropriate outlines; and

(2) adopt the necessary textbooks for uniform instruction.

(c) A high school student may not receive a diploma unless the student has successfully completed the interdisciplinary course described in this section.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-3

Protected writings, documents, and records of American history or heritage

Sec. 3. (a) This section applies to the following writings, documents, and records:

(1) The Constitution of the United States.

(2) The national motto.

(3) The national anthem.

(4) The Pledge of Allegiance.

(5) The Constitution of the State of Indiana.

(6) The Declaration of Independence.

(7) The Mayflower Compact.

(8) The Federalist Papers.

(9) "Common Sense" by Thomas Paine.

(10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.

(11) United States Supreme Court decisions.

(12) Executive orders of the presidents of the United States.

(13) Frederick Douglas' Speech at Rochester, New York, on July 5, 1852, entitled "What to a Slave is the Fourth of July?".

(14) Appeal by David Walker.

(15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.

(b) A school corporation may allow a principal or teacher in the school corporation to read or post in a school building or classroom or at a school event any excerpt or part of a writing, document, or record listed in subsection (a).

(c) A school corporation may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (a).

(d) A library, a media center, or an equivalent facility that a school corporation maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document listed in subsection (a)(1) through (a)(9).

(e) A school corporation:

(1) shall allow a student to include a reference to a writing, document, or record listed in subsection (a) in a report or other work product; and

(2) may not punish the student in any way, including a reduction in grade, for using the reference.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-4

System of government; American history

Sec. 4. (a) Each public school and nonpublic school shall provide within the two (2) weeks preceding a general election for all students in grades 6 through 12 five (5) full recitation periods of class discussion concerning:

(1) the system of government in Indiana and in the United States;
(2) methods of voting;
(3) party structures;
(4) election laws; and
(5) the responsibilities of citizen participation in government and in elections.

(b) A student may not receive a high school diploma unless the student has completed a two (2) semester course in American history.

(c) If a public school superintendent violates this section, the state superintendent shall receive and record reports of the violations. The general assembly may examine these reports.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-4.5

Moment of silence

Sec. 4.5. (a) In order that:

(1) the right of each student to the free exercise of religion is guaranteed within the schools; and
(2) the freedom of each student is subject to the least possible coercion from the state either to engage in or to refrain from religious observation on school grounds;

the governing body of each school corporation shall establish the daily observance of a moment of silence in each classroom or on school grounds.

(b) During the moment of silence required by subsection (a), the teacher responsible for a classroom shall ensure that all students remain seated or standing and silent and make no distracting display so that each student may, in the exercise of the student's individual choice, meditate, pray, or engage in any other silent activity that does not interfere with, distract, or impede another student in the exercise of the student's individual choice.

As added by P.L.78-2005, SEC.6.

IC 20-30-5-5

Morals instruction

Sec. 5. (a) Each public school teacher and nonpublic school teacher who is employed to instruct in the regular courses of grades 1 through 12 shall present the teacher's instruction with special emphasis on:

(1) honesty;
(2) morality;
(3) courtesy;
(4) obedience to law;
(5) respect for the national flag and the Constitution of the State

of Indiana and the Constitution of the United States;
(6) respect for parents and the home;
(7) the dignity and necessity of honest labor; and
(8) other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.

(b) The state superintendent shall prepare outlines or materials for the instruction described in subsection (a) and incorporate the instruction in the regular courses of grades 1 through 12.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-6

Good citizenship instruction

Sec. 6. (a) This section applies only to public schools.

(b) As used in this section, "good citizenship instruction" means integrating instruction into the current curriculum that stresses the nature and importance of the following:

(1) Being honest and truthful.
(2) Respecting authority.
(3) Respecting the property of others.
(4) Always doing the student's personal best.
(5) Not stealing.
(6) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.
(7) Taking personal responsibility for obligations to family and community.
(8) Taking personal responsibility for earning a livelihood.
(9) Treating others the way the student would want to be treated.
(10) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.
(11) Respecting the student's parents and home.
(12) Respecting the student's self.
(13) Respecting the rights of others to have their own views and religious beliefs.

(c) The department shall:

(1) identify; and
(2) make available;

models of conflict resolution instruction to school corporations. The instruction may consist of a teacher education program that applies the techniques to the students in the classroom to assist school corporations in complying with this section.

As added by P.L.1-2005, SEC.14. Amended by P.L.246-2005, SEC.170.

IC 20-30-5-7

School corporation studies

Sec. 7. Each school corporation shall include in the school corporation's curriculum the following studies:

(1) Language arts, including:

(A) English;
(B) grammar;
(C) composition;
(D) speech; and
(E) second languages.
(2) Mathematics.
(3) Social studies and citizenship, including the:
(A) constitutions;
(B) governmental systems; and
(C) histories;
of Indiana and the United States, including a study of the Holocaust in each high school United States history course.
(4) Sciences.
(5) Fine arts, including music and art.
(6) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.
(7) Additional studies selected by each governing body, subject to revision by the state board.
As added by P.L.1-2005, SEC.14. Amended by P.L.86-2007, SEC.1.

IC 20-30-5-7.5
Physical activities
Sec. 7.5. (a) This section does not apply to a student who:
(1) is in half-day kindergarten; or
(2) has a medical condition that precludes participation in the daily physical activity provided under this section.
(b) Beginning in the 2006-2007 school year, the governing body of each school corporation shall provide daily physical activity for students in elementary school. The physical activity must be consistent with the curriculum and programs developed under IC 20-19-3-6 and may include the use of recess. On a day when there is inclement weather or unplanned circumstances have shortened the school day, the school corporation may provide physical activity alternatives or elect not to provide physical activity.
As added by P.L.54-2006, SEC.4.

IC 20-30-5-8
Safety education
Sec. 8. A course in safety education for at least one (1) full semester shall be taught in grade 8 of each public school and nonpublic school. The state board shall prepare a guide for this course that:
(1) the teacher shall use; and
(2) may be revised under the direction of the state board.
As added by P.L.1-2005, SEC.14. Amended by P.L.73-2011, SEC.15.

IC 20-30-5-9
Hygiene
Sec. 9. (a) The principles of hygiene and sanitary science must be

taught in grade 5 of each public school and may be taught in other grades. This instruction must explain the ways that dangerous communicable diseases are spread and the sanitary methods for disease prevention and restriction.

(b) The state health commissioner and the state superintendent shall jointly compile a leaflet describing the principles of hygiene, sanitary science, and disease prevention and shall supply the leaflets to each superintendent, who shall:

(1) supply the leaflets to each school; and

(2) require the teachers to comply with this section.

(c) Each prosecuting attorney to whom the state department of health or the state department of health's agents report any violation of this section shall commence proceedings against the violator.

(d) Any student who objects in writing, or any student less than eighteen (18) years of age whose parent or guardian objects in writing, to health and hygiene courses because the courses conflict with the student's religious teachings is entitled to be excused from receiving medical instruction or instruction in hygiene or sanitary science without penalties concerning grades or graduation.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-10

Diseases

Sec. 10. (a) The governing body shall provide in each public school for the illustrative teaching of:

(1) the spread of disease by:

(A) rats;

(B) flies; and

(C) mosquitoes;

and the effects of disease; and

(2) disease prevention by proper food selection and consumption.

(b) A school official who fails to comply with this section commits a Class C infraction.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-11

Alcoholic beverages, tobacco, prescription drugs, and controlled substances; instruction in kindergarten through grade 12

Sec. 11. (a) For kindergarten through grade 12, the governing body of each school corporation shall provide instruction concerning the effects that:

(1) alcoholic beverages;

(2) tobacco;

(3) prescription drugs; and

(4) controlled substances;

have on the human body and society at large.

(b) The state board shall make available to all school corporations a list of appropriate available instructional material on the matters described in subsection (a).

(c) The department shall develop curriculum guides to assist teachers assigned to teach the material described in subsection (a).

(d) The state board shall approve drug education curricula for every grade from kindergarten through grade 12.

(e) The department shall provide assistance to each school corporation to train at least one (1) teacher in the school corporation in drug education.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-12

AIDS

Sec. 12. (a) Each school corporation shall:

(1) include in the school corporation's curriculum instruction concerning the disease acquired immune deficiency syndrome (AIDS); and

(2) integrate this effort to the extent possible with instruction on other dangerous communicable diseases.

(b) A school corporation shall consider the recommendations of the AIDS advisory council established under IC 20-34-1 concerning community standards on the:

(1) content of the instruction;

(2) manner in which the information is presented; and

(3) grades in which the information is taught.

(c) Literature that is distributed to school children and young adults under this section must include information required by IC 20-34-3-17.

(d) The department, in consultation with the state department of health, shall develop AIDS educational materials. The department shall make the materials developed under this section available to school corporations.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-13

Instruction on human sexuality or sexually transmitted diseases

Sec. 13. Throughout instruction on human sexuality or sexually transmitted diseases, an accredited school shall:

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

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

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

As added by P.L.1-2005, SEC.14.

IC 20-30-5-14

Employment matters and work values; career awareness and development; teacher education; career preparation demonstration projects

Sec. 14. (a) To:

(1) educate students on the importance of their future career choices;

(2) prepare students for the realities inherent in the work environment; and

(3) instill in students work values that will enable them to succeed in their respective careers;

each school within a school corporation shall include in the school's curriculum for all students in grades 1 through 12 instruction concerning employment matters and work values.

(b) Each school shall:

(1) integrate within the curriculum instruction that is; or

(2) conduct activities or special events periodically that are;

designed to foster overall career awareness and career development as described in subsection (a).

(c) The department shall develop career awareness and career development models as described in subsection (d) to assist schools in complying with this section.

(d) The models described in this subsection must be developed in accordance with the following:

(1) For grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts.

(2) For grades 6 through 8, initial career information models that focus on career choices as they relate to student interest and skills.

(3) For grades 9 through 10, career exploration models that offer students insight into future employment options.

(4) For grades 11 through 12, career preparation models that provide job or further education counseling, including the following:

(A) Initial job counseling, including the use of job service officers to provide school based assessment, information, and guidance on employment options and the rights of students as employees.

(B) Workplace orientation visits.

(C) On-the-job experience exercises.

(e) The department, with assistance from the department of labor and the department of workforce development, shall:

(1) develop and make available teacher guides; and

(2) conduct seminars or other teacher education activities;

to assist teachers in providing the instruction described in this section.

(f) The department shall, with assistance from the department of workforce development, design and implement innovative career preparation demonstration projects for students in at least grade 9.

As added by P.L.1-2005, SEC.14. Amended by P.L.246-2005,

SEC.171.

IC 20-30-5-15

Breast cancer and testicular cancer instruction

Sec. 15. (a) Each school corporation shall include in the school corporation's high school health education curriculum instruction regarding breast cancer and testicular cancer as adopted by the state board, including the significance of early detection of these diseases through:

(1) monthly self-examinations; and

(2) regularly scheduled mammographies in the case of breast cancer.

(b) The department shall, in consultation with the state department of health, develop breast cancer and testicular cancer educational materials to be made available to school corporations to assist teachers assigned to teach the material described in this section.

(c) The:

(1) department shall develop guidelines; and

(2) state board shall adopt rules under IC 4-22-2;

concerning the instruction required under this section to assist teachers assigned to teach the material described in this section.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-16

Human organ and blood donor program instruction

Sec. 16. (a) Each school corporation shall include in the school corporation's high school health education curriculum instruction regarding the human organ donor program and blood donor program as adopted by the state board, including:

(1) the purpose of the human organ donor program and blood donor program;

(2) the statewide and nationwide need for human organ and blood donations; and

(3) the procedure for participation in the human organ donor program and blood donor program.

(b) The department shall, in consultation with the state department of health or any other appropriate organization, develop human organ donor program and blood donor program educational materials to be made available to school corporations to assist teachers assigned to teach the material described in this section.

(c) The:

(1) department shall develop guidelines; and

(2) state board shall adopt rules under IC 4-22-2;

concerning the instruction required under this section to assist teachers assigned to teach the material described in this section.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-17

Access to materials relating to personal analysis, evaluation, or survey of students; consent for participation

Sec. 17. (a) A school corporation shall make available for inspection by the parent of a student any instructional materials, including:

(1) teachers' manuals;

(2) textbooks;

(3) films or other video materials;

(4) tapes; and

(5) other materials;

used in connection with a personal analysis, an evaluation, or a survey described in subsection (b).

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

(1) political affiliations;

(2) religious beliefs or practices;

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

(4) sexual behavior or attitudes;

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

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

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

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

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

(c) The department and the governing body shall give parents and students notice of their rights under this section.

(d) The governing body shall enforce this section.

As added by P.L.1-2005, SEC.14.

IC 20-30-5-18

Meningitis information

Sec. 18. (a) The chief administrative officer of each:

(1) public school (including a charter school as defined in IC 20-24-1-4); and

(2) nonpublic school;

shall ensure that information concerning meningococcal disease and its vaccines is provided to students and parents or guardians of students at the beginning of each school year.

(b) The information provided under subsection (a) must include information concerning the:

(1) causes;

(2) symptoms; and

(3) spread;

of meningococcal disease and the places where parents and guardians of students may obtain additional information and vaccinations for their children.

(c) The chief administrative officers and the department shall, in consultation with the state department of health or any other appropriate entity, develop materials to be made available to schools to assist schools in providing the information described in this section.

(d) The department shall enforce this section.

As added by P.L.76-2005, SEC.3.

IC 20-30-5-19

Personal financial responsibility instruction

Sec. 19. (a) Each school corporation, charter school, and accredited nonpublic school shall include in its curriculum for all students in grades 6 through 12 instruction concerning personal financial responsibility.

(b) A school corporation, a charter school, and an accredited nonpublic school may meet the requirements of subsection (a) by:

(1) integrating, within its curriculum, instruction; or

(2) conducting a seminar;

that is designed to foster overall personal financial responsibility.

(c) The state board shall adopt a curriculum that ensures personal financial responsibility is taught:

(1) in a manner appropriate for each grade level; and

(2) as a separate subject or as units incorporated into appropriate subjects;

as determined by the state board.

As added by P.L.154-2009, SEC.2.

IC 20-30-5.5

Chapter 5.5. Internet Safety

IC 20-30-5.5-1

Duties of school corporations

Sec. 1. Each school corporation shall include in the school corporation's curriculum for grades 3 and above instruction concerning safe usage of the Internet by children.

As added by P.L.119-2008, SEC.12.

IC 20-30-5.5-2

Duties of the department and the state board

Sec. 2. The:

(1) department shall develop guidelines; and

(2) state board shall adopt rules under IC 4-22-2;

concerning the instruction required under this chapter to assist teachers assigned to teach the material described in this chapter.

As added by P.L.119-2008, SEC.12.

IC 20-30-5.5-3

Requirements of guidelines and rules

Sec. 3. Guidelines and rules adopted under section 2 of this chapter must cover:

(1) safe online communication;

(2) privacy protection;

(3) cyberbullying;

(4) viewing inappropriate material;

(5) file sharing;

(6) the importance of open communication with responsible adults; and

(7) any other matters that the department or the state board finds will assist children in using the Internet safely.

As added by P.L.119-2008, SEC.12.

IC 20-30-6

Chapter 6. Optional Curriculum

IC 20-30-6-1

Repealed

(*Repealed by P.L.7-2011, SEC.26.)*

IC 20-30-6-2

Program of adult competency; funds to implement program

Sec. 2. (a) The department shall, in cooperation with the department of workforce development, implement the Indiana program of adult competency.

(b) The department may, with approval by the department of workforce development, do the following:

(1) Use funds available under the Job Training Partnership Act under 29 U.S.C. 1500 et seq.

(2) Use funds available to the department of workforce development to implement the Indiana program of adult competency.

As added by P.L.1-2005, SEC.14.

IC 20-30-6-3

Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-30-6-4

Educational television

Sec. 4. (a) A school corporation may:

(1) conduct educational television instruction; and

(2) contract with a commercial television station for the use of the station's facilities and staff.

(b) A governing body may budget and appropriate from the school corporation's general fund for expenditures under this section in the same manner as provided by law for other school expenditures.

As added by P.L.1-2005, SEC.14.

IC 20-30-6-5

Educational television; joint programs

Sec. 5. (a) Two (2) or more school corporations may jointly exercise the powers described in section 4 of this chapter. The school corporations shall enter into an agreement as to the part of expenses incurred under section 4 of this chapter that each school corporation pays.

(b) A school corporation described in subsection (a) may pay into a joint fund an amount computed annually under an agreement described in subsection (a).

(c) The treasurer of a joint fund described in subsection (b) shall:

(1) deposit money in the fund as provided under IC 5-13; and

(2) make disbursements on claims allowed by an executive committee acting for the participating school corporations.

The treasurer shall give bond in an amount established by the executive committee.
As added by P.L.1-2005, SEC.14.

IC 20-30-6-6
Educational television; credit

Sec. 6. The state board may approve credit in kindergarten through grade 12 for educational television instruction in the same manner as other credit is given under state rules.
As added by P.L.1-2005, SEC.14.

IC 20-30-6-7
Military instruction

Sec. 7. (a) A governing body may institute a system of military instruction in a high school and authorize the high school to receive arms, ammunition, and equipment from the federal government under regulations adopted by the United States Department of Defense.

(b) A governing body described in subsection (a) may pay the following expenses from the school corporation's general fund:

(1) Freight charges on arms, ammunition, and equipment issued by the federal government from the place of issue to the high school.

(2) Insurance charges on property described in subdivision (1).

(3) Premiums on bonds executed by the governing body to cover the care, safekeeping, and return of property described in subdivision (1).

(4) The cost of constructing arms racks and other facilities for the care and preservation of property described in subdivision (1), scaling walls, indoor targets, and other equipment the governing body considers necessary.

As added by P.L.1-2005, SEC.14.

IC 20-30-6-8
Military instruction; staff

Sec. 8. (a) A governing body may employ suitable and competent persons as military instructors. A military instructor is entitled to compensation as an instructor in a high school if:

(1) a system of military instruction is established and a military instructor is not detailed to the high school by the federal government; or

(2) a system of military instruction is established with detailed military instructors, but additional instructors are necessary.

(b) An individual who holds a certificate of eligibility issued by the state board after an examination conducted by a board of three (3) military officers, at least one (1) of whom is commissioned in the United States regular army, is competent and suitable as a military instructor. A qualified individual may serve as physical education director, military instructor, and teacher in a high school.

(c) A high school may not institute or conduct military instruction unless an instructor detailed by the federal government or a

competent and suitable military instructor supervises the military instruction.
As added by P.L.1-2005, SEC.14.

IC 20-30-6-9
Military instruction; noncompulsory
Sec. 9. Sections 7 and 8 of this chapter do not authorize compulsory military instruction in a public school and do not abridge the right of school authorities to make proper rules and regulations for the government of the school's students.
As added by P.L.1-2005, SEC.14.

IC 20-30-6-10
Voluntary religious observance authorized
Sec. 10. A school corporation may permit a voluntary religious observance if the school corporation follows sections 11 through 12 of this chapter and any additional procedures that the school corporation adopts to ensure that the observance is voluntary.
As added by P.L.1-2005, SEC.14. Amended by P.L.78-2005, SEC.7.

IC 20-30-6-11
Voluntary religious observance; time, facilities, and supervision
Sec. 11. (a) The time used for voluntary religious observance authorized under section 10 of this chapter must be in addition to the regular school day, which for these purposes is six and one-half (6 1/2) hours, excluding time for lunch.
(b) A religious or philosophical group that does not accept voluntary religious observance at a school is entitled to use of school facilities during the time set for voluntary religious observance.
(c) A school corporation shall provide properly supervised facilities for recreation and study during a voluntary religious observance. The supervised facilities must include the following:
(1) The library.
(2) If the school has no library, a study room.
(3) The gymnasium or playground.
(4) Music and art facilities.
An individual who supervises a facility does not have to be licensed in the activity that the individual supervises.
As added by P.L.1-2005, SEC.14.

IC 20-30-6-12
Voluntary religious observance; prohibitions
Sec. 12. (a) The following may not cause or encourage attendance at a voluntary religious observance:
(1) A school corporation.
(2) A superintendent.
(3) A principal.
(4) A teacher.
(5) A clerical employee.
(6) A custodial employee.

(7) A school employee or official.

A person described in this subsection who causes or encourages attendance at a voluntary religious observance commits an act of insubordination, and appropriate action shall be taken against the person.

(b) Notwithstanding subsection (a), a school shall provide written notice to all students and the students' parents of a voluntary religious observance and of any alternative activities provided under section 11(c) of this chapter.

(c) A school corporation shall ensure that:

(1) students do not coerce attendance at a voluntary religious observance; and

(2) no opprobrium attaches among the students or faculty for not participating in a voluntary religious observance.

If a school corporation cannot avert the coercion or opprobrium described in this subsection, the school corporation shall discontinue the voluntary religious observances.

As added by P.L.1-2005, SEC.14.

IC 20-30-6-13

Repealed

(*Repealed by P.L.78-2005, SEC.8.)*

IC 20-30-6-14

Geography; teaching guides; textbooks; in-service training

Sec. 14. The state board shall:

(1) provide school corporations with guides for teaching geography in the public schools;

(2) make available in-service training opportunities to teachers who teach geography.

As added by P.L.1-2005, SEC.14. Amended by P.L.73-2011, SEC.16.

IC 20-30-6-15

American Sign Language; foreign language credit; teacher certification; curriculum

Sec. 15. (a) A school corporation may offer classes in American Sign Language as a first or second language for students who hear, students who are deaf, and students who are hard of hearing.

(b) If:

(1) classes in American Sign Language are offered at the secondary level by a school corporation; and

(2) a student satisfactorily completes a class in American Sign Language as a second language;

the student is entitled to receive foreign language credit for the class.

(c) A class in American Sign Language offered under this section must be taught by a teacher licensed in Indiana and:

(1) certified by the American Sign Language Teachers Association; or

(2) holding a degree in American Sign Language.

(d) The state board shall establish a curriculum in American Sign

Language as a first or second language.
As added by P.L.1-2005, SEC.14. Amended by P.L.99-2007, SEC.176.

IC 20-30-6-16
Sharing explicit material by cellular telephone or computer

Sec. 16. A school corporation may offer classes, instruction, or programs regarding the potential risks and consequences of creating and sharing sexually suggestive or sexually explicit materials through cellular telephones, social networking web sites, computer networks, and other digital media.
As added by P.L.104-2010, SEC.3.

IC 20-30-6-17
Entrepreneurship curricula

Sec. 17. (a) Each school corporation may include in the school corporation's curriculum for grades 9 through 12 instruction concerning entrepreneurship.

(b) The department, in cooperation with the commission for higher education and the Indiana economic development corporation, shall develop curriculum guides based on best practices for entrepreneurship to assist teachers assigned to provide the instruction described in subsection (a).

(c) The entrepreneurship curricula developed under this section must be approved by the state board.

(d) The department shall report on the department's progress under this section to the legislative council not later than November 1, 2012, in an electronic format under IC 5-14-6.
As added by P.L.114-2011, SEC.5.

IC 20-30-7

Chapter 7. Summer School Programs

IC 20-30-7-1

Summer school education; rules

Sec. 1. The state board may prescribe a program of summer school education for public schools. The state board shall adopt rules under IC 4-22-2 to provide for:

(1) summer school programs; and

(2) the state distribution formula for any money appropriated by the general assembly for summer school education.

As added by P.L.1-2005, SEC.14.

IC 20-30-7-2

Summer school education

Sec. 2. A school corporation may conduct a program of summer school education.

As added by P.L.1-2005, SEC.14.

IC 20-30-7-3

Voluntary summer school enrichment program

Sec. 3. In addition to a program of summer school education described in section 1 of this chapter, a school corporation may conduct a voluntary summer school enrichment program in which educational programs that are not offered during the regular school year are offered to students.

As added by P.L.1-2005, SEC.14.

IC 20-30-7-4

Voluntary summer school enrichment program; rules

Sec. 4. (a) An educational program described in section 3 of this chapter consists of one-half (1/2) day sessions in which students may:

(1) receive remediation on a voluntary basis;

(2) develop further in areas first covered during the school year; or

(3) experience specific educational programs that are not regularly provided as part of the established curriculum during the school year.

(b) The board shall adopt rules under IC 4-22-2 to implement this section and section 3 of this chapter, including rules governing the distribution of state funds for this purpose.

As added by P.L.1-2005, SEC.14.

IC 20-30-7-5

Joint summer school program

Sec. 5. A school corporation may enter into an agreement with:

(1) another school corporation;

(2) an accredited nonpublic school; or

(3) both entities described in subdivisions (1) and (2);

to offer a joint summer school program for high school students.
As added by P.L.1-2005, SEC.14.

IC 20-30-7-6
Agreement

Sec. 6. An agreement under section 5 of this chapter must:

(1) designate one (1) participating school corporation as the local education agency for the joint educational program; and

(2) specify the allocation of costs of the joint summer school program, including teacher compensation, among the parties to the agreement.

As added by P.L.1-2005, SEC.14.

IC 20-30-7-7
Educational programs

Sec. 7. The parties to an agreement under section 5 of this chapter may provide educational programs:

(1) that are not regularly provided as part of the established curriculum during the school year; and

(2) for which a student who successfully completes a program may receive high school and college credit under an articulation agreement or dual credit provision under IC 20-32-3-9 or IC 21-43-2.

As added by P.L.1-2005, SEC.14. Amended by P.L.2-2007, SEC.221; P.L.1-2010, SEC.79.

IC 20-30-7-8
Instructor qualifications

Sec. 8. Except as provided in section 9 of this chapter, an instructor for an educational program described in section 7 of this chapter must be:

(1) licensed under IC 20-28; or

(2) granted a substitute teacher's license by the department.

As added by P.L.1-2005, SEC.14. Amended by P.L.246-2005, SEC.172.

IC 20-30-7-9
Issuance of substitute teacher's license

Sec. 9. If the superintendent of the school corporation that is the local education agency determines that:

(1) a qualified licensed teacher is not available from the entities entering into an agreement under section 5 of this chapter; and

(2) a qualified postsecondary instructor is available;

to instruct in an educational program described in section 7 of this chapter, the superintendent may request the department to issue a substitute teacher's license to the instructor of an educational program described in section 7 of this chapter.

As added by P.L.1-2005, SEC.14. Amended by P.L.246-2005, SEC.173.

IC 20-30-7-10
Unavailability of qualified licensed teacher

Sec. 10. If the department finds that a qualified licensed teacher is not available from the entities entering into an agreement under section 5 of this chapter to instruct in an educational program described in section 7 of this chapter, the department may issue a substitute teacher's license to the instructor of an educational program described in section 7 of this chapter.

As added by P.L.1-2005, SEC.14. Amended by P.L.246-2005, SEC.174.

IC 20-30-7-11
Compensation

Sec. 11. An instructor for an educational program described in section 7 of this chapter must be compensated at the same rate as the rate determined for a teacher under IC 20-28-6-7 and the local education agency's contract with certificated employees.

As added by P.L.1-2005, SEC.14.

IC 20-30-7-12
Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-30-8

Chapter 8. Alternative Program for Certain Students

IC 20-30-8-1

"Alternative education program"

Sec. 1. As used in this chapter, "alternative education program" refers to an alternative school or educational program that is described in section 6 of this chapter. The term includes:

(1) an alternative education program described in section 5(a)(1) of this chapter; or

(2) an area alternative education program described in section 5(a)(2) of this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-2

"Disruptive student"

Sec. 2. As used in this chapter, "disruptive student" means an eligible student who has a documented record of frequent disruptions of the traditional school learning environment despite repeated attempts by the school corporation to modify the student's behavior in conformity with a progressive disciplinary program approved by the department.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-3

"Eligible student"

Sec. 3. (a) Except as provided in subsection (b), as used in this chapter, "eligible student" refers to a student who qualifies as an eligible student under section 9 of this chapter.

(b) As used in section 16 of this chapter, "eligible student" means an eligible pupil (as defined in IC 20-43-1-11) who meets the criteria for enrollment in an alternative education program under section 9 of this chapter.

As added by P.L.1-2005, SEC.14. Amended by P.L.2-2006, SEC.141.

IC 20-30-8-3.5

"Full-time equivalent students"

Sec. 3.5. As used in this chapter, "full-time equivalent students" means the number of students determined under section 16 of this chapter.

As added by P.L.2-2006, SEC.142.

IC 20-30-8-4

"Program organizer"

Sec. 4. As used in this chapter, "program organizer" means the following:

(1) The governing body of a school corporation that establishes an alternative education program described in section 5(a)(1) of this chapter.

(2) The governing bodies of each of the school corporations

that:

(A) participate in an area alternative education program described in section 5(a)(2) of this chapter; and

(B) take an official action under this chapter by adopting substantially identical resolutions.

(3) The governing body or administrative body of an area alternative education program described in section 5(a)(2) of this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-4.5

Repealed

(*Repealed by P.L.2-2006, SEC.199.)*

IC 20-30-8-4.6

"Qualifying school corporation"

Sec. 4.6. As used in this chapter, "qualifying school corporation" means a school corporation, including a charter school, that has been approved under section 8 of this chapter to receive a grant under this chapter.

As added by P.L.2-2006, SEC.143.

IC 20-30-8-5

Election to establish program or to participate in joint program; site

Sec. 5. (a) The governing body may elect to:

(1) establish an alternative program on its own; or

(2) participate in an area alternative program through a joint program under IC 20-26-10.

(b) An alternative program is not required to be located at a site that is different than the site at which the traditional school instruction is offered.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-6

Qualification as alternative education program

Sec. 6. To qualify as an alternative education program, the program must:

(1) be an educational program for eligible students that instructs the eligible students in a different manner than the manner of instruction available in a traditional school setting; and

(2) comply with the rules that are adopted under IC 4-22-2 by the state board to govern:

(A) alternative education programs; and

(B) admission of eligible students to alternative education programs.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-7

Program organizers; requests for approval of grants or waivers

from rules

Sec. 7. The program organizer may request the approval from the department for the following:

(1) To receive the grant for alternative education programs under IC 20-20-33.

(2) To be granted waivers from rules adopted by the state board that may otherwise interfere with the objectives of the alternative education program, including waivers of:

(A) certain high school graduation requirements;

(B) the length of the student instructional day as set forth in IC 20-30-2-2;

(C) required curriculum and textbooks;

(D) teacher certification requirements; and

(E) physical facility requirements.

As added by P.L.1-2005, SEC.14. Amended by P.L.2-2006, SEC.144.

IC 20-30-8-8

Approval of grant; application for program; term of grant

Sec. 8. (a) Before a program organizer is eligible for the funding under IC 20-20-33, a program organizer must have the grant for the program approved by both:

(1) the department; and

(2) the budget agency after review by the budget committee.

(b) A school corporation may initiate the program and waiver approval process under section 7 of this chapter and the grant approval process under this section by submitting an application for the proposed alternative education program, on forms developed by the department, to the department. The application must include the following information:

(1) The number of eligible students expected to participate in the alternative education program.

(2) A description of the proposed alternative education program, including a description of the nature of the alternative education program curriculum.

(3) The extent to which the manner of instruction at the alternative education program differs from the manner of instruction available in the traditional school setting.

(4) A description of specific progressive disciplinary procedures that:

(A) are reasonably designed to modify disruptive behavior in the traditional school learning environment without necessitating admission to an alternative education program; and

(B) will be used before admitting a disruptive student to an alternative education program.

(5) Any other pertinent information required by the department.

(c) The term of a grant may not exceed one (1) school year. If a school corporation fails to conduct an alternative education program in conformity with:

(1) this chapter;

(2) the rules adopted by the state board; or
(3) the terms of the approved grant;
the department or the budget agency, after review by the budget committee, may terminate funding for the alternative education program before the grant expires.
As added by P.L.1-2005, SEC.14. Amended by P.L.2-2006, SEC.145.

IC 20-30-8-9
Qualification as eligible student
Sec. 9. (a) To qualify as an eligible student, a student must:
(1) be enrolled in or be eligible to be admitted to grades 6 through 12;
(2) meet at least one (1) of the criteria described in section 10 of this chapter;
(3) have a written individual service plan prepared under section 11 of this chapter; and
(4) be likely to benefit:
(A) academically;
(B) behaviorally; or
(C) both academically and behaviorally;
from participation in an alternative education program, as jointly determined by the student's teacher or teachers and principal or principal's designee, and in consultation with the student's parent or guardian.
(b) The governing body of the school corporation shall review the determinations made by the school corporation to place and retain students in an alternative education program in order to ensure that the students in the alternative education program meet the criteria for the program.
As added by P.L.1-2005, SEC.14.

IC 20-30-8-10
Criteria for placement of students in program
Sec. 10. A student placed in an alternative education program must meet at least one (1) of the following criteria:
(1) The student intends to withdraw or has withdrawn from school before graduation.
(2) The student has been identified as a student who:
(A) has failed to comply academically; and
(B) would benefit from instruction offered in a manner different from the manner of instruction available in a traditional school.
(3) The student is a parent or an expectant parent and is unable to regularly attend the traditional school program.
(4) The student is employed and the employment:
(A) is necessary for the support of the student or the student's immediate family; and
(B) interferes with a part of the student's instructional day.
(5) The student is a disruptive student.
As added by P.L.1-2005, SEC.14.

IC 20-30-8-11

Individual service plans for students

Sec. 11. (a) Before placing a student in an alternative education program, the school corporation in which the student is enrolled shall prepare an individual service plan for the student's placement.

(b) The individual service plan for a student must be reviewed and revised:

(1) as needed; and

(2) at least annually.

(c) The initial plan and each revised plan must be jointly prepared by the student's:

(1) teacher or teachers; and

(2) principal or the principal's designee.

If a student is enrolled in an alternative education program when an individual service plan is revised, the principal and teacher for the alternative education program may prepare the revised plan. If a student is enrolled in the classes of more than one (1) teacher, a teacher who is designated by the school corporation as the student's principal adviser shall prepare the individual service plan.

(d) The individual service plan for a student must be in writing. In the plan, the student's teacher or teachers and principal or principal's designee must jointly agree that the student is likely to academically benefit from participation in an alternative education program. The plan must include a description of at least the following:

(1) Educational goals appropriate for the student.

(2) Behavioral goals appropriate for the student.

(3) An alternative education program that is appropriate for the student.

(4) Services required by the student and the student's immediate family to meet the educational goals and behavioral goals specified in the individual service plan.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-12

Appeal by eligible student

Sec. 12. A student who:

(1) is designated as an eligible student or assigned to participate in a particular alternative education program; and

(2) disagrees with the designation or assignment described in subdivision (1);

may appeal the designation to the governing body for the school corporation in which the student is enrolled.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-13

Department to encourage and assist in establishing program; program for chronically disruptive students

Sec. 13. (a) The department shall encourage school corporations to assess the need in the school corporation for an alternative

education program or an area alternative education program.

(b) Upon request of a school corporation, the department shall assist the school corporation in establishing an alternative education program.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-14

Adoption of rules; implementation of chapter

Sec. 14. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-8-15

Report; full-time equivalent students

Sec. 15. Each qualifying school corporation shall report to the department in the form specified by the department the number of full-time equivalent students who were enrolled in an alternative education program. Reports must be submitted before January 31 of each year for the period January 1 through December 31 of the immediately preceding year.

As added by P.L.2-2006, SEC.146.

IC 20-30-8-16

Determination of full-time equivalent students

Sec. 16. The number of full-time equivalent students enrolled in an alternative education program during a reporting period is the result determined under STEP SIX of the following formula:

STEP ONE: Determine the number of alternative education program sessions that were conducted in a reporting period for a qualifying school corporation as follows:

(A) Determine the number of days on which an alternative education program was conducted for an entire morning, as determined under the rules adopted by the state board.

(B) Determine the number of days on which an alternative education program was conducted for an entire afternoon, as determined under the rules adopted by the state board.

(C) Determine the number of days on which an alternative education program was conducted for an entire evening, as determined under the rules adopted by the state board.

(D) Determine the sum of the clause (A), (B), and (C) amounts.

STEP TWO: For each morning, afternoon, and evening session of an alternative education program that is used to determine the STEP ONE result, determine the number of eligible students enrolled in the sessions.

STEP THREE: Determine the sum of the STEP TWO amounts.

STEP FOUR: Divide the STEP THREE result by the STEP ONE result.

STEP FIVE: Divide the STEP ONE result by three hundred sixty (360).

STEP SIX: Multiply the STEP FOUR result by the STEP FIVE result.

As added by P.L.2-2006, SEC.147.

IC 20-30-9

Chapter 9. Bilingual and Bicultural Instruction

IC 20-30-9-1

"Bilingual-bicultural instruction"

Sec. 1. As used in this chapter, "bilingual-bicultural instruction" means the use of written and spoken English and a non-English language to teach students. It includes instruction in the history and culture of both the United States and the homeland of the non-English language.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-2

"Bilingual-bicultural program"

Sec. 2. As used in this chapter, "bilingual-bicultural program" means a course of bilingual-bicultural instruction for non-English dominant students, designed to meet the students' language skill needs as soon as possible.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-3

"Division"

Sec. 3. As used in this chapter, "division" means the division of migrant bilingual-bicultural education of the department.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-4

"Non-English dominant students"

Sec. 4. As used in this chapter, "non-English dominant students" means students who have difficulty performing in classes conducted solely in English because:

(1) the students' native tongue is not English;

(2) the language most often spoken by the students is not English; or

(3) the language most often spoken in the students' homes is not English.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-5

Policy of state

Sec. 5. It is the policy of the state to provide bilingual-bicultural programs for all qualified students enrolled in Indiana public schools through the establishment of the programs by school corporations. The state recognizes the need for and the desirability of the programs to:

(1) aid students to reach their full academic level of achievement; and

(2) preserve an awareness of cultural and linguistic heritage.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-6

Bilingual-bicultural program

Sec. 6. The state superintendent shall carry out a bilingual-bicultural program for the improvement of educational opportunities for non-English dominant students by doing the following:

(1) Supporting and planning pilot and demonstration projects that are designed to test and demonstrate the effectiveness of programs for improving educational opportunities for non-English dominant students.

(2) Assisting in the establishment and operation of programs that are designed to stimulate:

(A) the provision of educational services not available to non-English dominant students in sufficient quantity or quality; and

(B) the development and establishment of exemplary programs to serve as models for regular school programs in which non-English dominant students are educated.

(3) Assisting in the establishment and operation of pre-service and in-service training programs for persons serving non-English dominant students as educational personnel.

(4) Encouraging the dissemination of information and materials relating to and the evaluation of the effectiveness of education programs that may offer educational opportunities to non-English dominant students. For activities described in this section, preference shall be given to the training of non-English dominant students, including innovative programs related to the educational needs of the non-English dominant students.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-7

Development and establishment of bilingual-bicultural educational services and programs

Sec. 7. The state superintendent may assist and stimulate school corporations in developing and establishing bilingual-bicultural educational services and programs specifically designed to improve educational opportunities for non-English dominant students. Funds may be used for the following:

(1) To provide educational services not available to the non-English dominant students in sufficient quantity or quality, including:

(A) remedial and compensatory instruction, psychological, and other services designed to assist and encourage non-English dominant students to enter, remain in, or reenter elementary or secondary school;

(B) comprehensive academic instruction and career and technical instruction;

(C) instructional materials (such as library books, textbooks, and other printed or published or audiovisual materials) and equipment;

(D) comprehensive guidance, counseling, and testing services;
(E) special education programs for persons with disabilities;
(F) preschool programs; and
(G) other services that meet the purposes of this subdivision.
(2) To establish and operate exemplary and innovative educational programs and resource centers that involve new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for non-English dominant students.
As added by P.L.1-2005, SEC.14. Amended by P.L.234-2007, SEC.110.

IC 20-30-9-8
Placement of children in programs
Sec. 8. (a) Students whose dominant language is English shall be allowed to participate in the bilingual-bicultural program unless their participation will hinder the progress of the non-English dominant students.
(b) Students enrolled in a program of bilingual-bicultural education shall, if graded classes are used, be placed, to the extent practicable, in classes with students of approximately the same age and level of educational attainment, as determined after considering the attainment through the use of all necessary languages.
(c) If students of significantly varying ages or levels of educational attainment are placed in the same class, the program of bilingual-bicultural education must seek to ensure that each student is provided with instruction appropriate for the student's level of educational attainment. The ultimate objective is to place the bilingual-bicultural student in the regular course of study.
As added by P.L.1-2005, SEC.14.

IC 20-30-9-9
Notice of placement
Sec. 9. (a) Before placing a student in a bilingual-bicultural program, the governing body of the school corporation in which the student resides shall notify the student's parent of the placement.
(b) The notice required in subsection (a) must be in English and the appropriate non-English language. The notice must state the purposes, methods, and content of the program and must inform the parent of the parent's right to:
(1) visit the program; and
(2) if the student is less than eighteen (18) years old, refuse the student's placement or withdraw the student from the program.
As added by P.L.1-2005, SEC.14.

IC 20-30-9-10
Local and corporation advisory committees
Sec. 10. (a) Before June 1 of each year, the principal of each school operating a bilingual-bicultural program shall appoint a local

advisory committee composed of:

(1) teachers of bilingual-bicultural instruction who are proficient in both English and a non-English language and certified to teach a subject, including the history and culture of both the United States and the homeland of the non-English language;

(2) counselors;

(3) community members; and

(4) parents of students enrolled or eligible for enrollment in the bilingual-bicultural program.

A majority of the committee members must be parents of students enrolled or eligible for enrollment in the bilingual-bicultural program.

(b) Before July 1 of each year, the governing body of each school corporation operating a bilingual-bicultural program shall select at least one (1) representative from each local advisory committee to serve on a corporation advisory committee. A majority of the committee members must be parents of students enrolled or eligible for enrollment in the program.

(c) A member of a local and corporation advisory committee holds the position for one (1) year.

(d) The local and corporation advisory committees shall participate in planning, implementing, and evaluating the bilingual-bicultural programs. All bilingual-bicultural programs must be approved by the appropriate local advisory committee before implementation. If the advisory committee refuses to approve a program, the division shall arbitrate the dispute.

(e) All school corporations wishing to implement a bilingual-bicultural program shall apply to the state superintendent.

(f) All bilingual-bicultural programs must be approved by the state board to qualify for the distribution of state funds to school corporations for the bilingual-bicultural programs.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-11

Summer and preschool bilingual-bicultural courses

Sec. 11. School corporations may establish full-time or part-time summer or preschool bilingual-bicultural courses. However, the courses are not substitutes for bilingual-bicultural programs required during the normal school year.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-12

Duties of division

Sec. 12. The division:

(1) shall aid school corporations in developing bilingual-bicultural programs by:

(A) evaluating instructional materials;

(B) compiling material on the theory and practice of bilingual-bicultural instruction;

(C) encouraging innovative programs; and

(D) otherwise providing technical assistance to the corporations;

(2) shall aid school corporations in developing and administering in-service training programs for school administrators and personnel involved in bilingual-bicultural programs;

(3) shall monitor and evaluate bilingual-bicultural programs conducted by school corporations;

(4) shall make an annual report on the status of the bilingual-bicultural programs to the governor and the general assembly;

(5) shall establish bilingual-bicultural educational resource centers for the use of the school corporations; and

(6) may establish guidelines to implement this chapter.

A report made under subdivision (4) to the general assembly must be in an electronic format under IC 5-14-6.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-13

Application by school corporation for funds; determination by division; criteria

Sec. 13. (a) Each school corporation must apply to the division to receive funds under this chapter. The division director shall determine on a competitive basis which bilingual-bicultural programs are to receive the funds under this chapter. The criteria for determining the distribution of funds are as follows:

(1) The extent to which the educational needs identified and addressed in the application for funds are for bilingual-bicultural programs in areas having the greatest need in Indiana.

(2) The extent to which educational needs are clearly identified and realistic objectives are carefully planned to meet the objectives.

(3) The extent to which the application sets forth quantifiable measurement of the success of the proposed bilingual-bicultural program in providing students who do not speak English as a dominant language with language skills necessary for the students' education.

(4) The extent to which the application contains evidence that:

(A) the costs of bilingual-bicultural program components are reasonable in relation to the expected benefits;

(B) the proposed bilingual-bicultural program will be coordinated with existing efforts; and

(C) all possible efforts are being made to minimize the amount of funds requested for purchase of equipment necessary for implementation of the proposed bilingual-bicultural program.

(5) The extent to which the application indicates that the personnel to be employed in the bilingual-bicultural program

possess qualifications relevant to the objectives of the bilingual-bicultural program.

(b) The division director may not award more than three hundred dollars ($300) per student under this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-9-14

Length of funding

Sec. 14. The bilingual-bicultural program of a school corporation may be funded for a minimum of five (5) years under this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-10

Chapter 10. College Preparation Curriculum

IC 20-30-10-1

College preparation curriculum models

Sec. 1. The department shall develop and recommend to the state board for adoption the Core 40 college preparation curriculum models.

As added by P.L.1-2005, SEC.14.

IC 20-30-10-2

Adoption of models and teacher and staff training

Sec. 2. (a) The state board shall adopt the following:

(1) College/technology preparation curriculum models that may include all or part of the following:

(A) The college preparation curriculum models developed by the department under section 1 of this chapter.

(B) The technology preparation curriculum models developed by the technology preparation task force under IC 20-20-10.

(2) Teacher and staff training to implement the college/technology preparation curriculum models.

(b) The college/technology preparation curriculum models that the state board adopts under subsection (a) must meet the conditions listed in:

(1) section 3 of this chapter; and

(2) IC 20-20-10-3.

As added by P.L.1-2005, SEC.14.

IC 20-30-10-3

Curriculum models; conditions

Sec. 3. The college/technology preparation curriculum models must meet the following conditions:

(1) Be performance based.

(2) Allow for dual credit, advanced study, and cooperative agreements.

(3) Provide a student with:

(A) the subject and skill areas required by a state educational institution to gain admittance into the respective state educational institution; and

(B) the skills necessary to gain employment upon the student's completion of formal education;

upon the satisfactory fulfillment of the curriculum.

(4) Relate to a broad scope of subject areas and include all the subject areas required to be taught under Indiana law.

(5) Be designed to satisfy the graduation requirements established by the state board.

As added by P.L.1-2005, SEC.14.

IC 20-30-10-4

Curriculum models; course offerings

Sec. 4. Each high school must provide at least two (2) of each of the following course offerings to high school students who qualify to enroll in the courses:

(1) Dual credit.

(2) Advanced placement.

As added by P.L.185-2006, SEC.9.

IC 20-30-11
Repealed

(*Repealed by P.L.2-2007, SEC.390.)*

IC 20-30-11.5
Repealed

(*Repealed by P.L.2-2007, SEC.390.)*

IC 20-30-12

Chapter 12. Technology Preparation Curriculum

IC 20-30-12-1

Technology preparation curriculum

Sec. 1. The department shall require all school corporations to make available to the school corporation's high school students the technology preparation curriculum developed under IC 20-20-10.

As added by P.L.1-2005, SEC.14.

IC 20-30-12-2

Teacher and staff training

Sec. 2. The state board shall implement teacher and staff training for the technology preparation curriculum.

As added by P.L.1-2005, SEC.14.

IC 20-30-12-3

Equipment expenditures; funding

Sec. 3. Expenditure for equipment necessary to implement this chapter by a school corporation may be paid:

(1) through technology loans from the common school fund; or

(2) from the school corporation's capital projects fund.

As added by P.L.1-2005, SEC.14.

IC 20-30-12-4

Rules

Sec. 4. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-13

Chapter 13. Motorcycle Operator Safety Education

IC 20-30-13-0.5

Expiration

Sec. 0.5. This chapter expires December 31, 2011.

As added by P.L.145-2011, SEC.26.

IC 20-30-13-1

"Certified chief instructor"

Sec. 1. As used in this chapter, "certified chief instructor" means a licensed motorcycle operator who meets standards established by the department that are equivalent to or more stringent than those established by the Motorcycle Safety Foundation for instructors in motorcycle safety and education.

As added by P.L.1-2005, SEC.14.

IC 20-30-13-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the motorcycle operator safety education fund established by section 11 of this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-13-3

"Program"

Sec. 3. As used in this chapter, "program" means the motorcycle operator safety education program.

As added by P.L.1-2005, SEC.14.

IC 20-30-13-4

"Program coordinator"

Sec. 4. As used in this section, "program coordinator" refers to the coordinator of the motorcycle operator safety education program.

As added by P.L.1-2005, SEC.14.

IC 20-30-13-5

"Training course"

Sec. 5. As used in this chapter, "training course" means an approved motorcycle operator education course that meets standards established by the department that are equivalent to or more stringent than those established by the Motorcycle Safety Foundation for courses of instruction in motorcycle safety and education.

As added by P.L.1-2005, SEC.14.

IC 20-30-13-6

"Training specialist"

Sec. 6. As used in this chapter, "training specialist" means the training specialist of the motorcycle operator safety education program.

As added by P.L.1-2005, SEC.14.

IC 20-30-13-7
Motorcycle operator safety education program

Sec. 7. The department shall develop and administer a motorcycle operator safety education program that, at a minimum, must:

(1) provide motorcycle operator education;
(2) provide instructor training;
(3) increase public awareness of motorcycle safety; and
(4) evaluate and recommend improvements to the motorcycle operator licensing system.

As added by P.L.1-2005, SEC.14.

IC 20-30-13-8
Appointment of program coordinator and training specialist

Sec. 8. The state superintendent shall appoint:

(1) a program coordinator who shall administer the program and conduct an annual evaluation; and
(2) a training specialist who shall:
    (A) establish training courses throughout Indiana;
    (B) set program and funding guidelines; and
    (C) supervise instructors and other personnel as necessary.

The training specialist must be a certified chief instructor and hold a valid license to operate a motorcycle.

As added by P.L.1-2005, SEC.14.

IC 20-30-13-9
Contracts with regional training centers

Sec. 9. The department may enter into contracts with regional training centers or any other sites approved by the state superintendent for the conduct of motorcycle operator safety education courses. If necessary, course sites may charge a reasonable tuition fee for the courses.

As added by P.L.1-2005, SEC.14.

IC 20-30-13-10
Advisory committee

Sec. 10. The state superintendent shall appoint a five (5) member advisory committee consisting of at least three (3) active motorcyclists to serve in an advisory capacity to the program.

As added by P.L.1-2005, SEC.14.

IC 20-30-13-11
Establishment of fund

Sec. 11. The motorcycle operator safety education fund is established. The fund consists of money received from motorcycle registrations as provided under IC 9-29. The money in the fund is appropriated to the department for the administration of the program and expenses related to the program, including:

(1) reimbursement for course sites;

(2) instructor training;
(3) purchase of equipment and course materials; and
(4) technical assistance.

As added by P.L.1-2005, SEC.14.

IC 20-30-14

Chapter 14. Community or Volunteer Service Program

IC 20-30-14-1

Development of community service ethic

Sec. 1. Each school corporation may encourage the development of a community service ethic among high school students in grade 11 or 12 in the school corporation by offering each grade 11 or 12 student:

(1) as part of the corporation's elective curriculum;

(2) in compliance with rules adopted by the state board under section 9 of this chapter; and

(3) upon completion by the student of approved community service or other volunteer service;

the opportunity for the student to earn academic credit toward the student's minimum graduation requirements.

As added by P.L.1-2005, SEC.14.

IC 20-30-14-2

Application for academic credit for community or volunteer service

Sec. 2. For each student who wishes to earn academic credit for community service or volunteer service under this chapter, the student, a teacher of the student, or a community or volunteer service organization must submit an application that includes the following information to the principal or the principal's designee of the high school in which the student is enrolled:

(1) The name of the community service organization or volunteer service organization the student intends to assist.

(2) The name, address, and telephone number of the director or the supervisor of the community service organization or volunteer service organization and, if different from the director or supervisor, the name, address, and telephone number of the individual assigned by the community or volunteer service organization to supervise the student at the activity site.

(3) The nature of the community service or volunteer service performed by the student with a certification that the service performed by the student is voluntary.

(4) The total number of hours the student intends to serve the community service organization or volunteer service organization during the school year.

(5) A written statement by the director or the supervisor of the community service organization or volunteer service organization certifying that the information included in the application is an accurate reflection of:

(A) the student's expectations with regard to the number of hours of service contemplated to be performed; and

(B) the community service organization's or the volunteer service organization's need to acquire the student's service.

(6) A description of:

(A) the educational or career exploration benefits the student and the school should expect to gain from the student's community or volunteer service participation; and

(B) the service and benefit the community or volunteer service organization expects to gain from the student's participation.

(7) A description of how the community or volunteer service activity relates to a course in which the student is enrolled or intends to enroll.

(8) The manner and frequency in which the student and the community or volunteer service activity will be evaluated.

(9) The name of the certificated school employee who will be responsible for monitoring and evaluating the student's activity and performance, including assigning to the student a grade for participation under this section.

(10) Any other information required by the principal.

As added by P.L.1-2005, SEC.14.

IC 20-30-14-3

Application deadline

Sec. 3. For each school year in which a student wishes to earn academic credit under this chapter, the student must submit the application to participate under this chapter before November 1 of the school year. The principal may waive this application deadline if the principal determines that:

(1) the student was unable to meet the application deadline due to extraordinary circumstances; and

(2) the student will reasonably be able to accrue before graduation at least the minimum number of hours of service required to acquire at least one (1) academic credit toward the student's graduation requirements.

As added by P.L.1-2005, SEC.14.

IC 20-30-14-4

Eligibility determination

Sec. 4. Upon receipt of the application, the principal or the principal's designee shall determine whether the student is eligible to receive academic credit under this section based on the guidelines established by the department under section 8 of this chapter and rules adopted by the state board under section 9 of this chapter.

As added by P.L.1-2005, SEC.14.

IC 20-30-14-5

Notification of eligibility determination; periodic progress reports

Sec. 5. The principal or the principal's designee shall notify the student and the director or the sponsor of the community service organization or the volunteer service organization of the determination made under section 4 of this chapter. If the student's application is approved, the director or sponsor of the community service organization or the volunteer service organization shall

periodically report to the principal or the principal's designee on the student's fulfillment of the expectations included in the application.
As added by P.L.1-2005, SEC.14.

IC 20-30-14-6
Certification of service hours contributed

Sec. 6. Upon the completion of the school year, the principal or the principal's designee shall request the director or the sponsor of the community service organization or the volunteer service organization to submit a report on the student's service during the school year that certifies the total number of hours of service contributed by the student.
As added by P.L.1-2005, SEC.14.

IC 20-30-14-7
Award of academic credit

Sec. 7. If the student's total number of hours of service is at least equal to the minimum number of hours required to earn academic credit for community service or volunteer service as set forth in rules adopted by the state board, the student shall receive the amount of academic credit available under the state board's rules for the service toward the student's graduation requirements.
As added by P.L.1-2005, SEC.14.

IC 20-30-14-8
Guidelines

Sec. 8. The department shall develop guidelines necessary to implement this section, including guidelines to assist principals or designees in determining whether a particular community service organization or volunteer service organization qualifies as an entity in which a student's volunteer service translates into academic credit under this section.
As added by P.L.1-2005, SEC.14.

IC 20-30-14-9
Rules

Sec. 9. The state board shall adopt rules under IC 4-22-2 necessary to implement this section, including rules stipulating the following:

(1) The types of community service organizations or volunteer service organizations that qualify as entities described in section 8 of this chapter.

(2) The types of community services or volunteer services performed by a student that qualify for approval under this chapter.

(3) That the student must perform at least forty-eight (48) hours of service to earn one (1) academic credit.

(4) That not more than two (2) academic credits toward graduation are available to a student under this chapter.

(5) That the exploitation or endangerment of students

participating under this chapter is prohibited.

(6) That each school corporation and community service organization or volunteer service organization participating under this chapter shall monitor student activity under this chapter and compile periodic reports from students and other individuals to ensure:

(A) student health and safety, including assurances that students are not expected to perform duties that are prohibited by law or rule for which students are inadequately prepared or supervised;

(B) an educational benefit to the student is being derived by the student; and

(C) compliance with appropriate statutes and rules.

(7) The minimum acceptable level of certificated school employee staffing required to adequately implement, monitor, and evaluate the program under this chapter.

(8) The method for demonstrating and enforcing the assurances described under subdivision (6).

As added by P.L.1-2005, SEC.14.

IC 20-30-15

Chapter 15. Nonsession School Activities

IC 20-30-15-1

"Agricultural education"

Sec. 1. As used in this chapter, "agricultural education" means the form of career and technical education that prepares an individual for the occupations connected with:

(1) the tillage of soil;

(2) the care of domestic animals;

(3) forestry; and

(4) other wage earning or productive work on the farm.

As added by P.L.1-2005, SEC.14. Amended by P.L.234-2007, SEC.112.

IC 20-30-15-2

"Attendance unit"

Sec. 2. As used in this chapter, "attendance unit" means the geographical and population area served by a single school that consists of part or all of the school corporation.

As added by P.L.1-2005, SEC.14.

IC 20-30-15-3

"Home economics education"

Sec. 3. As used in this chapter, "home economics education" means the form of career and technical education that prepares an individual for occupations connected with the household.

As added by P.L.1-2005, SEC.14. Amended by P.L.234-2007, SEC.113.

IC 20-30-15-4

"Industrial education"

Sec. 4. As used in this chapter, "industrial education" means the form of career and technical education that prepares an individual for the trades, crafts, and wage earning pursuits. The term includes the occupations performed in stores, workshops, and other establishments.

As added by P.L.1-2005, SEC.14. Amended by P.L.234-2007, SEC.114.

IC 20-30-15-5

"Career and technical education"

Sec. 5. As used in this chapter, "career and technical education" means any education that has the major purpose of preparing an individual for profitable employment.

As added by P.L.1-2005, SEC.14. Amended by P.L.234-2007, SEC.115.

IC 20-30-15-6

Authorization

Sec. 6. (a) When public schools are not in session, a governing body may employ personnel to supervise the following:

(1) Agricultural education club work.
(2) Industrial education club work.
(3) Home economics education club work.
(4) Music activities.
(5) Athletics.

(b) Activities described in subsection (a) must be open and free to all individuals of school age residing in the attendance unit of the school corporation that is paying all or part of the cost of the activity.
As added by P.L.1-2005, SEC.14.

IC 20-30-15-7
Personnel contracts

Sec. 7. An individual employed under this chapter shall enter into a contract with the governing body for the period of employment. The contract must contain the following terms:

(1) The amount of work to be performed.
(2) The kind of work to be performed.
(3) The length of the period of employment.
(4) The rate of compensation agreed on by the employee and the governing body.
(5) The total amount to be paid.

A contract entered into under this section is not a teaching contract or an extension of a teaching contract. An individual with a teaching contract during periods when school is not in session may not be employed under this chapter for any period included in the teaching contract.
As added by P.L.1-2005, SEC.14.

IC 20-30-15-8
Contract appropriation

Sec. 8. (a) A governing body shall pay contractual obligations under this chapter. However, a contract is not valid unless the governing body has made an appropriation from the school corporation's general fund for the contractual obligations before making the contract.

(b) A governing body may appropriate from the school corporation's general fund for any one (1) year an amount equal to the total funds raised by school patrons during the year in which the appropriation is made to purchase band uniforms for high school bands sponsored by high schools located within and operated by the school corporation.
As added by P.L.1-2005, SEC.14.

IC 20-31

ARTICLE 31. ACCOUNTABILITY FOR PERFORMANCE AND IMPROVEMENT

IC 20-31-1

Chapter 1. Applicability

IC 20-31-1-1

Applicability to schools

Sec. 1. This article applies only to the following:

(1) Public schools.

(2) Except as provided in IC 20-31-7 and IC 20-31-9, nonpublic schools that voluntarily become accredited under IC 20-19-2-8.

As added by P.L.1-2005, SEC.15.

IC 20-31-2

Chapter 2. Definitions

IC 20-31-2-1

Applicability

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-2

"Annual report"

Sec. 2. "Annual report" refers to the school corporation annual performance report required by IC 20-20-8.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-3

"Charter school"

Sec. 3. "Charter school" refers to a public school created and operating under IC 20-24.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-4

"Committee"

Sec. 4. "Committee" refers to the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-5

"Cultural competency"

Sec. 5. "Cultural competency" means a system of congruent behaviors, attitudes, and policies that enables teachers to work effectively in cross-cultural situations. The term includes the use of knowledge concerning individuals and groups to develop specific standards, policies, practices, and attitudes to be used in appropriate cultural settings to increase students' educational performance.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-6

"Exceptional learner"

Sec. 6. "Exceptional learner" refers to the following:

(1) A child with a disability (as defined in IC 20-35-1-2).

(2) A high ability student (as defined in IC 20-36-1-3).

As added by P.L.1-2005, SEC.15.

IC 20-31-2-7

"Plan"

Sec. 7. "Plan" refers to a strategic and continuous school improvement and achievement plan established under this article for a school or school corporation.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-8
"School"

Sec. 8. "School" refers to a public school or an accredited nonpublic school.

As added by P.L.1-2005, SEC.15.

IC 20-31-2-9
"Special management team"

Sec. 9. "Special management team" means an entity that manages a turnaround academy.

As added by P.L.229-2011, SEC.186.

IC 20-31-2-10
"Turnaround academy".

Sec. 10. "Turnaround academy" means a school that is subject to IC 20-31-9.5.

As added by P.L.229-2011, SEC.187.

IC 20-31-3

Chapter 3. Adoption of Academic Standards

IC 20-31-3-1

Adoption of academic standards

Sec. 1. The state board shall adopt clear, concise, and jargon free state academic standards that are comparable to national and international academic standards. These academic standards must be adopted for each grade level from kindergarten through grade 12 for the following subjects:

(1) English/language arts.
(2) Mathematics.
(3) Social studies.
(4) Science.

For grade levels tested under the ISTEP program, the academic standards must be based in part on the results of the ISTEP program.

As added by P.L.1-2005, SEC.15.

IC 20-31-3-2

Development of subject area academic standards

Sec. 2. The department shall develop academic standards for the following subject areas for each grade level from kindergarten through grade 12:

(1) English/language arts.
(2) Mathematics.
(3) Social studies.
(4) Science.
(5) Other subject areas as determined by the department.

As added by P.L.1-2005, SEC.15.

IC 20-31-3-3

Revising and updating academic standards

Sec. 3. The department shall revise and update academic standards:

(1) for each grade level from kindergarten through grade 12; and
(2) in each subject area listed in section 2 of this chapter;

at least once every six (6) years. This revision must occur on a cyclical basis.

As added by P.L.1-2005, SEC.15. Amended by P.L.73-2011, SEC.17.

IC 20-31-3-4

Academic standards committee

Sec. 4. The state superintendent shall appoint an academic standards committee composed of subject area teachers during the period when a subject area is undergoing revision.

As added by P.L.1-2005, SEC.15.

IC 20-31-3-5

Recommendations on academic standards

Sec. 5. An academic standards committee shall submit recommendations on academic standards for a subject area to the education roundtable established by IC 20-19-4-2 for review by the educational roundtable.
As added by P.L.1-2005, SEC.15.

IC 20-31-3-6
Curriculum program

Sec. 6. The curriculum program of each grade level from kindergarten through grade 12 in a school in a school corporation must be consistent with the following standards:

(1) The academic standards developed under this chapter.

(2) The student competencies developed for the Core 40 college preparation curriculum models established under IC 20-30-10.

As added by P.L.1-2005, SEC.15.

IC 20-31-3-7
Duties of department

Sec. 7. The department shall do the following:

(1) Distribute the academic standards established under this chapter to each school corporation for distribution by the school corporation to the parent of each student in the school corporation.

(2) Survey parents of students, members of the business community, representatives of postsecondary education, and educators on the importance and applicability of academic standards.

As added by P.L.1-2005, SEC.15. Amended by P.L.2-2007, SEC.222.

IC 20-31-4

Chapter 4. Performance Based Accreditation

IC 20-31-4-1

"Legal standards"

Sec. 1. As used in this chapter, "legal standards" means Indiana statutes and rules adopted by the state board that apply to each school for accreditation.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-2

Establishment of system; schedule for accreditation

Sec. 2. (a) A school in Indiana may be accredited:

(1) under the performance based accreditation system established by this chapter; or

(2) by implementing a quality focused approach to school improvement such as the criteria for the Malcolm Baldrige National Quality Award for Education or for a national or regional accreditation agency that is recommended by the education roundtable and approved by the state board.

(b) The state board shall establish the following:

(1) A performance based accreditation system for accrediting schools in Indiana under this chapter.

(2) A procedure for determining whether a school is making progress toward meeting the criteria for the Malcolm Baldrige National Quality Award for Education or a national or regional accreditation agency.

(c) The department shall establish a schedule for accrediting schools under this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-3

Accreditation levels

Sec. 3. (a) The state board shall establish the following accreditation levels:

(1) Full accreditation status.

(2) Probationary accreditation status.

(b) After the review process described in this chapter has been completed, including the review conducted by the onsite review panel assigned under section 9 of this chapter, if applicable, the state board shall assign either full accreditation status or probationary accreditation status to each school and school corporation.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-4

Full accreditation status

Sec. 4. (a) When all the schools in a school corporation achieve full accreditation status, the department shall provide a certificate of full accreditation to the school corporation.

(b) If one (1) or more schools in a school corporation are assigned

probationary status but the school corporation is in substantial compliance with full accreditation standards, the state board shall assign full accreditation status to that school corporation.
As added by P.L.1-2005, SEC.15.

IC 20-31-4-5
Benchmarks for performance
Sec. 5. The state superintendent and the state board shall determine which of the benchmarks and indicators of performance listed in IC 20-20-8-8 are appropriate benchmarks for performance based accreditation under this chapter.
As added by P.L.1-2005, SEC.15.

IC 20-31-4-6
Compliance with legal standards
Sec. 6. The department shall determine whether the school has complied with the following legal standards for accreditation:
(1) Health and safety requirements.
(2) Minimum time requirements for school activity.
(3) Curriculum offerings.
(4) Development and implementation of a staff evaluation plan under IC 20-28-11.5.
(5) Completion of a school improvement plan that complies with requirements developed by the state board and:
(A) focuses on academic performance; and
(B) is consistent with metrics for improvement.
As added by P.L.1-2005, SEC.15. Amended by P.L.90-2011, SEC.40.

IC 20-31-4-7
Determination of full accreditation; review of school
Sec. 7. (a) If the department determines that:
(1) a school has complied with all the legal standards under section 6 of this chapter; and
(2) the school's performance has met the expectations for that school in the areas described in section 5 of this chapter;
the state board shall make a determination that the school has acquired full accreditation status.
(b) The department shall conduct the next review under this chapter of a school described under subsection (a) not later than five (5) years after the state board's determination of full accreditation.
As added by P.L.1-2005, SEC.15.

IC 20-31-4-8
Onsite evaluation of school; publication of information concerning compliance
Sec. 8. (a) If the department verifies that:
(1) a school has not complied with all the legal standards under section 6 of this chapter; or
(2) the school's performance has not met the expectations for that school in the areas described in section 5 of this chapter;

a review panel of at least three (3) members shall conduct an onsite evaluation of that school to make a recommendation to the state board as to the accreditation status of that school.

(b) The department may not publish or otherwise make available for public inspection any information concerning a school's compliance with legal standards under section 6 of this chapter, the meeting of performance expectations under section 5 of this chapter, the assignment of an onsite review panel under this section, or the recommended accreditation status of the school until all onsite reviews have taken place and recommendations to the state board concerning the accreditation status of the school have been made.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-9

Review panel

Sec. 9. (a) Each review panel must consist of the following:

(1) One (1) staff member from the department.

(2) One (1) classroom teacher.

(3) One (1) individual who is not a classroom teacher but who is representative of the field of education.

(b) The state board shall determine the selection process for the review panels. However, the department shall assign, without state board approval, a review panel to each school required to be evaluated under section 8 of this chapter.

(c) The department may require that more than one (1) review panel conduct the onsite evaluation of a school.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-10

Areas reviewed during onsite evaluation

Sec. 10. (a) During its onsite evaluation, a review panel shall review the following for a school:

(1) Teaching practices and administrative leadership in instruction.

(2) Parental and community involvement.

(3) Implementation of the ISTEP remediation program under IC 20-32-8 and the educational opportunity program for at-risk children.

(4) The homework policy.

(b) In addition to its review under subsection (a), the review panel shall verify compliance with the legal standards for accreditation under section 6 of this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-11

Recommendation of review panel

Sec. 11. Upon review of all the areas described in sections 5 and 10 of this chapter, a review panel shall make a recommendation to the state board concerning:

(1) the accreditation status of the school;

(2) if applicable, certain recommendations for improvement that the school should consider, including recommendations that the department provide technical assistance to the school; and

(3) the next date of review for the school.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-12

Determination by board of status of reviewed school

Sec. 12. (a) Upon receipt of a review panel's recommendation, the state board shall make one (1) of the following determinations as to the accreditation status of the school:

(1) Full accreditation status with the next review being conducted five (5) years after the state board's determination of full accreditation.

(2) Full accreditation status with the next review being conducted earlier than five (5) years after the state board's determination of full accreditation.

(3) Probationary accreditation with the next review being conducted one (1) year after the state board's determination of probationary accreditation.

(b) A school that does not comply with all the legal standards may not be determined to have acquired full accreditation status.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-13

Probationary status; duty of governing body of school corporation

Sec. 13. If a school is assigned probationary accreditation status, the governing body of the school corporation shall:

(1) develop a plan, within one (1) year after the school is assigned probationary status, to raise the school's level of accreditation; and

(2) raise the school's level of accreditation within three (3) years after the school is assigned probationary status.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-14

Probationary status; failure to make progress

Sec. 14. (a) If a school having probationary status:

(1) fails to make progress; or

(2) at the end of three (3) years has not achieved full accreditation status;

the state board shall assign probationary accreditation status to the school corporation in which the school is located.

(b) A school corporation on probationary accreditation status shall direct its efforts toward raising the level of accreditation of each of its schools that are on probationary accreditation status to full accreditation status within one (1) year after the school corporation is assigned probationary accreditation status.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-15

Probationary status; recommendations to general assembly

Sec. 15. If a school corporation on probationary accreditation status does not raise the level of accreditation of each of its schools that are on probationary accreditation status to full accreditation status within one (1) year after the school corporation was assigned probationary accreditation status, the department shall submit to the general assembly recommendations concerning the operation and administration of the school corporation and the schools within that school corporation.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-16

Probationary status; appeal; assistance

Sec. 16. (a) If a school or school corporation is assigned probationary accreditation status, the governing body of the school corporation may appeal that determination to the state board.

(b) If a school or school corporation is assigned probationary accreditation status, the department shall provide assistance to that school or school corporation to achieve full accreditation status.

(c) If a school is assigned probationary accreditation status, the completion of the school improvement plan under section 6 of this chapter must involve parents, administrators, teachers, and other members of the community.

As added by P.L.1-2005, SEC.15.

IC 20-31-4-17

Rules

Sec. 17. The state board shall adopt rules under IC 4-22-2 necessary to implement this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-5

Chapter 5. Strategic and Continuous School Improvement and Achievement Plan

IC 20-31-5-1

Development of initial plan

Sec. 1. (a) The principal of each school shall coordinate:

(1) the development of an initial three (3) year strategic and continuous school improvement and achievement plan; and

(2) an annual review of the plan.

(b) The initial plan and annual review must be made with input from a committee of persons interested in the school, including administrators, teachers, parents, and community and business leaders appointed by the principal. Teacher appointments to the committee must be made in accordance with IC 20-29.

As added by P.L.1-2005, SEC.15.

IC 20-31-5-2

Charter used as strategic and continuous school improvement and achievement plan

Sec. 2. (a) This section applies to a charter school.

(b) A charter entered into under IC 20-24-4 may be used as a charter school's three (3) year plan.

As added by P.L.1-2005, SEC.15.

IC 20-31-5-3

Superintendent's review of plan

Sec. 3. (a) The committee must submit a school's initial plan to the superintendent by March 1 of the school year before the year of implementation. The superintendent:

(1) shall review the plan to ensure that the plan aligns with the school corporation's objectives, goals, and expectations;

(2) may make written recommendations of modifications to the plan to ensure alignment; and

(3) shall return the plan and any recommendations to the committee by April 1 of the school year before the year of implementation.

(b) A committee may modify the plan to comply with recommendations made by the superintendent under subsection (a).

(c) A committee shall submit:

(1) the plan; and

(2) the written recommendations of the superintendent;

to the governing body by May 1 of the school year before the year of implementation.

(d) An initial plan must be established by June 1 of the school year before the year of implementation by approval of the governing body. The governing body shall approve a plan for each school in the school corporation. When a plan is presented to the governing body, the governing body must either accept or reject the plan and may not revise the plan. A plan is established when written evidence of

approval is attached to the plan.
As added by P.L.1-2005, SEC.15.

IC 20-31-5-4
Requirements of plan

Sec. 4. (a) A plan must:

(1) state objectives for a three (3) year period; and

(2) be annually reviewed and revised to accomplish the achievement objectives of the school.

(b) A plan must establish objectives for the school to achieve. These achievement objectives must be consistent with academic standards and include improvement in at least the following areas:

(1) Attendance rate.

(2) The percentage of students meeting academic standards under the ISTEP program (IC 20-31-3 and IC 20-32-5).

(3) For a secondary school, graduation rate.

(c) A plan must address the learning needs of all students, including programs and services for exceptional learners.

(d) A plan must specify how and to what extent the school expects to make continuous improvement in all areas of the education system where results are measured by setting benchmarks for progress on an individual school basis.

(e) A plan must note specific areas where improvement is needed immediately.
As added by P.L.1-2005, SEC.15.

IC 20-31-5-5
Waiver of applicability

Sec. 5. (a) A plan may include a request for a waiver of applicability of a rule or statute to a school.

(b) The governing body may waive any rule adopted by the state board for which a waiver is requested in a plan, except for a rule that is characterized as follows:

(1) The rule relates to the health or safety of students or school personnel.

(2) The rule is a special education rule under 511 IAC 7.

(3) Suspension of the rule brings the school into noncompliance with federal statutes or regulations.

(4) The rule concerns curriculum or textbooks.

(c) Upon request of the governing body and under a plan, the state board may waive for a school or a school corporation any statute or rule relating to the following:

(1) Curriculum.

(2) Textbook selection.
As added by P.L.1-2005, SEC.15.

IC 20-31-5-6
Components of plan for school

Sec. 6. (a) A plan must contain the following components for the school:

(1) A list of the statutes and rules that the school wishes to have suspended from operation for the school.
(2) A description of the curriculum and information concerning the location of a copy of the curriculum that is available for inspection by members of the public.
(3) A description and name of the assessments that will be used in the school in addition to ISTEP program assessments.
(4) A plan to be submitted to the governing body and made available to all interested members of the public in an easily understood format.
(5) A provision to maximize parental participation in the school, which may include providing parents with:
(A) access to learning aids to assist students with school work at home;
(B) information on home study techniques; and
(C) access to school resources.
(6) For a secondary school, a provision to do the following:
(A) Offer courses that allow all students to become eligible to receive an academic honors diploma.
(B) Encourage all students to earn an academic honors diploma or complete the Core 40 curriculum.
(7) A provision to maintain a safe and disciplined learning environment for students and teachers that complies with the governing body's plan for improving student behavior and discipline developed under IC 20-26-5-32.
(8) A provision for the coordination of technology initiatives and ongoing professional development activities.

(b) If, for a purpose other than a plan under this chapter, a school has developed materials that are substantially similar to a component listed in subsection (a), the school may substitute those materials for the component listed in subsection (a).

As added by P.L.1-2005, SEC.15. Amended by P.L.66-2009, SEC.2.

IC 20-31-5-7

Availability of plans

Sec. 7. The department shall act as a clearinghouse for plans and shall make effective plans available to school corporations as models to use in developing and carrying out plans.

As added by P.L.1-2005, SEC.15.

IC 20-31-6

Chapter 6. Cultural Competency in Educational Environments

IC 20-31-6-1

Cultural competency materials

Sec. 1. The department shall develop and make available to school corporations and nonpublic schools materials that assist teachers, administrators, and staff in a school in developing cultural competency for use in providing professional and staff development programs.

As added by P.L.1-2005, SEC.15. Amended by P.L.246-2005, SEC.175.

IC 20-31-6-2

Cultural competency component of school plan

Sec. 2. (a) In developing a school's plan, the committee shall consider methods to improve the cultural competency of the school's teachers, administrators, staff, parents, and students.

(b) The committee shall:

(1) identify the racial, ethnic, language-minority, cultural, exceptional learning, and socioeconomic groups that are included in the school's student population;

(2) incorporate culturally appropriate strategies for increasing educational opportunities and educational performance for each group in the school's plan; and

(3) recommend areas in which additional professional development is necessary to increase cultural competency in the school's educational environment.

(c) The committee shall update annually the information identified under subsection (b)(1).

As added by P.L.1-2005, SEC.15.

IC 20-31-7

Chapter 7. Student Educational Achievement Grants

IC 20-31-7-1

Inapplicability to nonpublic school

Sec. 1. This chapter does not apply to a nonpublic school.

As added by P.L.1-2005, SEC.15.

IC 20-31-7-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the student educational achievement fund established by section 4 of this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-7-3

"Grant"

Sec. 3. As used in this chapter, "grant" refers to a student educational achievement grant from the fund.

As added by P.L.1-2005, SEC.15.

IC 20-31-7-4

Student educational achievement fund

Sec. 4. (a) The student educational achievement fund is established to provide funds to stimulate and recognize improved student performance in meeting academic standards under the ISTEP program. The fund is administered by the department.

(b) The fund consists of appropriations from the general assembly.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

As added by P.L.1-2005, SEC.15.

IC 20-31-7-5

Amount of funds available for grants

Sec. 5. The general assembly shall determine the statewide amount available for grants in appropriations during a biennium. The maximum amount available to a school is determined by referencing the number of full-time certified teaching positions for the school. The department, under the direction of the state superintendent, shall determine the available amounts and distribute the grants earned.

As added by P.L.1-2005, SEC.15.

IC 20-31-7-6

System for grant distribution

Sec. 6. The education roundtable shall recommend to the state board a system for awarding and distributing grants under this chapter. A system recommended under this section must be based on graduated levels of improvement based on ISTEP program standards and other assessments recommended and approved by the education

roundtable.
As added by P.L.1-2005, SEC.15.

IC 20-31-7-7
Use of assessment data

Sec. 7. (a) The education roundtable shall study the use of individual student assessment data:

(1) to implement this chapter;

(2) to analyze student performance over time on various assessments; and

(3) for other purposes developed by the roundtable.

(b) Any recommendation of the education roundtable concerning the use of individual student assessment data must be tested in a pilot project before the recommendation may be implemented on a statewide basis.
As added by P.L.1-2005, SEC.15.

IC 20-31-8

Chapter 8. Assessing Improvement

IC 20-31-8-1

ISTEP scores and other assessments

Sec. 1. (a) The performance of a school's students on the ISTEP program test and other assessments recommended by the education roundtable and approved by the state board are the primary and majority means of assessing a school's improvement.

(b) The education roundtable shall examine and make recommendations to the state board concerning:

(1) performance indicators to be used as a secondary means of determining school progress;

(2) expected progress levels, continuous improvement measures, distributional performance levels, and absolute performance levels for schools; and

(3) an orderly transition from the performance based accreditation system to the assessment system set forth in this article.

(c) The education roundtable shall consider methods of measuring improvement and progress used in other states in developing recommendations under this section.

As added by P.L.1-2005, SEC.15.

IC 20-31-8-2

Secondary means of assessing improvements

Sec. 2. (a) In addition to scores on the ISTEP program test and other assessments, the department shall use the performance indicators developed under section 1 of this chapter and the benchmarks and indicators of performance in each school corporation's annual performance report as a secondary means of assessing the improvement of each school and school corporation.

(b) The department shall assess improvement in the following manner:

(1) Compare each school and each school corporation with its own prior performance and not to the performance of other schools or school corporations.

(2) Compare the results in the annual report under IC 20-20-8 with the benchmarks and indicators of performance established in the plan for the same school.

(3) Compare the results for a school by comparing each student's results for each grade with the student's prior year results, with an adjustment for student mobility rate. The education roundtable shall make recommendations concerning the incorporation of a statistical adjustment for student mobility rates into the results.

(4) Compare the results for a school with the state average and the ninety-fifth percentile level for all assessments and performance indicators.

As added by P.L.1-2005, SEC.15.

IC 20-31-8-3

Categories or designations of school improvement established

Sec. 3. The state board shall establish a number of categories or designations of school improvement based on the improvement that a school makes in performance of the measures determined by the board with the advice of the education roundtable. The categories or designations must reflect various levels of improvement.

As added by P.L.1-2005, SEC.15.

IC 20-31-8-4

Placement of school in category or designation of school improvement

Sec. 4. The state board shall place each school in a category or designation of school improvement based on the department's findings from the assessment of the improvement of each school under section 2 of this chapter. The state board must place those schools that do not show improvement and in which less than ninety percent (90%) of the students meet academic standards in the lowest category or designation.

As added by P.L.1-2005, SEC.15.

IC 20-31-9

Chapter 9. Consequences

IC 20-31-9-1

Inapplicability to nonpublic and charter schools

Sec. 1. This chapter does not apply to the following:

(1) A nonpublic school.

(2) A charter school.

As added by P.L.1-2005, SEC.15.

IC 20-31-9-2

School placed in lowest category or designation the first year

Sec. 2. (a) This section applies the first year that a school is placed in the lowest category or designation of school improvement.

(b) The state board shall place the school and the school corporation on notice that the school is in the lowest category or designation of school improvement. Upon receiving the notice, the governing body shall:

(1) issue a public notice of the school's lack of improvement; and

(2) hold a public hearing in which public testimony is received concerning the lack of improvement.

(c) The committee shall revise the school's plan. A revision under this subsection may include any of the following:

(1) Shifting resources.

(2) Changing personnel.

(3) Requesting the state board to appoint an outside team to manage the school or assist in the development of a new plan.

(d) If the governing body approves a request for the state board to appoint an outside team under subsection (c)(3), the school is considered to be placed under section 3 of this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-9-3

School in lowest category in third year; establishment of expert team; restructuring plan

Sec. 3. (a) This section applies if, in the third year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation.

(b) The state board shall establish and assign an expert team to the school. The expert team:

(1) must include representatives from the community or region that the school serves; and

(2) may include:

(A) school superintendents, members of governing bodies, and teachers from school corporations that are in high categories or designations; and

(B) special consultants or advisers.

(c) The expert team shall:

(1) assist the school in revising the school's plan; and

(2) recommend changes in the school that will promote improvement, including the reallocation of resources or requests for technical assistance.

(d) The governing body of the school corporation in which a school to which this section applies is located may petition the state board to immediately restructure the school by presenting a written plan to the state board setting forth the proposed intervention for the school. If the state board approves the petition and accepts the plan, the school:

(1) operates under the applicable provisions of IC 20-31-9.5; and

(2) is carried forward in the same performance category or designation in which the school is placed at the time the state board accepts the plan.

As added by P.L.1-2005, SEC.15. Amended by P.L.229-2011, SEC.188.

IC 20-31-9-4

School in lowest category in fifth year; hearing; establishment as turnaround academy

Sec. 4. (a) This section applies if, in the fifth year after initial placement in the lowest category or designation, a school still remains in the lowest category or designation.

(b) The state board shall do the following:

(1) Hold at least one (1) public hearing in the school corporation where the school is located to consider and hear testimony concerning the following options for school improvement:

(A) Merging the school with a nearby school that is in a higher category.

(B) Assigning a special management team to operate all or part of the school.

(C) The department's recommendations for improving the school.

(D) Other options for school improvement expressed at the public hearing. including closing the school.

(E) Revising the school's plan in any of the following areas:

(i) Changes in school procedures or operations.

(ii) Professional development.

(iii) Intervention for individual teachers or administrators.

(2) If the state board determines that intervention will improve the school, implement at least one (1) of the options listed in subdivision (1).

(c) Unless the school is closed or merged, a school that is subject to improvement under this section becomes a turnaround academy under IC 20-31-9.5.

As added by P.L.1-2005, SEC.15. Amended by P.L.229-2011, SEC.189.

IC 20-31-9.5

Chapter 9.5. Turnaround Academies

IC 20-31-9.5-1

Exemption from provisions related to school employers; personnel decisions

Sec. 1. (a) None of the following may be considered a school employer under IC 20-29-6 with respect to a turnaround academy:

(1) The state.

(2) The state board.

(3) A special management team assigned by the state board under IC 20-31-9-4 to operate a school as a turnaround academy.

(b) A special management team assigned under IC 20-31-9-4 to operate a school as a turnaround academy shall make all personnel decisions in the school. In operating the school as a turnaround academy under this chapter, the special management team is not bound by a contract entered into under IC 20-29.

As added by P.L.229-2011, SEC.190.

IC 20-31-9.5-2

Use of existing buildings; transportation; responsibilities of school corporation; hearing

Sec. 2. (a) If the state board assigns a special management team under IC 20-31-9-4 to operate a school as a turnaround academy, for as long as the special management team operates the turnaround academy:

(1) the special management team shall continue to use the school building, the accompanying real property, and the building's contents, equipment, and supplies; and

(2) the school corporation shall continue to:

(A) provide transportation for students attending the turnaround academy at the same level of service the school corporation provided before the school became a turnaround academy; and

(B) maintain and repair the buildings and grounds consistent with the maintenance and repair to the school corporation's other buildings and grounds.

The school corporation shall consult with the special management team regarding these matters.

(b) If the special management team contracts with a school corporation for goods or services, the school corporation may not charge the special management team more for the goods or services than the school corporation pays for the goods or services.

(c) The special management team and the school corporation's board shall hold a joint public meeting at least two (2) times each year to discuss issues and progress concerning the turnaround academy.

As added by P.L.229-2011, SEC.190.

IC 20-31-9.5-3

Allocation of state tuition support and federal funds; eligibility for other funds

Sec. 3. (a) Turnaround academies are eligible to receive building and technology loans administered by the state board from the common school fund.

(b) A student who attends a turnaround academy or another school subject to intervention under this chapter remains, under IC 20-43-4-1, an eligible pupil of the school corporation where the student has legal settlement.

(c) The state board, based upon recommendations received from the department, shall determine the amounts of state tuition support and federal funds that are necessary to fund options for improvement implemented by the state board under this chapter with respect to each turnaround academy.

(d) The department shall do the following:

(1) Withhold from state tuition support and federal funds otherwise to be distributed to the school corporation of the school operated as a turnaround academy under this chapter the amount determined under subsection (c) for the affected students. The amount withheld under this subdivision may not exceed the total per pupil funding for the affected students.

(2) Enter into any contracts necessary to implement the options for improvement implemented for the school by the state board, including contracts with a special management team assigned under IC 20-31-9-4 to operate the school as a turnaround academy.

(3) Make payments under the contracts entered into under subdivision (2) with funds withheld from the school corporation under subdivision (1).

As added by P.L.229-2011, SEC.190.

IC 20-31-9.5-4

Eligibility of students to enroll in turnaround academy

Sec. 4. Any student who lives in the attendance area served by a school that operated as a turnaround academy under this chapter may attend the turnaround academy. The turnaround academy may not refuse enrollment to a student who lives in the attendance area.

As added by P.L.229-2011, SEC.190.

IC 20-31-9.5-5

Oversight of special management team by mayor; petition

Sec. 5. (a) The executive of a city or county in which one (1) or more turnaround academies are located may petition the state board to oversee the special management team. The petition must include the following:

(1) The names of one (1) or more turnaround academies located within the executive's jurisdiction for which the executive wishes to conduct oversight.

(2) The functions the executive wishes to perform.

(3) Information on how and by whom those functions will be carried out.

(b) The state board may approve or not approve a petition under this section in whole or part.

As added by P.L.229-2011, SEC.190.

IC 20-31-9.5-6

Rules

Sec. 6. The state board may adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.229-2011, SEC.190.

IC 20-31-10

Chapter 10. Rules

IC 20-31-10-1

Adoption of rules

Sec. 1. The state board may adopt rules under IC 4-22-2 to implement this article.

As added by P.L.1-2005, SEC.15.

IC 20-31-11

Chapter 11. Performance Based Awards

IC 20-31-11-1

Award and incentive program

Sec. 1. The state board shall implement the performance based award and incentive program to recognize and reward schools that have exhibited relative improvement toward the performance benchmarks and indicators of performance listed in IC 20-20-8-8 that are considered appropriate for the school by the state superintendent and the state board.

As added by P.L.1-2005, SEC.15.

IC 20-31-11-2

Certification of information; notice of determination

Sec. 2. (a) The principal of each school shall, upon request of the department, certify to the department the information required to determine the school's relative improvement toward each of the benchmarks and indicators considered appropriate for the school under section 1 of this chapter.

(b) Upon receiving the information described under subsection (a) for at least two (2) consecutive years, the department shall make a determination as to whether a school exhibited relative improvement toward each of the benchmarks and indicators referred to in subsection (a). The department shall notify the school in writing of its determination.

As added by P.L.1-2005, SEC.15.

IC 20-31-11-3

Designation of schools receiving monetary award

Sec. 3. Upon determining the schools that have exhibited relative improvement toward at least two (2) of the benchmarks and indicators considered appropriate for the school under section 1 of this chapter, the department shall designate those schools that receive a monetary award under this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-11-4

Monetary awards; reports; approval by governor

Sec. 4. (a) Before a school may receive a monetary award under this chapter, the department shall:

(1) prepare a written report:

(A) identifying the benchmarks and indicators considered appropriate for the school under section 1 of this chapter in which the school demonstrated relative improvement;

(B) describing the extent to which the school demonstrated relative improvement; and

(C) specifying the amount of the award sought for the school; and

(2) submit the written report to the budget committee for its

review.

(b) Before the department distributes a monetary award under this chapter, the governor must approve the specific award.

As added by P.L.1-2005, SEC.15.

IC 20-31-11-5

Nonmonetary awards

Sec. 5. The department may recognize and grant nonmonetary awards to schools that demonstrate relative improvement in at least one (1) of the benchmarks and indicators considered appropriate for the school under section 1 of this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-31-11-6

Expenditure of monetary award

Sec. 6. (a) A public school that receives a monetary award under this chapter may expend that award for any educational purpose for that school, except:

(1) athletics;

(2) salaries for school personnel; or

(3) salary bonuses for school personnel.

(b) A monetary award may not be used to determine the state tuition support under IC 20-43 of the school corporation in which the school receiving the monetary award is located.

As added by P.L.1-2005, SEC.15. Amended by P.L.2-2006, SEC.149; P.L.146-2008, SEC.474.

IC 20-31-11-7

Guidelines

Sec. 7. The department shall establish guidelines necessary to implement this chapter.

As added by P.L.1-2005, SEC.15.

IC 20-32

ARTICLE 32. STUDENT STANDARDS, ASSESSMENTS, AND PERFORMANCE

IC 20-32-1

Chapter 1. Applicability

IC 20-32-1-1

Application of article

Sec. 1. This article applies only to the following:

(1) Public schools.

(2) Nonpublic schools that voluntarily have become accredited under IC 20-19-2-8.

As added by P.L.1-2005, SEC.16.

IC 20-32-2

Chapter 2. Definitions

IC 20-32-2-1

Application of definitions

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-2005, SEC.16.

IC 20-32-2-2

"Academic standards"

Sec. 2. "Academic standards" refers to the statewide academic standards developed under IC 20-31-3 indicating the skills and knowledge base expected of a student at a particular grade level for a particular subject area.

As added by P.L.1-2005, SEC.16.

IC 20-32-2-2.5

"Satisfactory score"

Sec. 2.5. "Satisfactory score" means a score of 3, 4, or 5 on an advanced placement examination sponsored by the College Board's Advanced Placement Program.

As added by P.L.91-2010, SEC.1.

IC 20-32-2-3

"Student"

Sec. 3. "Student" means an individual who is enrolled in:

(1) a public school;

(2) an accredited nonpublic school; or

(3) another nonpublic school that has requested and received from the state board specific approval of the school's educational program.

As added by P.L.1-2005, SEC.16.

IC 20-32-3

Chapter 3. Secondary Certificates of Achievement

IC 20-32-3-1

"Requisite proficiency"

Sec. 1. As used in this chapter, "requisite proficiency" refers to the satisfaction by a student of the standards approved by the state board under section 4(a)(3) of this chapter to receive a secondary level certificate of achievement in an academic field.

As added by P.L.1-2005, SEC.16. Amended by P.L.140-2007, SEC.1.

IC 20-32-3-2

"Student"

Sec. 2. As used in this chapter, "student" refers to a student who meets the following conditions:

(1) Is enrolled in a public school, an accredited nonpublic school, or a nonpublic school that has requested and received from the state board specific approval for the school's education program.

(2) Is in at least grade 9.

(3) If the student is a child with a disability (as defined in IC 20-35-1-2), would benefit from the participation under this chapter as determined by the individualized education program for the student.

As added by P.L.1-2005, SEC.16.

IC 20-32-3-3

"Subject or skill areas"

Sec. 3. As used in this chapter, "subject or skill areas" refers to specific and identifiable technically related and academically related subjects or skills.

As added by P.L.1-2005, SEC.16.

IC 20-32-3-4

Secondary level certificates of achievement and proficiency demonstrations; standards; implementation; advanced placement programs; rules

Sec. 4. (a) For academic fields of study, the state board shall adopt for statewide implementation the following:

(1) Different subject or skill areas in which students may be given the opportunity to do the following:

(A) Demonstrate the requisite proficiency.

(B) Be awarded a secondary level certificate of achievement.

(2) The instrument or assessment by which a student is given the opportunity to demonstrate the requisite proficiency.

(3) The standards required for each subject or skill area necessary to acquire a particular secondary level certificate of achievement.

(b) Regarding the academic field of study, a student may elect to earn academic certificates of achievement in areas designated by the

state board through the advanced placement program (as defined in IC 20-36-3-3) or another appropriate assessment designated by the state board.

(c) The state board may adopt rules to implement this chapter relating to the certificates of achievement for academic fields of study.

As added by P.L.1-2005, SEC.16. Amended by P.L.140-2007, SEC.2.

IC 20-32-3-5

State board; factors considered

Sec. 5. In making adoptions under section 4 of this chapter, the state board shall consider the following factors:

(1) The overall value of the particular subject or skill area to a broad range of students and the workforce.

(2) The transferability of the particular subject or skill area to other subject or skill areas.

(3) Any other factor that the state board considers significant.

As added by P.L.1-2005, SEC.16. Amended by P.L.140-2007, SEC.3.

IC 20-32-3-6

Assessment instruments; appropriateness; opportunity provided

Sec. 6. The secondary level certificate of achievement assessment instruments must provide each student with the opportunity to demonstrate the requisite proficiency in the subject or skill area in an applied manner as appropriate.

As added by P.L.1-2005, SEC.16.

IC 20-32-3-7

Student election to pursue certificate of achievement in academic area; assessment; graduation requirement

Sec. 7. (a) Each student participating in the technology preparation curriculum under IC 20-30-12 or the college preparation curriculum under IC 20-30-10 may elect to pursue a certificate of achievement in an academic area. Unless the governing body requires the acquisition of secondary level academic certificates of achievement for graduation, the certificates of achievement are not a requirement for graduation.

(b) For every secondary level technical education program for which an appropriate secondary level technical certificate of achievement is available, each student is required to undergo the appropriate technical certificate of achievement assessment. Unless the governing body requires the acquisition of the secondary level technical certificate of achievement for graduation, the certificates of achievement are not a requirement for graduation.

As added by P.L.1-2005, SEC.16.

IC 20-32-3-8

Official high school transcript

Sec. 8. Any secondary level certificates of achievement that a student earns shall be recorded in the student's official high school

transcript.
As added by P.L.1-2005, SEC.16. Amended by P.L.2-2007, SEC.223; P.L.140-2007, SEC.4.

IC 20-32-3-9
Postsecondary level academic credit

Sec. 9. A student who:

(1) receives a secondary level certificate of achievement in a particular subject or skill area; and

(2) satisfies the standards for receipt of academic credit as determined by a state educational institution;

may receive postsecondary level academic credit at the state educational institution for the secondary level certificate of achievement as set forth in IC 21-43-2.
As added by P.L.1-2005, SEC.16. Amended by P.L.2-2007, SEC.224.

IC 20-32-3-10
Advanced placement examination; certificate of achievement; postsecondary academic credit

Sec. 10. A student who undergoes an advanced placement examination under IC 20-36-3 and receives a satisfactory score on the advanced placement examination is entitled to receive:

(1) a certificate of achievement; and

(2) postsecondary level academic credit at a state educational institution that counts toward meeting the student's degree requirements, if elective credit is part of the student's degree requirement. The state educational institution may require a score higher than 3 on an advanced placement test if the credit is to be used for meeting a course requirement for a particular major at the state educational institution.

As added by P.L.1-2005, SEC.16. Amended by P.L.91-2010, SEC.2.

IC 20-32-3-11
Construction of chapter; opportunities; subject and skill areas not offered

Sec. 11. This chapter does not require a school corporation to offer opportunities for secondary level or postsecondary level certificates of achievement in subject and skill areas in which the school corporation does not offer a program.
As added by P.L.1-2005, SEC.16.

IC 20-32-3-12
Duties of state board

Sec. 12. The state board shall do the following:

(1) Make the academically related secondary level certificate of achievement assessment instruments available to the department of workforce development for the department of workforce development's use in offering adult learners the opportunity to demonstrate the requisite proficiency in the particular subject and skill areas.

(2) Authorize the department of workforce development to award the particular certificates of achievement to those individuals who demonstrate the requisite proficiency.

As added by P.L.1-2005, SEC.16.

IC 20-32-3-13

State board adoption of rules

Sec. 13. The state board shall, in cooperation with the Indiana commission for career and technical education within the department of workforce development, adopt rules under IC 4-22-2 to implement this chapter, including rules concerning the administration of the secondary level certificates of achievement by the department of workforce development.

As added by P.L.1-2005, SEC.16. Amended by P.L.234-2007, SEC.116.

IC 20-32-4

Chapter 4. Graduation Requirements

IC 20-32-4-0.3

Graduation standards before July 1, 2010

Sec. 0.3. Notwithstanding the amendments made to section 1 of this chapter by P.L.105-2005, the following apply before July 1, 2010:

(1) To be eligible to graduate from high school, each student is required to meet:

(A) the academic standards tested in the graduation examination; and

(B) any additional requirements established by the governing body.

(2) A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

(3) A student who does not achieve a passing score on the graduation examination may be eligible to graduate if all the following occur:

(A) The principal of the school the student attends certifies that the student will within one (1) month of the student's scheduled graduation date successfully complete all components of the Core 40 curriculum as established by the Indiana state board of education under IC 20-30-10.

(B) The student otherwise satisfies all state and local graduation requirements.

(4) A student who does not achieve a passing score on the graduation examination and who does not meet the requirements of subdivision (3) may be eligible to graduate if the student does all the following:

(A) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.

(B) Completes remediation opportunities provided to the student by the student's school.

(C) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.

(D) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.

(E) Obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score. The recommendation must:

(i) be concurred in by the principal of the student's school; and

(ii) be supported by documentation that the student has attained the academic standard in the subject area based upon tests other than the graduation examination or classroom work.

(F) Otherwise satisfies all state and local graduation requirements.

(5) This subdivision applies to a student who is a child with a disability (as defined in IC 20-35-1-2). If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(A) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:

(i) be concurred in by the principal of the student's school; and

(ii) be supported by documentation that the student has attained the academic standard in the subject area based upon tests other than the graduation examination or classroom work.

(B) The student meets all the following requirements:

(i) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.

(ii) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.

(iii) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.

(iv) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the board.

(v) Otherwise satisfies all state and local graduation requirements.

As added by P.L.220-2011, SEC.336.

IC 20-32-4-1

Graduation requirements; graduation examination; Core 40 curriculum

Sec. 1. (a) Except as provided in subsection (b), a student must meet:

(1) the academic standards tested in the graduation examination; and

(2) any additional requirements established by the governing

body of the student's school corporation;

to be eligible to graduate.

(b) Except as provided in sections 4, 5, 6, 7, 8, 9, and 10 of this chapter, beginning with the class of students who expect to graduate during the 2010-2011 school year, each student is required to meet:

(1) the academic standards tested in the graduation examination;

(2) the Core 40 course and credit requirements adopted by the state board under IC 20-30-10; and

(3) any additional requirements established by the governing body;

to be eligible to graduate.

As added by P.L.1-2005, SEC.16. Amended by P.L.105-2005, SEC.3.

IC 20-32-4-2

Additional examinations

Sec. 2. A student who does not meet the academic standards tested in the graduation examination shall be given the opportunity to be tested during each semester of each grade following the grade in which the student is initially tested until the student achieves a passing score.

As added by P.L.1-2005, SEC.16.

IC 20-32-4-3

Repealed

(*Repealed by P.L.105-2005, SEC.10.)*

IC 20-32-4-4

Graduation eligibility requirements for students not passing graduation examination

Sec. 4. Beginning with the 2005-2006 school year, a student who does not achieve a passing score on the graduation examination and who does not meet the requirements of section 1 of this chapter may be eligible to graduate if the student does all the following:

(1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.

(2) Completes remediation opportunities provided to the student by the student's school.

(3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.

(4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the state board.

(5) Otherwise satisfies all state and local graduation requirements.

(6) Either:

(A) completes:

(i) the course and credit requirements for a general diploma, including the career academic sequence;
(ii) a workforce readiness assessment; and
(iii) at least one (1) career exploration internship, cooperative education, or workforce credential recommended by the student's school; or

(B) obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must be concurred in by the principal of the student's school and be supported by documentation that the student has attained the academic standard in the subject area based on:
(i) tests other than the graduation examination; or
(ii) classroom work.

As added by P.L.1-2005, SEC.16. Amended by P.L.105-2005, SEC.4; P.L.185-2006, SEC.11.

IC 20-32-4-5

Children with disabilities; eligibility to graduate

Sec. 5. (a) This section applies to a student who is a child with a disability (as defined in IC 20-35-1-2).

(b) If the student does not achieve a passing score on the graduation examination, the student's case conference committee may determine that the student is eligible to graduate if the case conference committee finds the following:

(1) The student's teacher of record, in consultation with a teacher of the student in each subject area in which the student has not achieved a passing score, makes a written recommendation to the case conference committee. The recommendation must:
(A) be concurred in by the principal of the student's school; and
(B) be supported by documentation that the student has attained the academic standard in the subject area based on:
(i) tests other than the graduation examination; or
(ii) classroom work.

(2) The student meets all the following requirements:
(A) Retakes the graduation examination in each subject area in which the student did not achieve a passing score as often as required by the student's individualized education program.
(B) Completes remediation opportunities provided to the student by the student's school to the extent required by the student's individualized education program.
(C) Maintains a school attendance rate of at least ninety-five percent (95%) to the extent required by the student's individualized education program with excused absences not counting against the student's attendance.
(D) Maintains at least a "C" average or the equivalent in the

courses comprising the credits specifically required for graduation by rule of the state board.

(E) Otherwise satisfies all state and local graduation requirements.

As added by P.L.1-2005, SEC.16.

IC 20-32-4-6

Students with disabilities

Sec. 6. A decision with regard to whether a student who is a child with a disability (as defined in IC 20-35-1-2) is subject to the requirements of section 1(b)(2) of this chapter shall be made in accordance with the student's individualized education program and federal law.

As added by P.L.105-2005, SEC.5.

IC 20-32-4-7

Parent's request to exempt student from Core 40 requirement

Sec. 7. Upon the request of a student's parent, the student may be exempted from the Core 40 curriculum requirement set forth in section 1 of this chapter and be required to complete the general curriculum to be eligible to graduate. Except as provided in section 10 of this chapter, the student's parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by:

(1) continuing the general curriculum; or

(2) completing the Core 40 curriculum.

As added by P.L.105-2005, SEC.6.

IC 20-32-4-8

Student not passing at least three Core 40 courses

Sec. 8. This section applies to a student who does not pass at least three (3) courses required under the Core 40 curriculum. Except as provided in section 10 of this chapter, the student's parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by:

(1) continuing in the Core 40 curriculum; or

(2) completing the general curriculum.

As added by P.L.105-2005, SEC.7.

IC 20-32-4-9

Students scoring within twenty-fifth percentile or lower on graduation examination

Sec. 9. This section applies to a student who receives a score on the graduation examination that is in the twenty-fifth percentile or lower when the student takes the graduation examination for the first time. Except as provided in section 10 of this chapter, the student's

parent and the student's counselor (or another staff member who assists students in course selection) shall meet to discuss the student's progress. Following the meeting, the student's parent shall determine whether the student will achieve greater educational benefits by:

(1) continuing in the Core 40 curriculum; or

(2) completing the general curriculum.

As added by P.L.105-2005, SEC.8.

IC 20-32-4-10

Student whose parent does not attend meeting with student and counselor

Sec. 10. This section applies if the parent of a student to whom section 8 or 9 of this chapter applies does not attend a meeting with the student and the student's counselor after receiving two (2) written requests to attend a meeting. If the student's parent does not attend a meeting described in section 8 or 9 of this chapter, the student and the student's counselor shall meet and:

(1) the student's counselor shall make a recommendation to the student as to whether the student will achieve greater educational benefits by:

(A) continuing in the Core 40 curriculum; or

(B) completing the general curriculum; and

(2) the student shall determine which curriculum the student will complete.

As added by P.L.105-2005, SEC.9.

IC 20-32-5

Chapter 5. Indiana Statewide Testing for Educational Progress

IC 20-32-5-1

Purposes of ISTEP

Sec. 1. The purposes of the ISTEP program developed under this chapter are as follows:

(1) To assess the strengths and weaknesses of school performance.

(2) To assess the effects of state and local educational programs.

(3) To compare achievement of Indiana students to achievement of students on a national basis.

(4) To provide a source of information for state and local decision makers with regard to educational matters, including the following:

(A) The overall academic progress of students.

(B) The need for new or revised educational programs.

(C) The need to terminate existing educational programs.

(D) Student readiness for postsecondary school experiences.

(E) Overall curriculum development and revision activities.

(F) Identifying students who may need remediation under IC 20-32-8.

(G) Diagnosing individual student needs.

(H) Teacher education and staff development activities.

As added by P.L.1-2005, SEC.16. Amended by P.L.246-2005, SEC.176.

IC 20-32-5-2

Subject areas

Sec. 2. ISTEP program testing shall be administered in the following subject areas:

(1) English/language arts.

(2) Mathematics.

(3) Science, in grade levels determined by the state board.

(4) Social studies, in grade levels determined by the state board.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-3

Content of tests

Sec. 3. To carry out the purposes described in section 1 of this chapter, each English/language arts and mathematics test developed for use under the ISTEP program test must include the following:

(1) A method of testing basic skills appropriate for the designated grade level, including multiple choice questions.

(2) A method of testing applied skills appropriate for the designated grade level, including short answer or essay questions and the solving of arithmetic or mathematical problems.

(3) A method of testing and grading that will allow comparison

with national and international academic standards.
As added by P.L.1-2005, SEC.16.

IC 20-32-5-4
Duties of board, state superintendent, and department

Sec. 4. (a) The state board shall:

(1) authorize the development and implementation of the ISTEP program; and

(2) determine the date on which the statewide testing is administered in each school corporation.

(b) The state superintendent is responsible for the overall development, implementation, and monitoring of the ISTEP program.

(c) The department shall prepare detailed design specifications for the ISTEP program that must do the following:

(1) Take into account the academic standards adopted under IC 20-31-3.

(2) Include testing of students' higher level cognitive thinking in each subject area tested.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-5
General language arts essay questions; scoring rubric; anchor paper

Sec. 5. The department shall make general language arts essay scoring rubrics available to the public at least four (4) months before the administration of a test. An essay question, a scoring rubric, or an anchor paper used in the ISTEP program must not seek or compile information about a student's:

(1) personal attitudes;

(2) political views;

(3) religious beliefs;

(4) family relationships; or

(5) other matters listed in IC 20-30-5-17(b).

The ISTEP program citizens' review committee shall determine whether an essay question or a scoring rubric complies with this section.
As added by P.L.1-2005, SEC.16. Amended by P.L.73-2011, SEC.18.

IC 20-32-5-6
Scoring of student responses

Sec. 6. The scoring of student responses under an ISTEP program test:

(1) must measure student achievement relative to the academic standards established by the state board;

(2) must adhere to scoring rubrics and anchor papers; and

(3) may not reflect the scorer's judgment of the values expressed by a student in the student's responses.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-7

Reports of scores in mathematics and English/language arts

Sec. 7. This subsection applies to reports of scores in mathematics and English/language arts. Reports must:

(1) provide scores indicating student performance relative to each of the academic standards:

(A) established by the state board; and

(B) assessed by the test;

(2) be related to passing scores established by the state board; and

(3) contain the information listed in subdivisions (1) and (2) for the following levels:

(A) Individual student.

(B) Classroom.

(C) School.

(D) School corporation.

(E) Indiana.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-8

Reports; guide for interpreting scores

Sec. 8. Reports of student scores must be:

(1) returned to the school corporation that administered the test; and

(2) accompanied by a guide for interpreting scores.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-9

Test scores; inspection; rescoring

Sec. 9. (a) After reports of student scores are returned to a school corporation, the school corporation shall promptly do the following:

(1) Give each student and the student's parent the student's ISTEP program test scores.

(2) Make available for inspection to each student and the student's parent the following:

(A) A copy of the essay questions and prompts used in assessing the student.

(B) A copy of the student's scored essays.

(C) A copy of the anchor papers and scoring rubrics used to score the student's essays.

A student's parent may request a rescoring of a student's responses to a test, including a student's essay.

(b) A student's ISTEP program scores may not be disclosed to the public.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-10

Parent/teacher conferences

Sec. 10. After a school receives score reports, the school shall schedule a parent/teacher conference with the following:

(1) A parent of a student who requests a parent/teacher

conference on the scores of the student.

(2) The parent of each student who does not receive a passing score on the test. The conference must include a discussion of:

(A) the student's test scores, including subscores on academic standards; and

(B) the proposed remediation plan for the student.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-11

School corporation compilation of results

Sec. 11. Each school corporation shall compile the total results of the ISTEP program tests in a manner that will permit evaluation of learning progress within the school corporation. The school corporation shall make the compilation of test results available for public inspection and shall provide that compilation to the parent of each student tested under the ISTEP program.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-12

Annual school corporation performance report

Sec. 12. The department shall develop a format for the publication by school corporations in an annual performance report required by statute of appropriate academic information required by the department, including ISTEP program test scores, in a manner that a reasonable person can easily read and understand.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-13

School results

Sec. 13. The school corporation shall provide the ISTEP program test results on a school by school basis to the department upon request.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-14

Student results; consent

Sec. 14. Upon request by the commission for higher education, the department shall provide ISTEP program test results to the commission for those students for whom the commission under 20 U.S.C. 1232g has obtained consent.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-15

Testing schedule

Sec. 15. (a) The state superintendent shall develop an ISTEP program testing schedule in which:

(1) each student in grades 3, 6, 8, and 10 must be tested; and

(2) each student in grade 10 or grade 11 must take a graduation examination.

(b) The state board shall adopt rules to establish when a student

is considered to be in grade 10 for purposes of initially taking the graduation examination.
As added by P.L.1-2005, SEC.16. Amended by P.L.229-2011, SEC.191.

IC 20-32-5-16
Children with disabilities

Sec. 16. (a) A student who is a child with a disability (as defined in IC 20-35-1-2) shall be tested under this chapter with appropriate accommodations in testing materials and procedures unless the individuals who develop the child's individualized education program determine that testing or a part of the testing under this chapter is not appropriate for the student and that an alternate assessment will be used to test the student's achievement.

(b) Any decision concerning a student who is a child with a disability (as defined in IC 20-35-1-2) regarding the student's:

(1) participation in testing under this chapter;
(2) receiving accommodations in testing materials and procedures;
(3) participation in remediation under IC 20-32-8; or
(4) retention at the same grade level for consecutive school years;

shall be made in accordance with the student's individualized education program in compliance with the ISTEP program manual and federal law.
As added by P.L.1-2005, SEC.16.

IC 20-32-5-17
Nonpublic schools

Sec. 17. (a) If a nonpublic school seeks accreditation as authorized under IC 20-19-2-8(a)(5), the governing body of the nonpublic school is entitled to acquire at no charge from the department:

(1) the ISTEP program test; and
(2) the scoring reports used by the department.

(b) The nonpublic school seeking accreditation must:

(1) administer the ISTEP program test to its students at the same time that school corporations administer the test; and
(2) make available to the department the results of the ISTEP program testing.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-18
Innovative testing methods; pilot program

Sec. 18. (a) The department shall establish a pilot program to examine innovative testing methods.

(b) The department shall select a representative sample of school corporations determined through an application procedure to participate in the pilot program under this section.

(c) The types of methods authorized under this program include

the following:

(1) Recently developed techniques for measuring higher order thinking skills.

(2) Performance testing of academic standards that are difficult to measure by a written test format.

(3) Expanded subject area assessment using student writing samples.

(d) The funds necessary to implement a pilot program under this section shall be expended from the research and development program under IC 20-20-11.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-19

Use of state funds

Sec. 19. If state funds appropriated for remediation are available under IC 20-32-8 at the end of a state fiscal year, the funds:

(1) do not revert to the state general fund; and

(2) must be transferred to the 4R's technology program for use under IC 20-20-13-9.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-20

Repealed

(*Repealed by P.L.179-2006, SEC.1.)*

IC 20-32-5-21

National or international assessments

Sec. 21. (a) The state board may require schools to participate in national or international assessments.

(b) The state board may establish an assessment to be administered at the conclusion of each Core 40 course in English/language arts, mathematics, social studies, and science. However, participation in a Core 40 assessment established under this subsection must be voluntary on the part of a school corporation.

(c) The state board may establish a diagnostic reading assessment for use in grades 1 and 2 to promote grade level reading competency by grade 3. However, participation in a reading assessment established under this subsection must be voluntary on the part of a school corporation.

As added by P.L.1-2005, SEC.16.

IC 20-32-5-22

Rules

Sec. 22. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-2005, SEC.16.

IC 20-32-6

Chapter 6. ISTEP Program Citizens' Review Committee

IC 20-32-6-1

"Committee"

Sec. 1. As used in this chapter, "committee" refers to the ISTEP program citizens' review committee.

As added by P.L.1-2005, SEC.16.

IC 20-32-6-2

ISTEP program citizens' review committee established

Sec. 2. The ISTEP program citizens' review committee is established.

As added by P.L.1-2005, SEC.16.

IC 20-32-6-3

Members

Sec. 3. The committee has fifteen (15) members appointed as follows:

(1) The governor and state superintendent shall appoint seven (7) lay members.

(2) The speaker of the house of representatives shall appoint four (4) members, selected as follows:

(A) Two (2) members of the house of representatives from different political parties.

(B) Two (2) persons who:

(i) are not members of the general assembly; and

(ii) have an interest in education.

(3) The president pro tempore of the senate shall appoint four (4) members, selected as follows:

(A) Two (2) members of the senate from different political parties.

(B) Two (2) persons who:

(i) are not members of the general assembly; and

(ii) have an interest in education.

As added by P.L.1-2005, SEC.16.

IC 20-32-6-4

Per diem and traveling expenses

Sec. 4. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b) and reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

As added by P.L.1-2005, SEC.16.

IC 20-32-6-5

State employee per diem and traveling expenses

Sec. 5. Each member of the committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.
As added by P.L.1-2005, SEC.16.

IC 20-32-6-6
Legislator per diem and traveling expenses
Sec. 6. Each member of the committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.
As added by P.L.1-2005, SEC.16.

IC 20-32-6-7
State superintendent; convening committee
Sec. 7. The state superintendent shall:
(1) convene the committee before a pilot test is conducted; and
(2) present items listed in section 8 of this chapter to the committee for the committee's review.
As added by P.L.1-2005, SEC.16.

IC 20-32-6-8
Committee review
Sec. 8. The committee shall review the following that the department proposes for use in the ISTEP program:
(1) Essay questions and prompts.
(2) Scoring rubrics.
The committee must review an item listed in subdivisions (1) and (2) before the item is used in a test.
As added by P.L.1-2005, SEC.16.

IC 20-32-6-9
Committee consensus
Sec. 9. The committee must reach a consensus on each item listed in section 8 of this chapter before the item may be used in the ISTEP program.
As added by P.L.1-2005, SEC.16.

IC 20-32-6-10
Committee review of anchor papers
Sec. 10. The department shall make available anchor papers for review by the committee as soon as the department selects the anchor papers.
As added by P.L.1-2005, SEC.16.

IC 20-32-7

Chapter 7. Local Student Diagnostic Assessment and Student Portfolios

IC 20-32-7-1

Children with disabilities; student diagnostic assessment

Sec. 1. A decision requiring a student who is a child with a disability (as defined in IC 20-35-1-2) to undergo a student diagnostic assessment under this chapter or be retained at a particular grade level shall be made in accordance with the student's individualized education program and federal law.

As added by P.L.1-2005, SEC.16. Amended by P.L.99-2007, SEC.177.

IC 20-32-7-2

Authorization to administer assessments

Sec. 2. Each school may authorize the school's teachers to administer student diagnostic assessments to allow the teachers to make detailed individual assessments of the educational progress of students in grade levels designated by the state board.

As added by P.L.1-2005, SEC.16.

IC 20-32-7-3

Optional student diagnostic tools

Sec. 3. The department shall make available to schools optional student diagnostic tools such as actual assessment instruments or computer banks containing appropriate essential skills items to assist schools in implementing the diagnostic assessments.

As added by P.L.1-2005, SEC.16.

IC 20-32-7-4

Portfolio program

Sec. 4. After a governing body holds a public hearing on a proposed portfolio program, the governing body may establish a portfolio program to maintain a portfolio of a student's work at grade levels designated by the governing body.

As added by P.L.1-2005, SEC.16.

IC 20-32-7-5

Guidelines for portfolio program

Sec. 5. The governing body shall develop guidelines for the portfolio program, including guidelines governing the appropriate contents of the portfolios.

As added by P.L.1-2005, SEC.16.

IC 20-32-7-6

Portfolio disclosure to prospective employer; consent

Sec. 6. Upon the written consent of:

(1) the student; or

(2) if the student is not emancipated, the student's parent;

the contents of the student's portfolio may be disclosed to a student's prospective employer.

As added by P.L.1-2005, SEC.16.

IC 20-32-8

Chapter 8. Remediation

IC 20-32-8-1

"Grant"

Sec. 1. As used in this chapter, "grant" refers to a grant under the remediation grant program established under this chapter.

As added by P.L.1-2005, SEC.16.

IC 20-32-8-2

"Program"

Sec. 2. As used in this chapter, "program" refers to the remediation grant program established under this chapter.

As added by P.L.1-2005, SEC.16.

IC 20-32-8-3

"Student"

Sec. 3. As used in this chapter, "student" means any individual who is enrolled in a school corporation.

As added by P.L.1-2005, SEC.16.

IC 20-32-8-4

Remediation grant program

Sec. 4. The remediation grant program is established to provide grants to school corporations for the following:

(1) Remediation of students who score below academic standards.

(2) Preventive remediation for students who are at risk of falling below academic standards.

(3) For students in a freeway school or freeway school corporation who are assessed under a locally adopted assessment program under IC 20-26-15-6(7):

(A) remediation of students who score below academic standards under the locally adopted assessment program; and

(B) preventive remediation for students who are at risk of falling below academic standards under the locally adopted assessment program.

As added by P.L.1-2005, SEC.16.

IC 20-32-8-5

Department duties

Sec. 5. The department shall do the following:

(1) Subject to section 6 of this chapter, develop a formula to be approved by the state board, reviewed by the budget committee, and approved by the budget agency for the distribution of grants to school corporations.

(2) Distribute grant funds according to the formula.

(3) Determine standards for remediation programs to be funded under the program.

(4) Administer the program.

As added by P.L.1-2005, SEC.16.

IC 20-32-8-6

Formula for distribution of grants

Sec. 6. The formula the department develops under this chapter must provide the following:

(1) Each school corporation must be able to qualify for a grant.

(2) A maximum grant amount must be determined for each school corporation.

(3) The amount that a school corporation may receive per student must be related to:

(A) the percentage of students scoring below state achievement standards; or

(B) for a freeway school or freeway school corporation having a locally adopted assessment program, the percentage of students falling below achievement standards under the locally adopted assessment program.

The school corporation having the highest percentage of students scoring below state achievement standards must be entitled to the highest grant amount per student.

(4) The actual grant to a school corporation must be the lesser of:

(A) two hundred percent (200%) of the amount appropriated by the governing body of the school corporation under section 7 of this chapter; or

(B) the maximum grant amount determined for the school corporation under subdivision (2).

(5) The amount distributed to school corporations under the program may not exceed the appropriation by the general assembly for the remediation grant program.

As added by P.L.1-2005, SEC.16.

IC 20-32-8-7

Qualifications to receive grant

Sec. 7. A school corporation qualifies to receive a grant when the governing body of the school corporation appropriates money from the general fund of the school corporation for a:

(1) remediation program; or

(2) preventive remediation program;

that meets the state board's standards for funding under the program, and, if the program is a preventive remediation program, that has been approved by the state board.

As added by P.L.1-2005, SEC.16.

IC 20-32-8-8

Remediation programs or preventive remediation programs

Sec. 8. The governing body of a school corporation may establish a remediation program or a preventive remediation program under this chapter for all students who fall below the academic standards adopted under IC 20-31-3. The governing body shall spend money

under this chapter for direct remediation or direct preventative remediation services for students.
As added by P.L.1-2005, SEC.16.

IC 20-32-8-9
Remediation programs; guidelines

Sec. 9. If the governing body decides to establish a remediation program or preventive remediation program under this chapter, the governing body must:

(1) give priority in the allocation of resources to students who are deficient in reading skills in grades 1 through grade 3;
(2) subject to section 10 of this chapter, determine the type of program that best fits the needs of the students of the school corporation; and
(3) adopt guidelines for:
(A) procedures for determining student eligibility for a program; and
(B) implementation of the program.

As added by P.L.1-2005, SEC.16. Amended by P.L.109-2010, SEC.2.

IC 20-32-8-10
Reading recovery program

Sec. 10. If the governing body decides to offer a preventive remediation program, the governing body shall consider including a reading recovery program.
As added by P.L.1-2005, SEC.16.

IC 20-32-8-11
Children with disabilities

Sec. 11. Notwithstanding the requirements of this chapter, any decisions made with regard to:

(1) attendance in a remediation program;
(2) ISTEP program testing; and
(3) the grade level placement;

for a student who is a child with a disability (as defined in IC 20-35-1-2) shall be made in accordance with the individualized education program, state law, and federal law.
As added by P.L.1-2005, SEC.16.

IC 20-32-8-12
Curriculum guidelines

Sec. 12. The department shall develop curriculum guidelines for use by each school corporation in developing its remediation program under this chapter.
As added by P.L.1-2005, SEC.16.

IC 20-32-8-13
Rules

Sec. 13. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-2005, SEC.16.

IC 20-32-8.5

Chapter 8.5. Reading Deficiency Remediation Plan

IC 20-32-8.5-1

Development of plan by state superintendent

Sec. 1. The state superintendent, in conjunction with the state board, shall develop a plan to improve reading skills of students and implement appropriate remediation techniques for students.

As added by P.L.109-2010, SEC.3.

IC 20-32-8.5-2

Plan requirements

Sec. 2. The plan required by this chapter must include the following:

(1) Reading skill standards for grade 1 through grade 3.

(2) An emphasis on a method for making determinant evaluations by grade 3 that might require remedial action for the student, including retention as a last resort, after other methods of remediation have been evaluated or used, or both, if reading skills are below the standard. Appropriate consultation with parents or guardians must be part of the plan.

(3) The fiscal impact of each component of the plan, if any. In determining whether a component has a fiscal impact, consideration shall be given to whether the component will increase costs to the state or a school corporation or require the state or school corporation to reallocate resources.

As added by P.L.109-2010, SEC.3.

IC 20-32-8.5-3

Report to general assembly

Sec. 3. (a) For any component of the plan that has a fiscal impact, the state superintendent shall present those components of the plan to the general assembly:

(1) for consideration of the plan; and

(2) to determine the amount of any appropriation in the state budget for the state fiscal years beginning in 2011 and 2012 that is necessary to carry out the plan.

(b) To the extent a component of the plan does not have a fiscal impact, that component of the plan may be implemented after the state board holds a public hearing at which there is full public discussion and review by the state board.

As added by P.L.109-2010, SEC.3.

IC 20-32-8.5-4

Adoption of rules

Sec. 4. The state board may adopt rules under IC 4-22-2 to carry out this chapter.

As added by P.L.109-2010, SEC.3.

IC 20-33

ARTICLE 33. STUDENTS: GENERAL PROVISIONS

IC 20-33-1

Chapter 1. Equal Educational Opportunity

IC 20-33-1-1

Policy

Sec. 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.

(2) To provide and furnish public schools open equally to all, and prohibited and denied to none because of race, creed, color, or national origin.

(3) To reaffirm the principles of:

(A) the Bill of Rights;

(B) civil rights; and

(C) the Constitution of the State of Indiana.

(4) To provide a uniform democratic system of public school education to the state and the citizens of Indiana.

(5) To:

(A) abolish;

(B) eliminate; and

(C) prohibit;

segregated and separate schools or school districts on the basis of race, creed, or color.

(6) To eliminate and prohibit:

(A) segregation;

(B) separation; and

(C) discrimination;

on the basis of race, creed, or color in public schools.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2007, SEC.225; P.L.234-2007, SEC.117; P.L.3-2008, SEC.118.

IC 20-33-1-2

Schools open to all

Sec. 2. The public schools of Indiana are open to all children until the children complete their courses of study, subject to the authority vested in school officials by law.

As added by P.L.1-2005, SEC.17.

IC 20-33-1-3

Segregation prohibited; student tracking practices review

Sec. 3. (a) The governing body of a school corporation and the board of trustees of a state educational institution may not build or erect, establish, maintain, continue, or permit any segregated or

separate public schools, including any public school departments or divisions on the basis of race, color, creed, or national origin of pupils or students.

(b) The officials described in subsection (a) may take any affirmative actions that are reasonable, feasible, and practical to effect greater integration and to reduce or prevent segregation or separation of races in public schools for whatever cause, including:

(1) site selection; or

(2) revision of:

(A) school districts;

(B) curricula; or

(C) enrollment policies;

to implement equalization of educational opportunity for all.

(c) A school corporation shall review the school corporation's programs to determine if the school corporation's practices of:

(1) separating students by ability;

(2) placing students into educational tracks; or

(3) using test results to screen students;

have the effect of systematically separating students by race, color, creed, national origin, or socioeconomic class.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2007, SEC.226.

IC 20-33-1-4

Segregation prohibited; pupils

Sec. 4. (a) A student is entitled to be admitted and enrolled in a public school in the school corporation in which the student resides without regard to race, creed, color, socioeconomic class, or national origin.

(b) A student may not be prohibited, segregated, or denied attendance or enrollment in a public school in the student's school corporation because of the student's race, creed, color, or national origin.

(c) Every student is free to attend a public school, including a department or division of a public school within the laws applicable alike to noncitizen and nonresident students.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2007, SEC.227.

IC 20-33-1-5

Segregation prohibited; schools

Sec. 5. (a) A public school may not segregate, separate, or discriminate against any of its students on the basis of race, creed, or color.

(b) Admission to a public school may not be approved or denied on the basis of race, creed, or color.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2007, SEC.228.

IC 20-33-1-6

Segregation prohibited; teachers

Sec. 6. A public school may not discriminate in any way in the hiring, upgrading, tenure, or placement of a teacher on the basis of

race, creed, color, or national origin.
As added by P.L.1-2005, SEC.17. Amended by P.L.2-2007, SEC.229.

IC 20-33-1-7
Supplementary nature of chapter

Sec. 7. This chapter is supplemental to:

(1) all common law, statutory law, and civil rights applicable to the public schools; and

(2) the rights and remedies arising from these laws of Indiana and to Indiana's citizens.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2007, SEC.230.

IC 20-33-2

Chapter 2. Compulsory School Attendance

IC 20-33-2-1

Legislative intent

Sec. 1. The legislative intent for this chapter is to provide an efficient and speedy means of insuring that students receive a proper education whenever it is reasonably possible.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-2

Repealed

(Repealed by P.L.2-2006, SEC.199.)

IC 20-33-2-3

Application

Sec. 3. This chapter applies to each situation that involves any of the following:

(1) A person less than eighteen (18) years of age who is domiciled in Indiana.

(2) A person less than eighteen (18) years of age who:

(A) is not domiciled in Indiana; and

(B) intends to remain in Indiana for a period established by rule of the state board.

(3) A student:

(A) who is less than eighteen (18) years of age;

(B) whose behavior has resulted in an expulsion from school; and

(C) who is assigned to attend:

(i) an alternative school; or

(ii) an alternative educational program.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-3.2

"Attend"

Sec. 3.2. As used in this chapter, "attend" means to be physically present:

(1) in a school; or

(2) at another location where the school's educational program in which a person is enrolled is being conducted;

during regular school hours on a day in which the educational program in which the person is enrolled is being offered.

As added by P.L.90-2011, SEC.41.

IC 20-33-2-4

Compulsory attendance

Sec. 4. Subject to the specific exceptions under this chapter, a student shall attend either:

(1) a public school that the student is entitled to attend under IC 20-26-11; or

(2) another school taught in the English language.
As added by P.L.1-2005, SEC.17.

IC 20-33-2-5
Days of attendance

Sec. 5. A student for whom education is compulsory under this chapter shall attend school each year for the number of days public schools are in session:

(1) in the school corporation in which the student is enrolled in Indiana; or

(2) where the student is enrolled if the student is enrolled outside Indiana.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-6
Students required to attend

Sec. 6. A student is bound by the requirements of this chapter from the earlier of the date on which the student officially enrolls in a school or, except as provided in section 8 of this chapter, the beginning of the fall school term for the school year in which the student becomes seven (7) years of age until the date on which the student:

(1) graduates;

(2) becomes eighteen (18) years of age; or

(3) becomes sixteen (16) years of age but is less than eighteen (18) years of age and the requirements under section 9 of this chapter concerning an exit interview are met enabling the student to withdraw from school before graduation;

whichever occurs first.
As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.17.

IC 20-33-2-7
Minimum age for kindergarten enrollment; appeals

Sec. 7. (a) In addition to the requirements of sections 4 through 6 of this chapter, a student must be at least five (5) years of age on:

(1) July 1 of the 2005-2006 school year; or

(2) August 1 of the 2006-2007 school year or any subsequent school year;

to officially enroll in a kindergarten program offered by a school corporation. However, subject to subsection (c), the governing body of the school corporation shall adopt a procedure affording a parent of a student who does not meet the minimum age requirement set forth in this subsection the right to appeal to the superintendent for enrollment of the student in kindergarten at an age earlier than the age set forth in this subsection.

(b) In addition to the requirements of sections 4 through 6 of this chapter and subsection (a), and subject to subsection (c), if a student enrolls in school as allowed under section 6 of this chapter and has not attended kindergarten, the superintendent shall make a

determination as to whether the student shall enroll in kindergarten or grade 1 based on the particular model assessment adopted by the governing body under subsection (c).

(c) To assist the principal and governing bodies, the department shall do the following:

(1) Establish guidelines to assist each governing body in establishing a procedure for making appeals to the superintendent under subsection (a).

(2) Establish criteria by which a governing body may adopt a model assessment that may be used in making the determination under subsection (b).

As added by P.L.1-2005, SEC.17. Amended by P.L.246-2005, SEC.177.

IC 20-33-2-8

Students not bound by requirements

Sec. 8. A student is not bound by the requirements of this chapter until the student becomes seven (7) years of age, if, upon request of the superintendent of the school corporation, the parent of a student who would otherwise be subject to compulsory school attendance under section 6 of this chapter certifies to the superintendent that the parent intends to:

(1) enroll the student in a nonaccredited, nonpublic school; or

(2) begin providing the student with instruction equivalent to that given in the public schools as permitted under section 28 of this chapter;

not later than the date on which the student becomes seven (7) years of age.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-9

Exit interviews; withdrawal requirements

Sec. 9. (a) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in section 6(3) of this chapter. Each exit interview must be personally attended by:

(1) the student's parent;

(2) the student;

(3) each designated appropriate school employee; and

(4) the student's principal.

(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

(1) the student, the student's parent, and the principal agree to the withdrawal;

(2) at the exit interview, the student provides written acknowledgment of the withdrawal that meets the requirements of subsection (c) and the:

(A) student's parent; and

(B) school principal;

each provide written consent for the student to withdraw from school; and

(3) the withdrawal is due to:

(A) financial hardship and the individual must be employed to support the individual's family or a dependent;

(B) illness; or

(C) an order by a court that has jurisdiction over the student.

(c) A written acknowledgment of withdrawal under subsection (b) must include a statement that the student and the student's parent understand that withdrawing from school is likely to:

(1) reduce the student's future earnings; and

(2) increase the student's likelihood of being unemployed in the future.

As added by P.L.1-2005, SEC.17. Amended by P.L.185-2006, SEC.12; P.L.1-2010, SEC.80.

IC 20-33-2-10

Enrollment documentation; notice to clearinghouse for information on missing children

Sec. 10. (a) Each public school shall and each private school may require a student who initially enrolls in the school to provide:

(1) the name and address of the school the student last attended; and

(2) a certified copy of the student's birth certificate or other reliable proof of the student's date of birth.

(b) Not more than fourteen (14) days after initial enrollment in a school, the school shall request the student's records from the school the student last attended.

(c) If the document described in subsection (a)(2):

(1) is not provided to the school not more than thirty (30) days after the student's enrollment; or

(2) appears to be inaccurate or fraudulent;

the school shall notify the Indiana clearinghouse for information on missing children and missing endangered adults established under IC 10-13-5-5 and determine if the student has been reported missing.

(d) A school in Indiana receiving a request for records shall send the records promptly to the requesting school. However, if a request is received for records to which a notice has been attached under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal), the school:

(1) shall immediately notify the Indiana clearinghouse for information on missing children and missing endangered adults;

(2) may not send the school records without the authorization of the clearinghouse; and

(3) may not inform the requesting school that a notice under IC 31-36-1-5 (or IC 31-6-13-6 before its repeal) has been attached to the records.

As added by P.L.1-2005, SEC.17. Amended by P.L.43-2009, SEC.18.

IC 20-33-2-11

Habitual truants ineligible for operator's license or learner's permit; minimum definition of "habitual truant"

Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum requirements for qualifying for the issuance of an operator's license or a learner's permit, and subject to subsections (c) through (e), an individual who is:

(1) at least thirteen (13) years of age but less than fifteen (15) years of age;

(2) a habitual truant under the definition of habitual truant established under subsection (b); and

(3) identified in the information submitted to the bureau of motor vehicles under subsection (f);

may not be issued an operator's license or a learner's permit to drive a motor vehicle under IC 9-24 until the individual is at least eighteen (18) years of age.

(b) Each governing body shall establish and include as part of the written copy of its discipline rules described in IC 20-33-8-12:

(1) a definition of a child who is designated as a habitual truant, which must, at a minimum, define the term as a student who is chronically absent, by having unexcused absences from school for more than ten (10) days of school in one (1) school year;

(2) the procedures under which subsection (a) will be administered; and

(3) all other pertinent matters related to this action.

(c) An individual described in subsection (a) is entitled to the procedure described in IC 20-33-8-19.

(d) An individual described in subsection (a) who is at least thirteen (13) years of age and less than eighteen (18) years of age is entitled to a periodic review of the individual's attendance record in school to determine whether the prohibition described in subsection (a) shall continue. The periodic reviews may not be conducted less than one (1) time each school year.

(e) Upon review, the governing body may determine that the individual's attendance record has improved to the degree that the individual may become eligible to be issued an operator's license or a learner's permit.

(f) Before:

(1) February 1; and

(2) October 1;

of each year the governing body of the school corporation shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under subsection (a) to be issued an operator's license or a learner's permit.

(g) The department shall develop guidelines concerning criteria used in defining a habitual truant that may be considered by a governing body in complying with subsection (b).

As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.18.

IC 20-33-2-12

Nonpublic, nonaccredited, and nonapproved schools; curriculum or content requirements; student enrollment or participation

Sec. 12. (a) A school that is:

(1) nonpublic;

(2) nonaccredited; and

(3) not otherwise approved by the state board;

is not bound by any requirements set forth in IC 20 or IC 21 with regard to curriculum or the content of educational programs offered by the school.

(b) This section may not be construed to prohibit a student who attends a school described in subsection (a) from enrolling in a particular educational program or participating in a particular educational initiative offered by an accredited public, nonpublic, or state board approved nonpublic school if:

(1) the governing body or superintendent, in the case of the accredited public school; or

(2) the administrative authority, in the case of the accredited or state board approved nonpublic school;

approves the enrollment or participation by the student.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-13

High school transcripts; required contents

Sec. 13. (a) A school corporation shall record or include the following information in the official high school transcript for a student in high school:

(1) Attendance records.

(2) The student's latest ISTEP program test results under IC 20-32-5.

(3) Any secondary level and postsecondary level certificates of achievement earned by the student.

(4) Immunization information from the immunization record the student's school keeps under IC 20-34-4-1.

(5) Any dual credit courses taken that are included in the core transfer library under IC 21-42-5-4.

(b) A school corporation may include information on a student's high school transcript that is in addition to the requirements of subsection (a).

As added by P.L.1-2005, SEC.17. Amended by P.L.140-2008, SEC.8.

IC 20-33-2-14

Compulsory attendance; school corporation policy; exceptions; service as page or honoree of general assembly

Sec. 14. (a) This section and sections 15 through 17.5 of this chapter apply to a student who attends either a public school or a nonpublic school.

(b) The governing body of each school corporation shall have a policy outlining the conditions for excused and unexcused absences. The policy must include the grounds for excused absences required by sections 15 through 17.5 of this chapter or another law. Any

absence that results in a person not attending at least one hundred eighty (180) days in a school year must be in accordance with the governing body's policy to qualify as an excused absence.

(c) Service as a page for or as an honoree of the general assembly is a lawful excuse for a student to be absent from school, when verified by a certificate of the secretary of the senate or the chief clerk of the house of representatives. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17. Amended by P.L.185-2006, SEC.13; P.L.90-2011, SEC.42.

IC 20-33-2-15

Attendance exception; service on precinct election board or for political candidates or parties

Sec. 15. (a) The governing body of a school corporation and the chief administrative official of a nonpublic secondary school system shall authorize the absence and excuse of each secondary school student who serves:

(1) on the precinct election board; or

(2) as a helper to a political candidate or to a political party on the date of each general, city or town, special, and primary election at which the student works.

(b) Before the date of the election, the student must submit a document signed by one (1) of the student's parents giving permission to participate in the election as provided in this section, and the student must verify to school authorities the performance of services by submitting a document signed by the candidate, political party chairman, campaign manager, or precinct officer generally describing the duties of the student on the date of the election. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-16

Attendance exception; witness in judicial proceeding

Sec. 16. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of a student who is issued a subpoena to appear in court as a witness in a judicial proceeding. A student excused under this section shall not be recorded as being absent on any date for which the excuse is operative and shall not be penalized by the school in any manner. The appropriate school authority may require that the student submit the subpoena to the appropriate school authority for verification.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-17

Attendance exception; duty with Indiana National Guard

Sec. 17. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of each secondary school student who is ordered to active duty with the Indiana National Guard for not more than ten (10) days in a school year. For verification, the student must submit to school authorities a copy of the orders to active duty and a copy of the orders releasing the student from active duty. A student excused from school attendance under this section may not be recorded as being absent on any date for which the excuse is operative and may not be penalized by the school in any manner.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-17.2

Attendance exception; duty with Indiana wing of civil air patrol

Sec. 17.2. The governing body of a school corporation or the chief administrative officer of a nonpublic school system shall authorize the absence and excuse of each secondary school student who is a member of the Indiana wing of the civil air patrol and who is participating in a civil air patrol:

(1) international air cadet exchange program, for the length of the program; or

(2) emergency service operation, including:

(A) search and rescue missions designated by the Air Force Rescue Coordination Center;

(B) disaster relief, when requested by the Federal Emergency Management Agency or the department of homeland security established by IC 10-19-2-1;

(C) humanitarian services, when requested by the Federal Emergency Management Agency or the department of homeland security established by IC 10-19-2-1;

(D) United States Air Force support designated by the First Air Force, North American Aerospace Defense Command; or

(E) United States Air Force military flights, if the flights are not available on days when school is not in session;

for not more than five (5) days in a school year;

if the student submits to school authorities appropriate documentation from the Indiana wing of the civil air patrol detailing the reason for the student's absence. A student excused from school attendance under this section may not be recorded as being absent on any date to which the excuse applies and may not be penalized by the school in any manner.

As added by P.L.55-2007, SEC.1. Amended by P.L.1-2009, SEC.124.

IC 20-33-2-17.5

Compulsory school attendance; exceptions; educationally related nonclassroom activity; nonclassroom activity

Sec. 17.5. The governing body of a school corporation may authorize the absence and excuse of a student who attends any

educationally related nonclassroom activity. Any educationally related nonclassroom activity and nonclassroom activity must meet all the following conditions:

(1) Is consistent with and promotes the educational philosophy and goals of the school corporation and the state board.

(2) Facilitates the attainment of specific educational objectives.

(3) Is a part of the goals and objectives of an approved course or curriculum.

(4) Represents a unique educational opportunity.

(5) Cannot reasonably occur without interrupting the school day.

(6) Is approved in writing by the school principal.

As added by P.L.185-2006, SEC.14.

IC 20-33-2-18

Parent to produce certificate of child's incapacity on demand

Sec. 18. (a) If a parent of a student does not send the student to school because of the student's illness or mental or physical incapacity, it is unlawful for the parent to fail or refuse to produce a certificate of the illness or incapacity for an attendance officer not later than six (6) days after the certificate is demanded.

(b) The certificate required under this section must be signed by:

(1) an Indiana physician;

(2) an individual holding a license to practice osteopathy or chiropractic in Indiana; or

(3) a Christian Science practitioner who resides in Indiana and is listed in the Christian Science Journal.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-19

Attendance; public school children; religious instruction

Sec. 19. (a) When the parent of a student who is enrolled in a public school makes a written request, the principal may allow the student to attend a school for religious instruction that is conducted by a church, an association of churches, or an association that is organized for religious instruction and incorporated under Indiana law.

(b) If a principal grants permission under subsection (a), the principal shall specify a period or periods, not to exceed one hundred twenty (120) minutes in total in any week, for the student to receive religious instruction. The permission is valid only for the year in which it is granted. Decisions made by a principal under this section may be reviewed by the superintendent.

(c) A school for religious instruction that receives students under this section:

(1) shall maintain attendance records and allow inspection of these records by attendance officers; and

(2) may not be supported, in whole or in part, by public funds.

(d) A student who attends a school for religious instruction under this section shall receive the same attendance credit that the student

would receive for attendance in the public schools for the same length of time.
As added by P.L.1-2005, SEC.17.

IC 20-33-2-20
Attendance records

Sec. 20. (a) An accurate daily record of the attendance of each student who is subject to compulsory school attendance under this chapter shall be kept by every public and nonpublic school.

(b) In a public school, the record shall be open at all times for inspection by:

(1) attendance officers;
(2) school officials;
(3) agents of the department of labor;
(4) security police officers appointed under IC 36-8-3-7; and
(5) school corporation police officers appointed under IC 20-26-16.

Every teacher shall answer fully all lawful inquiries made by an attendance officer, a school official, an agent of the department of labor, or a security police officer appointed under IC 36-8-3-7.

(c) In a nonpublic school, the record shall be required to be kept solely to verify the enrollment and attendance of a student upon request of the:

(1) state superintendent; or
(2) superintendent of the school corporation in which the nonpublic school is located.

As added by P.L.1-2005, SEC.17. Amended by P.L.34-2008, SEC.1.

IC 20-33-2-21
Attendance reports

Sec. 21. (a) Each principal and teacher in a public school that is attended by a student subject to the compulsory school attendance law under this chapter shall furnish, on request of the superintendent of the school corporation in which they are employed, a list of:

(1) names;
(2) addresses; and
(3) ages;

of all minors attending the school. When a student withdraws from school, the principal and teacher shall immediately report to the superintendent the student's name and address and the date of the student's withdrawal.

(b) Each principal or school administrator in a nonpublic school that is attended by a student who is subject to the compulsory school attendance law under this chapter shall furnish, on request of the state superintendent, the number of students by grade level attending the school.

(c) If:

(1) a student withdraws from a nonpublic school; and
(2) no public or other nonpublic school has requested the student's educational records within fifteen (15) school days

after the date the student withdrew from school;

the nonpublic school shall report to the state superintendent or the superintendent of the school corporation in which the nonpublic school is located, the name and address of the student and the date the student withdrew from school.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-22

List of students no longer enrolled

Sec. 22. (a) Not later than fifteen (15) school days after the beginning of each semester, the principal of a public high school shall send to the superintendent with jurisdiction over the school a list of names and last known addresses of all students:

(1) not graduated; and

(2) not enrolled in the then current semester who were otherwise eligible for enrollment.

(b) Each superintendent immediately shall make available all lists received under this section to an authorized representative of:

(1) Ivy Tech Community College of Indiana; and

(2) an agency whose purpose it is to enroll high school dropouts in various training programs.

(c) Each representative authorized to receive a list prepared under subsection (b) shall stipulate in writing that the list will be used only to contact prospective students or prospective trainees. If a list is used for any other purpose, the college or agency that the recipient represents is ineligible to receive subsequent lists for five (5) years.

As added by P.L.1-2005, SEC.17. Amended by P.L.127-2005, SEC.27.

IC 20-33-2-23

Powers of certain officers to take children into custody

Sec. 23. (a) Each school attendance officer, sheriff, marshal, and police officer in Indiana may take into custody any child who:

(1) is required to attend school under this chapter; and

(2) is found during school hours, unless accompanied:

(A) by a parent; or

(B) with the consent of a parent, by a relative by blood or marriage who is at least eighteen (18) years of age;

in a public place, in a public or private conveyance, or in a place of business open to the public.

(b) When an officer takes a child into custody under this section, the officer shall immediately deliver the child to the principal of the public or nonpublic school in which the child is enrolled. If a child is not enrolled in any school, then the officer shall deliver the child into the custody of the principal of the public school in the attendance area in which the child resides. If a child is taken to the appropriate school and the principal is unavailable, the acting chief administrative officer of the school shall take custody of the child.

(c) The powers conferred under this section may be exercised without warrant and without subsequent legal proceedings.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-24

Principal; duties when truant child received

Sec. 24. (a) When a child is delivered into the custody of a principal or acting chief administrative officer under section 23 of this chapter, the principal or officer shall immediately place the child in class in the grade or course of study in which the child is enrolled or to which the child may be properly assigned.

(b) A child who is placed in class under this section shall not be kept at school beyond the regular hour of dismissal on that day for the grade or course of study in which the child is placed. As promptly as reasonably possible after placing a child in class under this section, the principal or acting chief administrative officer shall attempt to advise the child's parent of the facts of the case by telephone. The principal or acting chief administrative officer shall advise the parent of the facts of the case by mail on the same day the principal or officer receives the child.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-25

Habitual absence from school; report to juvenile intake officer or department of child services

Sec. 25. The superintendent or an attendance officer having jurisdiction shall report a child who is habitually absent from school in violation of this chapter to an intake officer of the juvenile court or the department of child services. The intake officer or the department of child services shall proceed in accord with IC 31-30 through IC 31-40.

As added by P.L.1-2005, SEC.17. Amended by P.L.90-2011, SEC.43.

IC 20-33-2-26

Enforcement of chapter

Sec. 26. (a) It is the duty of each:

(1) superintendent;
(2) attendance officer;
(3) state attendance official;
(4) security police officer appointed under IC 36-8-3-7; and
(5) school corporation police officer appointed under IC 20-26-16;

to enforce this chapter in their respective jurisdictions and to execute the affidavits authorized under this section. The duty is several, and the failure of one (1) or more to act does not excuse another official from the obligation to enforce this chapter.

(b) An affidavit against a parent for a violation of this chapter shall be prepared and filed in the same manner and under the procedure prescribed for filing affidavits for the prosecution of public offenses.

(c) An affidavit under this section shall be filed in a court with jurisdiction in the county in which the affected child resides. The

prosecuting attorney shall file and prosecute actions under this section as in other criminal cases. The court shall promptly hear cases brought under this section.
As added by P.L.1-2005, SEC.17. Amended by P.L.34-2008, SEC.2.

IC 20-33-2-27
Compulsory attendance; parent's responsibility

Sec. 27. (a) It is unlawful for a parent to fail to ensure that the parent's child attends school as required under this chapter.

(b) Before proceedings are instituted against a parent for a violation of this section, personal notice of the violation shall be served on the parent by the superintendent or the superintendent's designee:

(1) having jurisdiction over the public school where the child has legal settlement; or

(2) of the transferee corporation, if the child has been transferred.

(c) For purposes of this section, service of personal notice of a violation may be made upon a parent by any of the following means:

(1) Delivering a copy of the notice to the parent personally. Personal notice shall be treated as occurring under this subdivision on the date of delivery.

(2) Any other means of sending a copy of the notice to the parent. Personal notice shall be treated as occurring under this subdivision on the date of delivery.

(3) Leaving a copy of the notice at the last and usual place of the residence of the parent. Personal notice shall be treated as occurring under this subdivision on the date the notice is left at the residence.

(4) Communicating notice of the violation to the parent by any other means, if the communication is made by the superintendent for the school or the superintendent's designee. Personal notice shall be treated as occurring under this subdivision on the earliest date that the communication is made.

If the violation is not terminated not more than one (1) school day after this notice is given, or if another violation is committed during the notice period, no further notice is necessary. Each day of violation constitutes a separate offense.
As added by P.L.1-2005, SEC.17. Amended by P.L.90-2011, SEC.44.

IC 20-33-2-28
Compulsory attendance for full term; duty of parent

Sec. 28. (a) This section does not apply during a period when a child is excused from school attendance under this chapter.

(b) It is unlawful for a parent to:

(1) fail;

(2) neglect; or

(3) refuse;

to send the parent's child to a public school for the full term as required under this chapter unless the child is being provided with

instruction equivalent to that given in public schools.
As added by P.L.1-2005, SEC.17.

IC 20-33-2-28.5
Requirements for exit interview; reporting requirement

Sec. 28.5. (a) This section applies to an individual:
(1) who:
(A) attends or last attended a public school;
(B) is at least sixteen (16) years of age but less than eighteen (18) years of age; and
(C) has not completed the requirements for graduation;
(2) who:
(A) wishes to withdraw from school before graduation;
(B) fails to return at the beginning of a semester; or
(C) stops attending school during a semester; and
(3) who has no record of transfer to another school.

(b) An individual to whom this section applies may withdraw from school only if all of the following conditions are met:
(1) An exit interview is conducted.
(2) The individual's parent consents to the withdrawal.
(3) The school principal approves of the withdrawal.
(4) The withdrawal is due to:
(A) financial hardship and the individual must be employed to support the individual's family or a dependent;
(B) illness; or
(C) an order by a court that has jurisdiction over the child.

During the exit interview, the school principal shall provide to the student and the student's parent a copy of statistics compiled by the department concerning the likely consequences of life without a high school diploma. The school principal shall advise the student and the student's parent that the student's withdrawal from school may prevent the student from receiving or result in the revocation of the student's employment certificate and driver's license or learner's permit.

(c) For purposes of this section, the following must be in written form:
(1) An individual's request to withdraw from school.
(2) A parent's consent to a withdrawal.
(3) A principal's consent to a withdrawal.

(d) If the individual's principal does not consent to the individual's withdrawal under this section, the individual's parent may appeal the denial of consent to the governing body of the public school that the individual last attended.

(e) Each public school, including each school corporation and each charter school (as defined in IC 20-24-1-4), shall provide an annual report to the department setting forth the following information:
(1) The total number of individuals:
(A) who withdrew from school under this section; and
(B) who either:

(i) failed to return to school at the beginning of a semester; or

(ii) stopped attending school during a semester;

and for whom there is no record of transfer to another school.

(2) The number of individuals who withdrew from school following an exit interview.

(f) If an individual to which this section applies:

(1) has not received consent to withdraw from school under this section; and

(2) fails to return to school at the beginning of a semester or during the semester;

the principal of the school that the individual last attended shall deliver by certified mail or personal delivery to the bureau of child labor a record of the individual's failure to return to school so that the bureau of child labor revokes any employment certificates issued to the individual and does not issue any additional employment certificates to the individual. For purposes of IC 20-33-3-13, the individual shall be considered a dropout.

(g) At the same time that a school principal delivers the record under subsection (f), the principal shall deliver by certified mail or personal delivery to the bureau of motor vehicles a record of the individual's failure to return to school so that the bureau of motor vehicles revokes any driver's license or learner's permit issued to the individual and does not issue any additional driver's licenses or learner's permits to the individual before the individual is at least eighteen (18) years of age. For purposes of IC 9-24-2-1, the individual shall be considered a dropout.

(h) If:

(1) a principal has delivered the record required under subsection (f) or (g), or both; and

(2) the school subsequently gives consent to the individual to withdraw from school under this section;

the principal of the school shall send a notice of withdrawal to the bureau of child labor and the bureau of motor vehicles by certified mail or personal delivery and, for purposes of IC 20-33-3-13 and IC 9-24-2-1, the individual shall no longer be considered a dropout.

As added by P.L.242-2005, SEC.19. Amended by P.L.185-2006, SEC.15.

IC 20-33-2-28.7

Department's compilation of statistics concerning likely consequences of withdrawing from school before graduation

Sec. 28.7. (a) The department of education shall compile and make available to schools statistics concerning the likely consequences of life without a high school diploma. The statistics must include, but are not limited to, statistics that show the likelihood of an individual's:

(1) unemployment or employment in a lower paying job; and

(2) involvement in criminal activity;

as the consequence of not obtaining a high school diploma.

(b) The department of education shall update the statistics made available under subsection (a) every two (2) years.

As added by P.L.242-2005, SEC.20.

IC 20-33-2-29

Children in certain institutions or facilities; compulsory school attendance; reimbursement for space used within facilities for court placed student expenses

Sec. 29. (a) It is unlawful for a person operating or responsible for an educational, correctional, charitable, or benevolent institution or training school to fail to ensure that a child under the person's authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.

(b) If a child is placed in an institution or facility by or with the approval of the department of child services, the institution or facility shall charge the department of child services for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per child cost.

As added by P.L.1-2005, SEC.17. Amended by P.L.146-2008, SEC.475; P.L.1-2009, SEC.125.

IC 20-33-2-30

Separate attendance district; requirement

Sec. 30. A school corporation having an ADA of at least one thousand five hundred (1,500) students constitutes a separate attendance district.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2006, SEC.150.

IC 20-33-2-31

Attendance officers; appointment in completely reorganized counties

Sec. 31. (a) In a county that has been completely reorganized into one (1) or more school corporations under IC 20-23-4, the governing body of each school corporation with at least one thousand five hundred (1,500) students in ADA shall appoint an attendance officer. The governing body of each school corporation that has fewer than one thousand five hundred (1,500) students in ADA may appoint an attendance officer. If the governing body of a school corporation that has discretion in whether to appoint an attendance officer declines to make an appointment, the superintendent of the school corporation shall serve as ex officio attendance officer under section 35 of this chapter.

(b) Whenever the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body. In addition to salary, the attendance

officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the school corporation.
As added by P.L.1-2005, SEC.17. Amended by P.L.2-2006, SEC.151.

IC 20-33-2-32
Attendance officers in certain counties

Sec. 32. (a) In a county that has not been completely reorganized under IC 20-23-4, the governing body of each school corporation that constitutes a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the corporation.

(b) Whenever the governing body of a school corporation makes an appointment under this section, it shall appoint an individual nominated by the superintendent. However, the governing body may decline to appoint any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the governing body. In addition to salary, the officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to make these payments. However, a warrant shall not be issued to an attendance officer until the attendance officer has filed an itemized statement with the county auditor. This statement shall show the time employed and expenses incurred. The superintendent shall approve the statement and certify that it is correct.
As added by P.L.1-2005, SEC.17. Amended by P.L.231-2005, SEC.43; P.L.1-2006, SEC.334; P.L.2-2006, SEC.152; P.L.1-2007, SEC.146.

IC 20-33-2-33
Attendance officers; appointment in remainder attendance districts

Sec. 33. (a) In a county that has not been completely reorganized under IC 20-23-4, all school corporations that do not individually constitute separate attendance districts under section 30 of this chapter together constitute a remainder attendance district. The governing bodies of each remainder attendance district with at least one thousand five hundred (1,500) students in ADA shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the district. The governing bodies of a remainder attendance district with less than one thousand five hundred (1,500) students in ADA may appoint an attendance officer. If the governing bodies have discretion in whether to appoint an attendance officer and

decline to make an appointment, the superintendent or superintendents involved shall serve as ex officio attendance officers under section 35 of this chapter.

(b) The governing bodies of the school corporations involved shall together form an appointing authority for attendance officers with the governing body of each school corporation having one (1) vote. This appointing authority shall appoint an individual nominated by the superintendent. However, the appointing authority may reject any nominee and require another nomination. The salary of each attendance officer appointed under this section shall be fixed by the appointing authority. In addition to salary, the officer is entitled to receive reimbursement for actual expenses necessary to properly perform the officer's duties. The salary and expenses of an attendance officer appointed under this section shall be paid by the treasurer of the county in which the officer serves, on a warrant signed by the county auditor. The county council shall appropriate, and the board of county commissioners shall allow, the funds necessary to make these payments. However, a warrant may not be issued to an attendance officer until the officer has filed an itemized statement with the county auditor. This statement must show the time employed and expenses incurred. The appropriate superintendent shall approve the statement and certify that it is correct.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2006, SEC.153.

IC 20-33-2-34

Attendance officers in certain counties; appointment in separate attendance districts

Sec. 34. (a) This section applies to a county having a population of:

(1) more than twenty-seven thousand (27,000) but less than twenty-seven thousand two hundred (27,200); or

(2) more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(b) Notwithstanding sections 32 and 33 of this chapter, in a county that has not been completely reorganized under IC 20-23-4, the governing body of each school corporation constituting a separate attendance district under section 30 of this chapter shall appoint an attendance officer. One (1) additional attendance officer may be appointed for every seven thousand five hundred (7,500) students in ADA in the school corporation. The governing body of each school corporation that does not individually constitute a separate attendance district may appoint an attendance officer.

(c) If the governing body of the school corporation makes an appointment under this section, it shall appoint an individual who is nominated by the superintendent of the school corporation. However, the governing body may decline to appoint a nominee and may require another nomination to be made by the superintendent. If the governing body has discretion in whether to appoint an attendance officer under subsection (b) and declines to make an appointment, the superintendent of the school corporation involved shall serve as

ex officio attendance officer under section 35 of this chapter.

(d) The salary, including fringe benefits, of each attendance officer appointed under this section shall be fixed by the governing body of the school corporation and shall be paid by the treasurer of the school corporation.

(e) Each attendance officer appointed under this section is entitled to receive reimbursement from the school corporation for the actual and necessary expenses incurred by the attendance officer in the proper performance of the attendance officer's duties.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2006, SEC.154.

IC 20-33-2-35

Ex officio attendance officers

Sec. 35. If the governing body of a school corporation elects not to appoint an attendance officer under section 31 of this chapter or an appointing authority elects not to appoint an attendance officer under section 33 of this chapter, the superintendent shall serve as an ex officio attendance officer. A superintendent acting in this capacity may designate one (1) or more school employees as assistant attendance officers. These assistant attendance officers shall act under the superintendent's direction and perform the duties the superintendent assigns. Ex officio attendance officers and assistant attendance officers appointed under this section shall receive no additional compensation for performing attendance services.

As added by P.L.1-2005, SEC.17. Amended by P.L.90-2011, SEC.45.

IC 20-33-2-36

Joint employment of attendance officer

Sec. 36. The governing bodies of two (2) or more school corporations may enter into a voluntary mutual agreement for the joint employment of an attendance officer. The agreement must stipulate the manner in which the joint attendance officer is appointed, paid, and supervised. The attendance officer may then be appointed, paid, and supervised under the terms of the agreement. However, compensation for any attendance officer employed under this section shall be paid entirely by the school corporations involved with no assistance from the civil government.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-37

Attendance officers; appointment in optional separate district

Sec. 37. The governing body of a school corporation that has fewer than one thousand five hundred (1,500) students in ADA may organize the school corporation as a separate attendance district and appoint an attendance officer. The governing body, in making the appointment, shall appoint an individual nominated by the superintendent. However, it may decline to appoint any nominee and require another nomination. All compensation for an attendance officer appointed under this section shall be paid by the treasurer of the school corporation in which the officer is employed.

As added by P.L.1-2005, SEC.17. Amended by P.L.2-2006, SEC.155.

IC 20-33-2-38

Attendance officers; appointment of additional officers

Sec. 38. Any school corporation, attendance district, or remainder attendance district may appoint more attendance officers than are specifically authorized or required under this chapter. However, these additional attendance officers shall be appointed in the same manner as required by law for other attendance officers. Compensation for additional attendance officers appointed under this section shall be paid entirely by the school corporation or school corporations involved.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-39

Attendance officers; duties

Sec. 39. An attendance officer has the following duties:

(1) To serve subject to the rules, direction, and control of the superintendent in the attendance officer's attendance district.

(2) To maintain an office at a place designated by the superintendent.

(3) To be on duty during school hours and at other times as the superintendent may request.

(4) To keep records and make reports as required by the state board.

(5) To visit the homes of children who are absent from school or who are reported to be in need of books, clothing, or parental care.

(6) Whenever the superintendent directs or approves it, to bring suit to enforce any provision of this chapter that is being violated.

(7) To serve written notice on any parent whose child is out of school illegally.

(8) To visit factories where children are employed.

(9) To perform other duties necessary for complete enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-40

Attendance officers; special powers

Sec. 40. (a) Each attendance officer may serve original and other process in cases arising under this chapter.

(b) An attendance officer may enter any place where a child is employed to determine whether violations of this chapter or of IC 20-33-3 have occurred. When an attendance officer or a school official is exercising the power granted under this subsection, any officer, manager, director, employee or other person who refuses to permit the attendance officer's or the school official's entry into a place of business or interferes with his investigation in any way commits a violation of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-41

Attendance officers; licensing required; exception

Sec. 41. With the exception of ex officio attendance officers, an individual may not hold the position of attendance officer unless the individual has complied with all standards of the department and has been properly licensed by the department.

As added by P.L.1-2005, SEC.17. Amended by P.L.246-2005, SEC.178.

IC 20-33-2-42

Attendance; duties of state superintendent of public instruction

Sec. 42. The state superintendent shall:

(1) prescribe duties for the state attendance officer not provided by law;

(2) design and require use of a system of attendance reports, records, and forms necessary for the enforcement of this chapter; and

(3) perform all other duties necessary for the complete enforcement of this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.90-2011, SEC.46.

IC 20-33-2-43

State attendance officers; appointment; removal; duties; powers

Sec. 43. (a) The state superintendent shall appoint a state attendance officer. The state attendance officer serves at the pleasure of the state superintendent and may be removed by the state superintendent at any time.

(b) The state attendance officer shall:

(1) exercise general supervision over the attendance officers of Indiana;

(2) visit the various attendance districts throughout Indiana;

(3) inspect the work of the attendance officers; and

(4) investigate the manner in which this chapter is being enforced.

(c) The state attendance officer may initiate court action whenever necessary for the enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-44

Penalty

Sec. 44. (a) This section does not apply to section 47 of this chapter.

(b) A person who knowingly violates this chapter commits a Class B misdemeanor.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-45

State board; supervision; rules

Sec. 45. (a) The state board shall exercise general supervision by resolution over the attendance system of the state.

(b) The state board may adopt rules under IC 4-22-2 pertaining to the state attendance system and the enforcement of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-46

Compulsory attendance; exception; disability

Sec. 46. (a) With the approval of the state board, a superintendent may exclude or excuse a student found mentally or physically unfit for school attendance. An exclusion or excuse under this section is valid only for the school year during which it is issued.

(b) A superintendent's action under this section must be in accordance with limitations and regulations established by the state board concerning the procedures and requirements for the complete examination of students.

(c) A student may not be compelled to undergo any examination or treatment under this chapter when the student's parent objects on religious grounds, which consists of a good faith reliance on spiritual means or prayer for healing. The objection is not effective unless it is:

(1) made in writing;

(2) signed by the student's parent; and

(3) delivered to the student's teacher or to the individual who might order an examination or treatment absent the objection.

A student may not be excluded under this section except as provided under IC 20-33-8.

As added by P.L.1-2005, SEC.17.

IC 20-33-2-47

School corporations; notification of absences; reports to local health departments

Sec. 47. (a) A school corporation may develop and implement a system of notifying the parent of a student when:

(1) the student fails to attend school; and

(2) the student does not have an excused absence for that day.

(b) A school corporation or an accredited nonpublic school shall report to the local health department the percentage of student absences above a threshold determined by the department by rule adopted under IC 4-22-2.

(c) If a school corporation implements a notification system under this chapter, the attendance officer or the attendance officer's designee shall make a reasonable effort to contact by telephone the parent of each student who has failed to attend school and does not have an excused absence for that day.

(d) If an attendance officer or an attendance officer's designee has made a reasonable effort to contact a parent under subsection (c), the school corporation is immune from liability for any damages suffered by the parent claimed because of failure to contact the parent.

As added by P.L.1-2005, SEC.17.

IC 20-33-3

Chapter 3. Limitations on the Employment of Students

IC 20-33-3-1

Chapter not applicable to parents who employ own child

Sec. 1. This chapter does not apply to a parent who employs the parent's own child or a person standing in place of a parent who employs a child in the person's custody, except for:

(1) underage employment (section 31(a) of this chapter);

(2) employment during school hours (section 31(b) of this chapter); and

(3) employment in hazardous occupations designated by federal law (section 35 of this chapter).

As added by P.L.1-2005, SEC.17.

IC 20-33-3-2

"Nonschool week"

Sec. 2. As used in this chapter, "nonschool week" refers to a week that contains two (2) or fewer school days.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-3

"School day"

Sec. 3. As used in this chapter, "school day" refers to a day that contains more than four (4) hours of classroom instruction.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-4

"School week"

Sec. 4. As used in this chapter, "school week" refers to a week that contains at least three (3) school days.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-5

Employment certificate required

Sec. 5. It is unlawful for a person, firm, limited liability company, or corporation to hire, employ, or permit a child who is:

(1) at least fourteen (14) years of age; and

(2) less than eighteen (18) years of age;

to work in a gainful occupation until the person, firm, limited liability company, or corporation has secured and placed on file in its office an employment certificate issued by the proper issuing officer under this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-6

Exceptions to requirement of employment certificate

Sec. 6. (a) An employment certificate is not required for a child who is at least fourteen (14) years of age but less than eighteen (18) years of age to:

(1) perform:
(A) farm labor; or
(B) domestic service; or
(2) act as a:
(A) caddie for a person playing golf; or
(B) newspaper carrier.

However, this exemption applies only when a child is engaged in an occupation listed in this section during the hours when the child is not required to be in school.

(b) An employment certificate is not required for a child less than eighteen (18) years of age who:

(1) works as an actor or performer if the provisions of section 32 of this chapter are met; or
(2) has graduated from high school.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-7

Employment certificate; obtaining

Sec. 7. (a) This chapter applies to a child less than eighteen (18) years of age who is employed or is seeking employment in Indiana.

(b) A child less than eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain the employment certificate from the issuing officer of the:

(1) accredited school (as described in IC 20-19-2-8(a)(5)) that the child attends; or
(2) school corporation in which the child resides.

(c) A child less than eighteen (18) years of age who is not a resident of Indiana and who requires an employment certificate to work in Indiana shall obtain the certificate from the issuing officer of the school corporation in which the child is:

(1) employed; or
(2) seeking employment.

The judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in the opinion of the judge, the welfare of a child warrants this action.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-8

Issuing officer

Sec. 8. (a) The issuing officer in each accredited school (as described in IC 20-19-2-8(a)(5)) shall be an individual who is:

(1) a guidance counselor;
(2) a school social worker; or
(3) an attendance officer for the school corporation and a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5;

and designated in writing by the principal.

(b) During the times in which the individual described in subsection (a) is not employed by the school or when school is not

in session, there shall be an issuing officer available:

(1) who is a teacher licensed by the division of professional standards of the department under IC 20-28-4 or IC 20-28-5; and

(2) whose identity and hours of work shall be determined by the principal.

As added by P.L.1-2005, SEC.17. Amended by P.L.1-2007, SEC.147.

IC 20-33-3-9

Optional employment certificate; issuance mandatory

Sec. 9. When an employer wants to employ an individual who represents the individual's age to be at least eighteen (18) years of age but less than twenty-one (21) years of age, the employer may request the issuing officer to issue an employment certificate for the prospective employee. It is the duty of the issuing officer to issue a certificate when an employer makes a request under this section.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-10

Documents required before issuance of certificate

Sec. 10. (a) An issuing officer may issue an employment certificate only to a child whose employment is necessary and only after receipt of the following two (2) documents:

(1) Proof of age as set forth under section 11 of this chapter.

(2) Proof of prospective employment as set forth under section 12 of this chapter.

(b) A child seeking an employment certificate from a school the child does not attend must also present to the issuing officer a written statement that:

(1) is from the school the child does attend; and

(2) attests to the child's acceptable academic performance and attendance.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-11

Proof of age

Sec. 11. (a) As proof of age, the issuing officer shall require one (1) of the following documents:

(1) A birth certificate or duly attested transcript of a birth certificate issued by the registrar of vital statistics or any other officer charged with the duty of recording births. The registrar may not charge a fee for a certificate or transcript as provided by IC 16-37-1-9(c)(2). School records of age that have been verified by a birth certificate may be substituted by the issuing officer for a birth certificate.

(2) A baptismal certificate or a certified transcript of the record of baptism showing the child's date of birth and place of baptism.

(3) Other documentation, including:

(A) a bona fide contemporary record of the child's birth,

comprising a part of the family record of births in the Bible;
(B) other documentary evidence satisfactory to the department of labor, including a certificate of arrival in the United States issued by United States immigration officers and showing the child's age; or
(C) a life insurance policy.

Documentary evidence under this subdivision must have been in existence for at least one (1) year.

(4) A sworn statement by a public health physician, a public school physician, or the superintendent stating, in the opinion of the signatory, the child's physical age. This statement shall show the child's height and weight and other facts upon which the signatory's opinion is based. The physician's or superintendent's statement shall be accompanied by a statement of the child's age signed by the child's parent and by available school records.

(b) The documents that may constitute proof of age under this section are listed in preferential order. The issuing officer shall require the document of age under subsection (a)(1) in preference to a document under subsection (a)(2), (a)(3), or (a)(4). To avoid delay, the documents under subsection (a)(2), (a)(3), or (a)(4) may be accepted if the issuing officer files a written statement that verification of date of birth has been requested from the appropriate governmental agency but has not been received.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-12

Proof of prospective employment

Sec. 12. (a) As proof of prospective employment, the issuing officer shall require a written statement that:

(1) is signed by the person for whom the child is to work;
(2) sets forth the nature of work that the child is to perform; and
(3) specifies the maximum number of hours per week that the child will work for the employer.

(b) When a child's employment terminates, the employer shall immediately notify the issuing officer in writing of the:

(1) termination; and
(2) date on which it occurred.

This notice shall be on a blank form attached to the child's employment certificate.

(c) An employment certificate may be used at not more than two (2) locations within the same enterprise if the enterprise complies with the hour restrictions prescribed in sections 22 through 28 of this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.1.

IC 20-33-3-13

Employment certificate; denial; distribution of copies; appeal

Sec. 13. (a) Upon presentation to the issuing officer of the documents required by section 10 of this chapter, an employment

certificate shall be issued immediately to the child. The employment certificate shall state the maximum number of hours that the child may be employed by the employer. However, an issuing officer may deny a certificate to a child:

(1) whose attendance is not in good standing; or

(2) whose academic performance does not meet the school corporation's standard.

(b) Not more than five (5) days after issuing an employment certificate, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in the issuing officer's office of each employment certificate issued. The issuing officer shall keep for each student who has been issued more than one (1) employment certificate a record of the maximum number of hours that the student may work each week for all employers.

(c) A student may appeal the denial of a certificate under subsection (a) to the principal.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.2.

IC 20-33-3-13.5

Multiple employment certificates; penalties

Sec. 13.5. (a) A child may hold more than one (1) employment certificate at a time. However, a child who holds more than one (1) employment certificate at a time is subject to the penalties set forth in section 38.5 of this chapter for any of the following:

(1) Hour violations under sections 22 through 28 of this chapter.

(2) A violation of section 23(3) or 24(3) of this chapter.

(b) An employer of a child who holds more than one (1) employment certificate under subsection (a) is subject to the penalties set forth in sections 39 and 40 of this chapter for:

(1) hour violations under sections 22 through 28 of this chapter; or

(2) a violation of section 23(3) or 24(3) of this chapter;

for the employment of the child with the employer only.

As added by P.L.182-2006, SEC.3.

IC 20-33-3-14

Employment certificate; revocation

Sec. 14. (a) The:

(1) state board; or

(2) department of labor;

may revoke an employment certificate at any time, if, in the judgment of the state board or the department of labor, the certificate was improperly issued or if the state board or department of labor has knowledge that the child is or was illegally employed.

(b) To determine when a child is illegally employed, the state board and the department of labor and agents of the state board or department of labor may:

(1) investigate the age of a child who is employed;

(2) subpoena witnesses;

(3) hear evidence; and
(4) require the production of relevant books or documents.

(c) If the state board or department of labor revokes an employment certificate under this section, the issuing officer and the child's employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer.

(d) A child whose employment certificate has been revoked may not be employed or allowed to work until the child legally has obtained a new employment certificate.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-15

Employment certificate; contents

Sec. 15. (a) Each employment certificate issued for a child must state the:
(1) full name and the date and place of birth of the child;
(2) name and address of the child's parents;
(3) name and address of the employer; and
(4) nature of the work that the child is to perform.

(b) The employment certificate must certify that the child has:
(1) appeared before the issuing officer; and
(2) submitted the proof of age and prospective employment as required under this chapter.

(c) The issuing officer may require the presence of the child's parents before issuing the employment certificate.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-16

Preparation of forms

Sec. 16. (a) All blank forms necessary to carry out this chapter shall be prepared by the department of labor and supplied to issuing officers.

(b) Funds to pay expenses incurred by the department of labor in printing and distributing these forms are appropriated annually out of any money in the state general fund that is not otherwise appropriated.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-17

Investigatory power

Sec. 17. (a) An officer charged with enforcement of this chapter may investigate the age of a child:
(1) who is employed or allowed to work in an occupation; and
(2) for whom an employment certificate is not on file.

(b) If the officer finds that the age of the child is below the age authorized for an employee without an employment certificate, the:
(1) employment; or
(2) fact that the child is allowed to work;

is prima facie evidence of unlawful employment.
As added by P.L.1-2005, SEC.17.

IC 20-33-3-18
Mandatory medical examination; limitation; exception

Sec. 18. (a) Except as provided in subsection (c), whenever the department of labor requires, a child who is:

(1) at least fourteen (14) years of age and less than eighteen (18) years of age; and

(2) at work in an occupation for which an employment certificate is required under sections 5 and 6 of this chapter;

shall submit to a physical examination. The examination shall be conducted by a medical inspector of the department of labor or by a physician designated by the department of labor. A female employee is entitled to have this examination made by a female. An employer shall not require or attempt to require a female employee to submit to a physical examination by a male.

(b) The result of an examination conducted under this section shall be recorded on a printed form furnished by and kept on file at the department of labor.

(c) The department of labor may not require a child to undergo a medical examination under this chapter when the child's parent objects on religious grounds. A religious objection:

(1) consists of a good faith reliance on spiritual means or prayer for healing; and

(2) is not effective unless the objection is:

(A) made in writing;

(B) signed by the child's parent; and

(C) delivered to the department of labor.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-19
Employment certificate; medical revocation

Sec. 19. (a) If:

(1) a child fails to submit to a medical examination as required under section 18 of this chapter; or

(2) on examination, the medical inspector finds the child to be physically unfit to be employed in the work in which the child is engaged and files a report to that effect;

the department of labor shall revoke the child's employment certificate. A report of physical incapacity shall be kept at the office of the department of labor.

(b) Written notice of a revocation under this section shall be served on the issuing officer and the child's employer in person or by registered mail. Immediately after receiving notice of a revocation, the employer shall deliver the revoked certificate to the department of labor. A child whose certificate has been revoked under this section may obtain a new certificate if the child is found, after physical examination, to be physically fit for the new occupation in which the child proposes to engage.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-20

Revocation of employment certificate; review; reissuance; appeal

Sec. 20. (a) An employment certificate may be revoked by the issuing officer if the issuing officer determines that there has been a significant decrease in any of the following since the issuance of the permit:

(1) The student's grade point average.

(2) The student's attendance at school.

(b) A student whose employment certificate is revoked under subsection (a) is entitled to a periodic review of the student's grade record or attendance record, or both, to determine whether the revocation should continue. A periodic review may not be conducted less than one (1) time each school year.

(c) If upon review the issuing officer determines that the student's grade point average or attendance, or both, have improved substantially, the issuing officer may reissue an employment certificate to the student.

(d) A student may appeal the revocation of an employment certificate under subsection (a) or the refusal to reissue an employment certificate under subsection (c) to the school principal.

(e) An issuing officer who revokes an employment certificate shall immediately send written notice of the revocation to the student's employer.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-21

Employment of children at least 14 years of age and less than 18 years of age

Sec. 21. Sections 22 through 29 of this chapter apply only to employment for which a child who is at least fourteen (14) years of age and less than eighteen (18) years of age must obtain an employment certificate under this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-22

Employment of children at least 14 years of age and less than 16 years of age

Sec. 22. The following apply only to a child who is at least fourteen (14) years of age and less than sixteen (16) years of age:

(1) The child may not work before 7 a.m. or after 7 p.m. However, the child may work until 9 p.m. from June 1 through Labor Day.

(2) The child may not work:

(A) more than three (3) hours on a school day;

(B) more than eighteen (18) hours in a school week;

(C) more than eight (8) hours on a nonschool day; or

(D) more than forty (40) hours in a nonschool week.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-23

Employment of children at least 16 years of age and less than 17 years of age

Sec. 23. Except as provided in section 27 of this chapter, a child who is at least sixteen (16) years of age and less than seventeen (17) years of age may not:

(1) work for more than eight (8) hours in any one (1) day;
(2) work for more than thirty (30) hours in any one (1) week;
(3) work for more than six (6) days in any one (1) week; or
(4) begin a work day before 6 a.m.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.4.

IC 20-33-3-24

Employment of children at least 17 years of age and less than 18 years of age

Sec. 24. Except as provided in section 27 of this chapter, a child who is at least seventeen (17) years of age and less than eighteen (18) years of age may not:

(1) work for more than eight (8) hours in any one (1) day;
(2) work for more than thirty (30) hours in any one (1) week;
(3) work for more than six (6) days in any one (1) week; or
(4) begin a work day before 6 a.m. on a school day.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.5.

IC 20-33-3-25

Employment of children at least 16 years of age and less than 18 years of age; 10 p.m. limit

Sec. 25. A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 10 p.m. on nights that are followed by a school day in any occupation except those that the commissioner of labor determines to be:

(1) dangerous to life or limb; or
(2) injurious to health or morals.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-26

Employment of children at least 16 years of age and less than 17 years of age; midnight limit

Sec. 26. An employer may employ a child who is at least sixteen (16) years of age and less than seventeen (17) years of age to work until midnight if:

(1) the work will be performed:
  (A) during a nonschool week; or
  (B) on days that are not followed by a school day; and
(2) the employer has:
  (A) obtained written permission from the child's parent; and
  (B) placed the written permission on file in the employer's office.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-27

Employment of children at least 16 years of age and less than 18 years of age; hour limits

Sec. 27. (a) A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed for up to forty (40) hours during a school week if the employer has:

(1) obtained written permission from the child's parent; and

(2) placed the written permission on file in the employer's office.

(b) If the employer or employers have obtained written permission required under subsection (a), a child who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed for periods that do not exceed a total of nine (9) hours in any one (1) day and a total of forty-eight (48) hours in any one (1) nonschool week.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.6.

IC 20-33-3-28

Employment of children at least 17 years of age and less than 18 years of age; 11:30 p.m. and 1 a.m. limits

Sec. 28. A child who is at least seventeen (17) years of age and less than eighteen (18) years of age may work until 11:30 p.m. on nights that are followed by a school day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. A child covered by this section may work until 1 a.m. the following day if the employer has obtained written permission from the child's parent and placed the written permission on file in the employer's office. However, the nights followed by a school day on which a child works until 1 a.m. the following day may not be consecutive and may not exceed two (2) nights per week.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-29

Employment of children at least 16 years of age and less than 18 years of age; employed the same as adults

Sec. 29. A child who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed the same daily and weekly hours and at the same times of day as adults if the child is a member of any of the following categories:

(1) The child is a high school graduate.

(2) The child has completed an approved career and technical education program or special education program.

(3) The child is not enrolled in a regular school term.

As added by P.L.1-2005, SEC.17. Amended by P.L.234-2007, SEC.118.

IC 20-33-3-30

Occupations for which children less than 18 years of age may be employed

Sec. 30. (a) This section applies to occupations for which a child less than eighteen (18) years of age may be employed or allowed to work under this chapter but does not apply to children subject to:

(1) section 6 of this chapter; or

(2) section 29(2) or 29(3) of this chapter.

(b) A person, firm, limited liability company, or corporation that employs a child less than eighteen (18) years of age shall provide the child one (1) or two (2) rest breaks totaling at least thirty (30) minutes if the child is scheduled to work at least six (6) consecutive hours. Breaks shall be provided as set forth in IC 5-10-6-2.

As added by P.L.1-2005, SEC.17. Amended by P.L.13-2008, SEC.3.

IC 20-33-3-31

Children less than 14 years of age and less than 18 years of age; employment limitations and prohibitions; exceptions

Sec. 31. (a) A child less than:

(1) fourteen (14) years of age may not be employed or allowed to work in any gainful occupation except as a farm laborer, domestic service worker, caddie for persons playing the game of golf, or newspaper carrier; and

(2) twelve (12) years of age may not be permitted to work at farm labor except on a farm operated by the child's parent.

(b) Except as provided in section 32 of this chapter, a person, firm, limited liability company, or corporation may not employ or permit any child less than eighteen (18) years of age to work in any occupation after 7:30 a.m. and before 3:30 p.m. on a school day unless the child presents to the employer a written exception issued by the school that the child attends.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-32

Permitted child employment; exception

Sec. 32. This chapter may not prevent a child of any age from singing, playing, or performing in a studio, circus, theatrical, or musical exhibition, concert, or festival, in radio and television broadcasts, or as a live or photographic model. Employment certificates are not required for employment or appearances set forth in this section, but a child less than eighteen (18) years of age may not be employed except under the following conditions:

(1) The activities described in this section must not:

(A) be detrimental to the life, health, safety, or welfare of the child; or

(B) interfere with the schooling of the child.

Provision shall be made for education equivalent to full-time school attendance in the public schools for children less than sixteen (16) years of age.

(2) A parent shall accompany a child less than sixteen (16) years of age at all rehearsals, appearances, and performances.

(3) The employment or appearance may not be in a cabaret, dance hall, night club, tavern, or other similar place.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-33

Employment of children by the Indiana School for the Deaf or the Indiana School for the Blind and Visually Impaired

Sec. 33. The employment of children by the:

(1) Indiana School for the Deaf; and

(2) Indiana School for the Blind and Visually Impaired;

is subject to the general restrictions imposed on child labor under this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.218-2005, SEC.78.

IC 20-33-3-34

Employer required to post notice

Sec. 34. Every person, firm, corporation, or company that employs a child at least fourteen (14) years of age and less than eighteen (18) years of age in an occupation for which the child must obtain an employment certificate shall post and keep posted a printed notice in a conspicuous place or in places where notices to employees are customarily posted. This notice must state:

(1) the maximum number of hours a child may be employed or permitted to work each day of the week; and

(2) the hours of beginning and ending each day.

The printed forms for this notice shall be furnished by the department of labor.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-35

Hazardous occupations designated by federal law

Sec. 35. The department of labor shall prohibit a child who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.).

As added by P.L.1-2005, SEC.17.

IC 20-33-3-36

Children employed after 10 p.m. and before 6 a.m.

Sec. 36. (a) This section does not provide an exception to the limit on the number of hours a child is permitted to work under sections 22 through 30 of this chapter.

(b) It is unlawful for a person, firm, limited liability company, or corporation to permit a child who is:

(1) less than eighteen (18) years of age; and

(2) employed by the person, firm, limited liability company, or corporation;

to work after 10 p.m. and before 6 a.m. in an establishment that is open to the public unless another employee at least eighteen (18) years of age also works in the establishment during the same hours

as the child.

(c) A violation of subsection (b) is a hazardous occupation violation subject to section 41 of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-37

Hazardous occupations; exception; certain instruction

Sec. 37. This chapter does not prevent a student from working on a properly guarded machine in the training department of a school when an instructor provides personal supervision.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-38

Enforcement

Sec. 38. (a) The department of labor and its authorized inspectors and agents:

(1) shall enforce this chapter and ensure that all violators are prosecuted; and

(2) may visit and inspect, at all reasonable hours and when as practicable and necessary, all establishments affected by this chapter.

(b) It is unlawful for any person to interfere with, obstruct, or hinder any inspector or agent of the department of labor while the inspector or agent performs official duties or to refuse to properly answer questions asked by an inspector or agent of the department.

(c) When requested in writing by the department of labor, the attorney general shall assist the prosecuting attorney in the prosecution of persons charged with a violation of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-38.5

Civil penalties for violations by children

Sec. 38.5. (a) For an hour violation under sections 22 through 28 of this chapter or a violation of section 23(3) or 24(3) of this chapter committed by a child, the civil penalties are as follows:

(1) A warning letter for a first violation.

(2) Revocation of the employment certificate or certificates held by the child for thirty (30) calendar days.

(b) The department of labor shall assess the civil penalties set forth in subsection (a).

(c) If the department of labor revokes an employment certificate under this section, the issuing officer and the child's employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer.

(d) A child whose employment certificate or certificates have been revoked may not be employed or allowed to work until the child legally has obtained a new employment certificate.

As added by P.L.182-2006, SEC.7. Amended by P.L.1-2007, SEC.148.

IC 20-33-3-39
Civil penalties

Sec. 39. An individual who is an employer, a firm, a limited liability company, or a corporation that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an employment certificate violation under section 5 or 14 of this chapter, a termination notice violation under section 12 of this chapter, an hour violation of not more than thirty (30) minutes under sections 22 through 28 of this chapter, a violation of section 23(3) or 24(3) of this chapter, or a posting violation under section 34 of this chapter, the civil penalties are as follows:

(1) A warning letter for any violations identified during an initial inspection.

(2) Fifty dollars ($50) per instance for a second violation identified in a subsequent inspection.

(3) Seventy-five dollars ($75) per instance for a third violation that is identified in a subsequent inspection.

(4) One hundred dollars ($100) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.8.

IC 20-33-3-40
Civil penalties

Sec. 40. An individual who is an employer, a firm, a limited liability company, or a corporation that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an hour violation of more than thirty (30) minutes under sections 22 through 28 of this chapter, each violation of section 30 of this chapter, an age violation under section 31 or 32 of this chapter, each minor employed in violation of section 31(b) of this chapter, or a hazardous occupation violation under section 35 or 36 of this chapter, the civil penalties are as follows:

(1) A warning letter for any violations identified during an initial inspection.

(2) One hundred dollars ($100) per instance for each violation identified in a subsequent inspection.

(3) Two hundred dollars ($200) per instance for a third violation that is identified in a subsequent inspection.

(4) Four hundred dollars ($400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.

As added by P.L.1-2005, SEC.17. Amended by P.L.182-2006, SEC.9.

IC 20-33-3-41
Civil penalties; second and subsequent violations

Sec. 41. (a) A civil penalty assessed under section 39 or 40 of this chapter:

(1) is subject to IC 4-21.5-3-6; and
(2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

(b) For purposes of determining:
(1) whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department of labor under subsection (a); and
(2) recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-42
Employment of youth fund

Sec. 42. (a) There is established an employment of youth fund to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

(b) One-half (1/2) of the employment of youth fund each year shall be used for the purpose of the education provision of this subsection, and may be used to award grants to provide educational programs. The remaining one-half (1/2) of the employment of youth fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 39 of this chapter.

(c) The employment of youth fund shall be administered by the department of labor. The expenses of administering the employment of youth fund shall be paid from money in the fund. The treasurer of state shall invest the money in the employment of youth fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the employment of youth fund. Money in the employment of youth fund at the end of a state fiscal year does not revert to the state general fund.

(d) Revenue received from civil penalties under this section shall be deposited in the employment of youth fund.

(e) All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-3-43
Form for certificates; rules

Sec. 43. (a) An employment certificate shall be issued:
(1) in a form approved by; and
(2) under rules adopted under IC 4-22-2 by;
the department of labor and the state board.

(b) The style of the form and the rules adopted under this section must:

(1) be consistent with this chapter; and

(2) promote uniformity and efficiency in the administration of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-4

Chapter 4. Legal Settlement and Transfer of Students

IC 20-33-4-1

Legal settlement and transfer of students and transfer tuition

Sec. 1. The law governing legal settlement and transfer of students and transfer tuition is found at IC 20-26-11.

As added by P.L.1-2005, SEC.17.

IC 20-33-5

Chapter 5. Financial Assistance for Students

IC 20-33-5-1

Definitions; family income to be used to determine financial eligibility

Sec. 1. (a) As used in this chapter, "school corporation" includes a charter school.

(b) As used in this chapter, "governing body" includes the organizer of a charter school.

(c) The maximum monthly or annual gross income available to a family shall be used to determine financial eligibility for assistance under this chapter.

(d) In determining the eligibility of a seasonal worker for assistance under this chapter, an average shall be made of the family's income for the twelve (12) calendar months preceding the first day of the month in which the application is made.

As added by P.L.1-2005, SEC.17.

IC 20-33-5-2

Procedures to qualify for assistance; financial eligibility standard

Sec. 2. The department shall adopt procedures that must be followed by applicants in order for them to qualify for assistance under this chapter. These procedures must include obtaining information needed by the family and social services administration to determine if the recipient is a child who is a member of a qualifying family (as defined in IC 12-14-28-1), including the familial relationship of the child to the head of the household. The financial eligibility standard for an applicant under this chapter must be the same criteria used for determining eligibility for receiving free or reduced price lunches under the national school lunch program.

As added by P.L.1-2005, SEC.17.

IC 20-33-5-3

Qualified parents; payment of fees by school corporation; reimbursement

Sec. 3. (a) If a parent of a child or an emancipated minor who is enrolled in a public school, in kindergarten or grades 1 through 12, meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may not be required to pay the fees for school books, supplies, or other required class fees. The fees shall be paid by the school corporation that the child attends.

(b) The school corporation may apply for a reimbursement under section 7 of this chapter from the department of the costs incurred under subsection (a).

(c) To the extent the reimbursement received by the school corporation is less than the textbook rental fee assessed for textbooks that have been adopted under IC 20-20-5-1 through IC 20-20-5-4, the school corporation may request that the parent or emancipated minor

pay the balance of this amount.
As added by P.L.1-2005, SEC.17. Amended by P.L.73-2011, SEC.19.

IC 20-33-5-4
Application forms

Sec. 4. The department shall provide each school corporation with sufficient application forms for assistance under this chapter. The state board of accounts shall prescribe the forms to be used.
As added by P.L.1-2005, SEC.17.

IC 20-33-5-5
Notice to parents

Sec. 5. All school corporations must give notice in nontechnical language and in a manner that can be reasonably expected to reach parents of students before the collection of any fees for schoolbooks and supplies. This notice must inform the parents of the following:

(1) The availability of assistance.
(2) The eligibility standards.
(3) The procedure for obtaining assistance, including the right and method of appeal.
(4) The availability of application forms at a designated school office.

As added by P.L.1-2005, SEC.17.

IC 20-33-5-6
Assistance in completion of forms; determination of financial eligibility; appeal; hearing

Sec. 6. (a) All school corporations must give appropriate application forms to parents who wish to apply for assistance under this chapter. The school shall provide assistance to those applicants who are unable to write or otherwise make a written application. The parent shall submit the completed application to the school corporation. The school corporation shall make a determination of financial eligibility.

(b) If the school corporation makes a determination that the parent is ineligible based on the information in the application, the school corporation shall give the parent written reasons for the denial and inform the parent of the right to request a hearing before the governing body of the school corporation or the governing body's designee. After the determination, the school corporation may bill the parent for the student's fees, but the school corporation may not take any legal action against the parent until the parent has had the opportunity to make an appeal in a hearing before the governing body of the school corporation or the governing body's designee. If the parent pays the fees based on the school corporation's determination, and after the appeal it is determined that the parent qualifies for assistance, the school corporation shall reimburse the parent.
As added by P.L.1-2005, SEC.17.

IC 20-33-5-7

Public schools; textbook assistance; state reimbursement

Sec. 7. (a) If a determination is made that the applicant is eligible for assistance, the school corporation shall pay the cost of the student's required fees.

(b) A school corporation shall receive a reimbursement from the department for some or all of the costs incurred by a school corporation during a school year in providing textbook assistance to students who are eligible under section 2 of this chapter.

(c) To be guaranteed some level of reimbursement from the department, the governing body of a school corporation shall request the reimbursement before November 1 of a school year.

(d) In its request, the governing body shall certify to the department:

(1) the number of students who are enrolled in that school corporation and who are eligible for assistance under this chapter;

(2) the costs incurred by the school corporation in providing:

(A) textbooks (including textbooks used in special education and high ability classes) to these students;

(B) workbooks, digital content, and consumable textbooks (including workbooks, consumable textbooks, and other consumable instructional materials that are used in special education and high ability classes) that are used by students for not more than one (1) school year;

(C) instead of the purchase of textbooks, developmentally appropriate material for instruction in kindergarten through the grade 3 level, laboratories, and children's literature programs; and

(D) curricular materials (as defined in IC 20-20-5.5-1);

(3) that each textbook described in subdivision (2)(A) (except those textbooks used in special education classes and high ability classes) has been adopted by the governing body; and

(4) any other information required by the department.

(e) Each school within a school corporation shall maintain complete and accurate information concerning the number of students determined to be eligible for assistance under this chapter. This information shall be provided to the department upon request.

(f) Parents receiving other governmental assistance or aid that considers educational needs in computing the entire amount of assistance granted may not be denied assistance if the applicant's total family income does not exceed the standards established by this chapter.

(g) The amount of reimbursement that a school corporation is entitled to receive shall be determined as provided in section 9.5 of this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.73-2011, SEC.20; P.L.229-2011, SEC.192.

IC 20-33-5-8

Repealed

(*Repealed by P.L.229-2011, SEC.275.)*

IC 20-33-5-9 Version a

Nonpublic schools; reimbursement to parent or student; procedure

Note: This version of section effective until 7-1-2011. See also following version of this section, effective 7-1-2011.

Sec. 9. (a) If a parent of a child or an emancipated minor who is enrolled in an accredited nonpublic school meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may receive a reimbursement from the department as provided in this chapter for the costs or some of the costs incurred by the parent or emancipated minor in fees that are reimbursable under section 7 of this chapter. The extent to which the fees are reimbursable under this section may not exceed the percentage rates of reimbursement under section 7 of this chapter. In addition, if a child enrolls in an accredited nonpublic school after the initial request for reimbursement is filed under subsection (d), the parent of the child or the emancipated minor who meets the financial eligibility standard may receive a reimbursement from the department for the costs or some of the costs incurred in fees that are reimbursable under section 7 of this chapter by applying to the accredited nonpublic school for assistance. In this case, this section applies. However, section 10 of this chapter applies to the making of the supplemental request for reimbursement by the principal or other designee of the accredited nonpublic school.

(b) The department shall provide each accredited nonpublic school with sufficient application forms for assistance, prescribed by the state board of accounts.

(c) Each accredited nonpublic school shall provide the parents or emancipated minors who wish to apply for assistance with:

(1) the appropriate application forms; and

(2) any assistance needed in completing the application form.

(d) The parent or emancipated minor shall submit the application to the accredited nonpublic school. The accredited nonpublic school shall make a determination of financial eligibility subject to appeal by the parent or emancipated minor.

(e) If a determination is made that the applicant is eligible for assistance, subsection (a) applies.

(f) To be guaranteed some level of reimbursement from the department, the principal or other designee shall submit the reimbursement request before November 1 of a school year.

(g) In its request, the principal or other designee shall certify to the department:

(1) the number of students who are enrolled in the accredited nonpublic school and who are eligible for assistance under this chapter;

(2) the costs incurred in providing:

(A) textbooks (including textbooks used in special education and high ability classes); and

(B) workbooks and consumable textbooks (including workbooks, consumable textbooks, and other consumable teaching materials that are used in special education and high ability classes) that are used by students for not more than one (1) school year;

(3) that each textbook described in subdivision (2)(A) and included in the reimbursement request (except those textbooks used in special education classes and high ability classes) has been adopted by the state board under IC 20-20-5-1 through IC 20-20-5-4 or has been waived by the state board of education under IC 20-26-12-28;

(4) that the amount of reimbursement requested for each textbook under subdivision (3) does not exceed twenty percent (20%) of the costs incurred for the textbook, as provided in the textbook adoption list in each year of the adoption cycle;

(5) that the amount of reimbursement requested for each workbook or consumable textbook (or other consumable teaching material used in special education and high ability classes) under subdivision (2)(B), if applicable, does not exceed one hundred percent (100%) of the costs incurred for the workbook or consumable textbook (or other consumable teaching material used in special education and high ability classes);

(6) that the amount of reimbursement requested for each textbook used in special education and high ability classes is amortized for the number of years in which the textbook is used; and

(7) any other information required by the department, including copies of purchase orders used to acquire consumable teaching materials used in special education and high ability classes.

(h) If the amount of reimbursement requested before November 1 of a particular school year exceeds the amount of money appropriated to the department for this purpose, the department shall proportionately reduce the amount of reimbursement to each accredited nonpublic school. An accredited nonpublic school may submit a supplemental reimbursement request under section 10 of this chapter. The parent or emancipated minor is entitled to receive a supplemental reimbursement only if funds are available. The department shall proportionately reduce the amount of supplemental reimbursement to the accredited nonpublic schools if the amount requested exceeds the amount of money available to the department for this purpose.

(i) The accredited nonpublic school shall distribute the money received under this chapter to the appropriate eligible parents or emancipated minors.

(j) Section 7(h) of this chapter applies to parents or emancipated minors as described in this section.

(k) The accredited nonpublic school and the department shall maintain complete and accurate information concerning the number of applicants determined to be eligible for assistance under this

section.

(l) The state board shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.1-2005, SEC.17. Amended by P.L.42-2011, SEC.37.

IC 20-33-5-9 Version b

Nonpublic schools; textbook assistance; state reimbursement

Note: This version of section effective 7-1-2011. See also preceding version of this section, effective until 7-1-2011.

Sec. 9. (a) If a parent of a child or an emancipated minor who is enrolled in an accredited nonpublic school meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may receive a reimbursement from the department as provided in this chapter for the costs or some of the costs incurred by the parent or emancipated minor in fees that are reimbursable under section 7 of this chapter.

(b) The department shall provide each accredited nonpublic school with sufficient application forms for assistance, prescribed by the state board of accounts.

(c) Each accredited nonpublic school shall provide the parents or emancipated minors who wish to apply for assistance with:

(1) the appropriate application forms; and

(2) any assistance needed in completing the application form.

(d) The parent or emancipated minor shall submit the application to the accredited nonpublic school. The accredited nonpublic school shall make a determination of financial eligibility subject to appeal by the parent or emancipated minor.

(e) If a determination is made that the applicant is eligible for assistance, subsection (a) applies.

(f) To be guaranteed some level of reimbursement from the department, the principal or other designee shall submit the reimbursement request before November 1 of a school year.

(g) In its request, the principal or other designee shall certify to the department:

(1) the number of students who are enrolled in the accredited nonpublic school and who are eligible for assistance under this chapter;

(2) the costs incurred in providing:

(A) textbooks (including textbooks used in special education and high ability classes);

(B) workbooks, digital content, and consumable textbooks (including workbooks, consumable textbooks, and other consumable teaching materials that are used in special education and high ability classes) that are used by students for not more than one (1) school year; and

(C) curricular materials (as defined in IC 20-20-5.5-1);

(3) that each textbook described in subdivision (2)(A) (except those textbooks used in special education classes and high ability classes) has been adopted by the governing body; and

(4) any other information required by the department.

(h) The amount of reimbursement that a parent or emancipated minor is entitled to receive shall be determined as provided in section 9.5 of this chapter.

(i) The accredited nonpublic school shall distribute the money received under this chapter to the appropriate eligible parents or emancipated minors.

(j) Section 7(h) of this chapter applies to parents or emancipated minors as described in this section.

(k) The accredited nonpublic school and the department shall maintain complete and accurate information concerning the number of applicants determined to be eligible for assistance under this section.

(l) The state board shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.1-2005, SEC.17. Amended by P.L.42-2011, SEC.37; P.L.73-2011, SEC.21; P.L.229-2011, SEC.193.

IC 20-33-5-9.5

Reimbursement formula

Sec. 9.5. (a) This section applies to reimbursements made under this chapter in calendar year 2012 and thereafter.

(b) The amount of reimbursement that a school corporation or an accredited nonpublic school is entitled to receive under section 7 of this chapter in a calendar year is equal to the amount determined in the following STEPS:

STEP ONE: Determine the amount appropriated to make reimbursements under this chapter for the state fiscal year ending in the calendar year.

STEP TWO: Determine the total number of eligible students for which reimbursement was requested under either section 7 or 9 of this chapter before November 1 of the previous calendar year by all school corporations and accredited nonpublic schools.

STEP THREE: Divide the result determined in STEP ONE by the number determined in STEP TWO:

STEP FOUR: Multiply:

(A) the STEP THREE result; by

(B) the number of eligible students for which reimbursement was requested under section 7 or 9 of this chapter before November 1 of the previous calendar year by the school corporation or the accredited nonpublic school.

As added by P.L.229-2011, SEC.194.

IC 20-33-5-10

Repealed

(*Repealed by P.L.229-2011, SEC.275.)*

IC 20-33-5-11

Failure of parent to pay fees

Sec. 11. (a) A school corporation may not:

(1) withhold school books and supplies;

(2) require any special services from a child; or
(3) deny the child any benefit or privilege;
because the parent fails to pay required fees.

(b) Notwithstanding subsection (a), a school corporation may take any action authorized by law to collect unpaid fees from parents who are determined to be ineligible for assistance, including recovery of reasonable attorney's fees and court costs in addition to a judgment award against those parents.

As added by P.L.1-2005, SEC.17.

IC 20-33-5-12

Payment of fees for unqualified individuals

Sec. 12. Under extraordinary circumstances, the township trustee may pay for the fees enumerated in section 3 of this chapter for individuals who do not otherwise qualify under the financial eligibility standard established in this chapter. Assistance in such cases may be provided by the township trustee under IC 12-20.

As added by P.L.1-2005, SEC.17.

IC 20-33-5-13

Shoes and clothing; financial assistance; clothing bank; establishment by school corporation

Sec. 13. (a) Financial assistance for shoes and clothing shall be provided directly by the township trustee under IC 12-20 to parents who do not have sufficient means to furnish the shoes and clothing needed by the children to attend school.

(b) A school corporation may establish a clothing bank to provide for children's clothing needs on an emergency basis.

As added by P.L.1-2005, SEC.17.

IC 20-33-5-14

School textbook reimbursement contingency fund

Sec. 14. (a) The school textbook reimbursement contingency fund is established to reimburse school corporations, eligible parents of children who attend accredited nonpublic schools, and emancipated minors who attend accredited nonpublic schools as provided in section 9 of this chapter for assistance provided under this chapter. The fund consists of money appropriated to the fund by the general assembly. The state superintendent shall administer the fund.

(b) The treasurer of state shall invest the money in the school textbook reimbursement contingency fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

As added by P.L.1-2005, SEC.17.

IC 20-33-5-15

Assistance in completion of twenty-first century scholars program enrollment form

Sec. 15. (a) Each school corporation shall provide each student who applies for free or reduced priced lunches under the national

school lunch program with an enrollment form for the twenty-first century scholars program under IC 21-12-6.

(b) The department shall provide each school corporation with sufficient application forms under this section.

(c) Each school shall give assistance in reading the instructions and completing the enrollment forms for the twenty-first century scholars program.

As added by P.L.9-2009, SEC.1.

IC 20-33-6

Chapter 6. Parental Participation in a Student's Education

IC 20-33-6-1

Applicability of chapter

Sec. 1. This chapter does not apply to a nonpublic school.

As added by P.L.1-2005, SEC.17.

IC 20-33-6-2

Development of written compact; participation of parents and students; signatures

Sec. 2. (a) Each school in a school corporation may develop a written compact that contains the expectations for the school, the student, the student's teachers, and the student's parents.

(b) A school that develops a compact under this section must seek the participation of parents and students in developing the compact.

(c) Each educator at the school shall affirm and sign the compact, and each student and the student's parents shall sign and affirm the compact.

As added by P.L.1-2005, SEC.17.

IC 20-33-6-3

Compliance with written compact

Sec. 3. A parent, a student, an educator, and a school shall make a reasonable effort to comply with the terms of the compact.

As added by P.L.1-2005, SEC.17.

IC 20-33-7

Chapter 7. Parental Access to Student Records

IC 20-33-7-1

"Education records"

Sec. 1. As used in this chapter, "education records" means information that:

(1) is recorded by a nonpublic or public school; and

(2) concerns a student who is or was enrolled in the school.

As added by P.L.1-2005, SEC.17.

IC 20-33-7-2

Custodial and noncustodial parents; equal access; exceptions

Sec. 2. (a) Except as provided in subsection (b), a nonpublic or public school must allow a custodial parent and a noncustodial parent of a child the same access to their child's education records.

(b) A nonpublic or public school may not allow a noncustodial parent access to the child's education records if:

(1) a court has issued an order that limits the noncustodial parent's access to the child's education records; and

(2) the school has received a copy of the court order or has actual knowledge of the court order.

As added by P.L.1-2005, SEC.17.

IC 20-33-7-3

Report of educational records without parental consent

Sec. 3. (a) As used in this section, "juvenile justice agency" has the meaning set forth in IC 10-13-4-5.

(b) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent under the following conditions:

(1) The disclosure or reporting of education records is to a state or local juvenile justice agency.

(2) The disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released.

(3) The juvenile justice agency receiving the information certifies, in writing, to the entity providing the information that the agency or individual receiving the information has agreed not to disclose it to a third party, other than another juvenile justice agency, without the consent of the child's parent.

(c) For purposes of subsection (b)(2), a disclosure or reporting of education records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the juvenile justice agency seeking the information provides sufficient information to enable the keeper of the education records to

determine that the juvenile justice agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to supervision of the child as an adjudicated delinquent child.

(d) A school corporation to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent, if the child has been suspended or expelled and referred to a court in accordance with an agreement for court assisted resolution of suspension and expulsion cases under IC 20-33-8.5. The request for the education records of a child by a court must be for the purpose of assisting the child before adjudication.

(e) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply that:

(1) discloses or reports on the education records of a child, including personally identifiable information contained in the education records, in violation of this section; and

(2) makes a good faith effort to comply with this section;

is immune from civil liability.

As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.21.

IC 20-33-8
Chapter 8. Student Discipline

IC 20-33-8-0.2
"Bullying"
Sec. 0.2. As used in this chapter, "bullying" means overt, repeated acts or gestures, including:
(1) verbal or written communications transmitted;
(2) physical acts committed; or
(3) any other behaviors committed;
by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the other student.
As added by P.L.106-2005, SEC.6.

IC 20-33-8-0.5
"Physician"
Sec. 0.5. As used in this chapter, "physician" means an individual licensed to practice medicine or osteopathic medicine under:
(1) IC 25-22.5; or
(2) the law of another state.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-1
"Principal"
Sec. 1. As used in this chapter, "principal" includes a principal's designee.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-2
"Educational function"
Sec. 2. As used in this chapter, "educational function" means the performance by a school corporation or its officers or employees of an act or a series of acts in carrying out school purposes.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-3
"Expulsion"
Sec. 3. (a) As used in this chapter, "expulsion" means a disciplinary or other action whereby a student:
(1) is separated from school attendance for a period exceeding ten (10) school days;
(2) is separated from school attendance for the balance of the current semester or current year unless a student is permitted to complete required examinations in order to receive credit for courses taken in the current semester or current year; or
(3) is separated from school attendance for the period prescribed under section 16 of this chapter, which may include an assignment to attend an alternative school, an alternative educational program, or a homebound educational program.

(b) The term does not include situations when a student is:

(1) disciplined under section 25 of this chapter;

(2) removed from school in accordance with IC 20-34-3-9; or

(3) removed from school for failure to comply with the immunization requirements of IC 20-34-4-5.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-4

"School purposes"

Sec. 4. As used in this chapter, "school purposes" refers to the purposes for which a school corporation operates, including the following:

(1) To promote knowledge and learning generally.

(2) To maintain an orderly and effective educational system.

(3) To take any action under the authority granted to school corporations and their governing bodies by IC 20-26-5 or by any other statute.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-5

"School property"

Sec. 5. As used in this chapter, "school property" means the following:

(1) A building or other structure owned or rented by a school corporation.

(2) The grounds adjacent to and owned or rented in common with a building or other structure owned or rented by a school corporation.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-6

"Superintendent" includes superintendent's designee

Sec. 6. As used in this chapter, "superintendent" includes a superintendent's designee.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-7

"Suspension"

Sec. 7. (a) As used in this chapter, "suspension" means any disciplinary action that does not constitute an expulsion under section 3 of this chapter, whereby a student is separated from school attendance for a period of not more than ten (10) school days.

(b) The term does not include a situation in which a student is:

(1) disciplined under section 25 of this chapter;

(2) removed from school in accordance with IC 20-34-3-9; or

(3) removed from school for failure to comply with the immunization requirements of IC 20-34-4-5.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-8

Duty and powers of school corporation to supervise and discipline students

Sec. 8. (a) Student supervision and the desirable behavior of students in carrying out school purposes is the responsibility of:

(1) a school corporation; and

(2) the students of a school corporation.

(b) In all matters relating to the discipline and conduct of students, school corporation personnel:

(1) stand in the relation of parents to the students of the school corporation;

(2) have the right to take any disciplinary action necessary to promote student conduct that conforms with an orderly and effective educational system, subject to this chapter; and

(3) have qualified immunity with respect to a disciplinary action taken to promote student conduct under subdivision (2) if the action is taken in good faith and is reasonable.

(c) Students must:

(1) follow responsible directions of school personnel in all educational settings; and

(2) refrain from disruptive behavior that interferes with the educational environment.

As added by P.L.1-2005, SEC.17. Amended by P.L.121-2009, SEC.12.

IC 20-33-8-9

Disciplinary powers of teachers and school staff members

Sec. 9. (a) This section applies to an individual who:

(1) is a teacher or other school staff member; and

(2) has students under the individual's charge.

(b) An individual may take any action that is reasonably necessary to carry out or to prevent an interference with an educational function that the individual supervises.

(c) Subject to rules of the governing body and the administrative staff, an individual may remove a student for a period that does not exceed five (5) school days from an educational function supervised by the individual or another individual who is a teacher or other school staff member.

(d) If an individual removes a student from a class under subsection (c), the principal may place the student in another appropriate class or placement or into inschool suspension. The principal may not return the student to the class from which the student was removed until the principal has met with the student, the student's teacher, and the student's parents to determine an appropriate behavior plan for the student. If the student's parents do not meet with the principal and the student's teacher within a reasonable amount of time, the student may be moved to another class at the principal's discretion.

As added by P.L.1-2005, SEC.17. Amended by P.L.121-2009, SEC.13.

IC 20-33-8-10

Disciplinary powers of principals

Sec. 10. (a) A principal may take action concerning the principal's school or a school activity within the principal's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

(b) Subsection (a) allows a principal to write regulations that govern student conduct.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-11

Disciplinary powers of superintendents and administrative staff members

Sec. 11. A:

(1) superintendent; or

(2) member of the superintendent's administrative staff, with the superintendent's approval;

may take any action with respect to all schools within the superintendent's jurisdiction that is reasonably necessary to carry out or prevent interference with an educational function or school purposes.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-12

Adoption of discipline rules; publicity requirement; discipline policy regulations and guidelines; delegation of authority; rulemaking powers of governing body

Sec. 12. (a) Except as provided under IC 20-33-8-16, the governing body of a school corporation must do the following:

(1) Establish written discipline rules, which must include a graduated system of discipline and may include:

(A) appropriate dress codes; and

(B) if applicable, an agreement for court assisted resolution of school suspension and expulsion cases;

for the school corporation.

(2) Give general publicity to the discipline rules within a school where the discipline rules apply by actions such as:

(A) making a copy of the discipline rules available to students and students' parents; or

(B) delivering a copy of the discipline rules to students or the parents of students.

This publicity requirement may not be construed technically and is satisfied if the school corporation makes a good faith effort to disseminate to students or parents generally the text or substance of a discipline rule.

(b) The:

(1) superintendent of a school corporation; and

(2) principals of each school in a school corporation;

may adopt regulations establishing lines of responsibility and related guidelines in compliance with the discipline policies of the governing

body.

(c) The governing body of a school corporation may delegate:

(1) rulemaking;

(2) disciplinary; and

(3) other authority;

as reasonably necessary to carry out the school purposes of the school corporation.

(d) Subsection (a) does not apply to rules or directions concerning the following:

(1) Movement of students.

(2) Movement or parking of vehicles.

(3) Day to day instructions concerning the operation of a classroom or teaching station.

(4) Time for commencement of school.

(5) Other standards or regulations relating to the manner in which an educational function must be administered.

However, this subsection does not prohibit the governing body from regulating the areas listed in this subsection.

As added by P.L.1-2005, SEC.17. Amended by P.L.242-2005, SEC.22; P.L.66-2009, SEC.3.

IC 20-33-8-13

Possession and self-administration of medication permitted

Sec. 13. (a) Discipline rules adopted under section 12 of this chapter must provide that a student with a chronic disease or medical condition may possess and self-administer medication for the chronic disease or medical condition during the times and in the places set forth under section 14(b) of this chapter if the following conditions are met:

(1) The student's parent has filed an authorization with the student's principal for the student to possess and self-administer the medication. The authorization must include the statement described in subdivision (2).

(2) A physician states in writing that:

(A) the student has an acute or chronic disease or medical condition for which the physician has prescribed medication;

(B) the student has been instructed in how to self-administer the medication; and

(C) the nature of the disease or medical condition requires emergency administration of the medication.

(b) The authorization and statement described in subsection (a) must be filed annually with the student's principal.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-13.5

Discipline rules prohibiting bullying required

Sec. 13.5. (a) Discipline rules adopted by the governing body of a school corporation under section 12 of this chapter must:

(1) prohibit bullying; and

(2) include provisions concerning education, parental

involvement, reporting, investigation, and intervention.

(b) The discipline rules described in subsection (a) must apply when a student is:

(1) on school grounds immediately before or during school hours, immediately after school hours, or at any other time when the school is being used by a school group;

(2) off school grounds at a school activity, function, or event;

(3) traveling to or from school or a school activity, function, or event; or

(4) using property or equipment provided by the school.

(c) The discipline rules described in subsection (a) must prohibit bullying through the use of data or computer software that is accessed through a:

(1) computer;

(2) computer system; or

(3) computer network;

of a school corporation.

(d) This section may not be construed to give rise to a cause of action against a person or school corporation based on an allegation of noncompliance with this section. Noncompliance with this section may not be used as evidence against a school corporation in a cause of action.

As added by P.L.106-2005, SEC.7. Amended by P.L.180-2011, SEC.2.

IC 20-33-8-14

Grounds for suspension or expulsion

Sec. 14. (a) The following are the grounds for student suspension or expulsion, subject to the procedural requirements of this chapter and as stated by school corporation rules:

(1) Student misconduct.

(2) Substantial disobedience.

(b) The grounds for suspension or expulsion listed in subsection (a) apply when a student is:

(1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;

(2) off school grounds at a school activity, function, or event; or

(3) traveling to or from school or a school activity, function, or event.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-15

Unlawful activity by student

Sec. 15. In addition to the grounds specified in section 14 of this chapter, a student may be suspended or expelled for engaging in unlawful activity on or off school grounds if:

(1) the unlawful activity may reasonably be considered to be an interference with school purposes or an educational function; or

(2) the student's removal is necessary to restore order or protect persons on school property;

including an unlawful activity during weekends, holidays, other school breaks, and the summer period when a student may not be attending classes or other school functions.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-16

Possession of firearms, deadly weapons, or destructive devices

Sec. 16. (a) As used in this section, "firearm" has the meaning set forth in IC 35-47-1-5.

(b) As used in this section, "deadly weapon" has the meaning set forth in IC 35-41-1-8. The term does not include a firearm or destructive device.

(c) As used in this section, "destructive device" has the meaning set forth in IC 35-47.5-2-4.

(d) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a firearm or destructive device to school or on school property; or

(2) in possession of a firearm or destructive device on school property;

must be expelled for at least one (1) calendar year, with the return of the student to be at the beginning of the first school semester after the end of the one (1) year period.

(e) The superintendent may, on a case by case basis, modify the period of expulsion under subsection (d) for a student who is expelled under this section.

(f) Notwithstanding section 20 of this chapter, a student who is:

(1) identified as bringing a deadly weapon to school or on school property; or

(2) in possession of a deadly weapon on school property;

may be expelled for not more than one (1) calendar year.

(g) A superintendent or the superintendent's designee shall immediately notify the appropriate law enforcement agency having jurisdiction over the property where the school is located if a student engages in a behavior described in subsection (d). The superintendent may give similar notice if the student engages in a behavior described in subsection (f). Upon receiving notification under this subsection, the law enforcement agency shall begin an investigation and take appropriate action.

(h) A student with disabilities (as defined in IC 20-35-7-7) who possesses a firearm on school property is subject to procedural safeguards under 20 U.S.C. 1415.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-17

Student's legal settlement not in attendance area

Sec. 17. A student may be expelled from school if the student's legal settlement is not in the attendance area of the school corporation where the student is enrolled.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-18

Maximum term of suspension; procedure

Sec. 18. (a) A principal may suspend a student for not more than ten (10) school days under section 14, 15, or 16 of this chapter. However, the student may be suspended for more than ten (10) school days under section 23 of this chapter.

(b) A principal may not suspend a student before the principal affords the student an opportunity for a meeting during which the student is entitled to the following:

(1) A written or an oral statement of the charges against the student.

(2) If the student denies the charges, a summary of the evidence against the student.

(3) An opportunity for the student to explain the student's conduct.

(c) When misconduct requires immediate removal of a student, the meeting under subsection (b) must begin as soon as reasonably possible after the student's suspension.

(d) Following a suspension, the principal shall send a written statement to the parent of the suspended student describing the following:

(1) The student's misconduct.

(2) The action taken by the principal.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-19

Expulsion procedure; appeals

Sec. 19. (a) A superintendent of a school corporation may conduct an expulsion meeting or appoint one (1) of the following to conduct an expulsion meeting:

(1) Legal counsel.

(2) A member of the administrative staff if the member:

(A) has not expelled the student during the current school year; and

(B) was not involved in the events giving rise to the expulsion.

The superintendent or a person designated under this subsection may issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at an expulsion meeting.

(b) An expulsion may take place only after the student and the student's parent are given notice of their right to appear at an expulsion meeting with the superintendent or a person designated under subsection (a). Notice of the right to appear at an expulsion meeting must:

(1) be made by certified mail or by personal delivery;

(2) contain the reasons for the expulsion; and

(3) contain the procedure for requesting an expulsion meeting.

(c) The individual conducting an expulsion meeting:

(1) shall make a written summary of the evidence heard at the expulsion meeting;

(2) may take action that the individual finds appropriate; and

(3) must give notice of the action taken under subdivision (2) to the student and the student's parent.

(d) If the student or the student's parent not later than ten (10) days of receipt of a notice of action taken under subsection (c) makes a written appeal to the governing body, the governing body:

(1) shall hold a meeting to consider:

(A) the written summary of evidence prepared under subsection (c)(1); and

(B) the arguments of the principal and the student or the student's parent;

unless the governing body has voted under subsection (f) not to hear appeals of actions taken under subsection (c); and

(2) may take action that the governing body finds appropriate.

The decision of the governing body may be appealed only under section 21 of this chapter.

(e) A student or a student's parent who fails to request and appear at an expulsion meeting after receipt of notice of the right to appear at an expulsion meeting forfeits all rights administratively to contest and appeal the expulsion. For purposes of this section, notice of the right to appear at an expulsion meeting or notice of the action taken at an expulsion meeting is effectively given at the time when the request or notice is delivered personally or sent by certified mail to a student and the student's parent.

(f) The governing body may vote to not hear appeals of actions taken under subsection (c). If the governing body votes to not hear appeals, subsequent to the date on which the vote is taken, a student or parent may appeal only under section 21 of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-20

Maximum term of expulsion; reenrollment in alternative program after expulsion or exclusion; reinstatement review

Sec. 20. (a) Except as provided in section 16 of this chapter, a student may not be expelled for a longer period than the remainder of the school year in which the expulsion took effect if the misconduct occurs during the first semester. If a student is expelled during the second semester, the expulsion remains in effect for summer school and may remain in effect for the first semester of the following school year, unless otherwise modified or terminated by order of the governing body. The appropriate authorities may require that a student who is at least sixteen (16) years of age and who wishes to reenroll after an expulsion or an exclusion attend an alternative program.

(b) An expulsion that takes effect more than three (3) weeks before the beginning of the second semester of a school year must be reviewed before the beginning of the second semester. The review:

(1) shall be conducted by the superintendent or an individual

designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;

(2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and

(3) may lead to a recommendation by the person conducting the review that the student be reinstated for the second semester.

(c) An expulsion that will remain in effect during the first semester of the following school year must be reviewed before the beginning of the school year. The review:

(1) shall be conducted by the superintendent or an individual designated under section 19(a) of this chapter after notice of the review has been given to the student and the student's parent;

(2) is limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original meeting; and

(3) may lead to a recommendation by the individual conducting the review that the student be reinstated for the upcoming school year.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-21

Scope of judicial review

Sec. 21. Judicial review of a governing body's action under this chapter by the circuit or superior court of the county in which a student who is the subject of the governing body's action resides is limited to the issue of whether the governing body acted without following the procedure required under this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-22

Effectiveness of statute during judicial review

Sec. 22. An expulsion that has been upheld by a governing body continues in effect during judicial review under section 21 of this chapter unless:

(1) the court grants a temporary restraining order under the Indiana Rules of Civil Procedure; and

(2) the school corporation was given the opportunity to appear at the hearing regarding the temporary restraining order.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-23

Suspension pending expulsion decision

Sec. 23. The superintendent or the person designated by the superintendent under section 19(a) of this chapter may continue suspension of a student for more than the ten (10) school day period of the principal's suspension and until the time of the expulsion decision under section 19 of this chapter if the superintendent or the designated person determines that the student's continued suspension will prevent or substantially reduce the risk of:

(1) interference with an educational function or school purposes; or

(2) a physical injury to the student, other students, school employees, or visitors to the school.

However, a student may not be suspended from school pending a meeting on a student's proposed expulsion if the expulsion is ordered under section 17 of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-24

Requirements for reenrollment after expulsion

Sec. 24. (a) This section applies to a student who:

(1) is at least sixteen (16) years of age; and

(2) wishes to reenroll after an expulsion.

(b) A principal may require a student to attend one (1) or more of the following:

(1) An alternative school or alternative educational program.

(2) Evening classes.

(3) Classes established for students who are at least sixteen (16) years of age.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-25

Additional disciplinary actions authorized

Sec. 25. (a) This section applies to an individual who:

(1) is a member of the administrative staff, a teacher, or other school staff member; and

(2) has students under the individual's charge.

(b) An individual may take disciplinary action instead of or in addition to suspension and expulsion that is necessary to ensure a safe, orderly, and effective educational environment. Disciplinary action under this section may include the following:

(1) Counseling with a student or group of students.

(2) Conferences with a parent or group of parents.

(3) Assigning additional work.

(4) Rearranging class schedules.

(5) Requiring a student to remain in school after regular school hours:

(A) to do additional school work; or

(B) for counseling.

(6) Restricting extracurricular activities.

(7) Removal of a student by a teacher from that teacher's class for a period not to exceed:

(A) five (5) class periods for middle, junior high, or high school students; or

(B) one (1) school day for elementary school students;

if the student is assigned regular or additional school work to complete in another school setting.

(8) Assignment by the principal of:

(A) a special course of study;

(B) an alternative educational program; or

(C) an alternative school.

(9) Assignment by the principal of the school where the recipient of the disciplinary action is enrolled of not more than one hundred twenty (120) hours of service with a nonprofit organization operating in or near the community where the school is located or where the student resides. The following apply to service assigned under this subdivision:

(A) A principal may not assign a student under this subdivision unless the student's parent approves:

(i) the nonprofit organization where the student is assigned; and

(ii) the plan described in clause (B)(i).

A student's parent may request or suggest that the principal assign the student under this subdivision.

(B) The principal shall make arrangements for the student's service with the nonprofit organization. Arrangements must include the following:

(i) A plan for the service that the student is expected to perform.

(ii) A description of the obligations of the nonprofit organization to the student, the student's parents, and the school corporation where the student is enrolled.

(iii) Monitoring of the student's performance of service by the principal or the principal's designee.

(iv) Periodic reports from the nonprofit organization to the principal and the student's parent or guardian of the student's performance of the service.

(C) The nonprofit organization must obtain liability insurance in the amount and of the type specified by the school corporation where the student is enrolled that is sufficient to cover liabilities that may be incurred by a student who performs service under this subdivision.

(D) Assignment of service under this subdivision suspends the implementation of a student's suspension or expulsion. A student's completion of service assigned under this subdivision to the satisfaction of the principal and the nonprofit organization terminates the student's suspension or expulsion.

(10) Removal of a student from school sponsored transportation.

(11) Referral to the juvenile court having jurisdiction over the student.

(c) As used in this subsection, "physical assault" means the knowing or intentional touching of another person in a rude, insolent, or angry manner. When a student physically assaults a person having authority over the student, the principal of the school where the student is enrolled shall refer the student to the juvenile court having jurisdiction over the student. However, a student with disabilities (as defined in IC 20-35-7-7) who physically assaults a person having

authority over the student is subject to procedural safeguards under 20 U.S.C. 1415.
As added by P.L.1-2005, SEC.17. Amended by P.L.66-2009, SEC.4.

IC 20-33-8-26
Rules requiring participation in disciplinary action by person caring for dependent student

Sec. 26. (a) The governing body of a school corporation may adopt rules that require a person having care of a dependent student to participate in an action taken under this chapter in connection with a student's behavior. The rules must include the following:

(1) Procedures for giving actual notice to the person having care of the dependent student.

(2) A description of the steps that the person must take to participate in the school corporation's action.

(3) A description of the additional actions in connection with the student's behavior that are justified in part or in full if the person does not participate in the school corporation's action.

(b) A dependent student is a child in need of services under IC 31-34-1-7 if, before the student child becomes eighteen (18) years of age:

(1) the student's parent fails to participate in a disciplinary proceeding in connection with the student's improper behavior, as provided for by this section, if the behavior of the student has been repeatedly disruptive in the school; and

(2) the student needs care, treatment, or rehabilitation that the child:

(A) is not receiving; and

(B) is unlikely to be provided or accepted without the coercive intervention of the court.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-27
Supplemental procedures authorized

Sec. 27. The governing body of a school corporation may by rule:

(1) amplify;

(2) supplement; or

(3) extend;

the procedures provided in this chapter in any manner that is consistent with this chapter.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-28
Waiver of rights

Sec. 28. Any rights granted to a student or a student's parent by this chapter may be waived only by a written instrument signed by both the student and the student's parent. The waiver is valid if made:

(1) voluntarily; and

(2) with the knowledge of the:

(A) procedures available under this chapter; and

(B) consequences of the waiver.
As added by P.L.1-2005, SEC.17.

IC 20-33-8-29
Special schools

Sec. 29. (a) As used in this section, "special school" includes the following:

(1) A career and technical education school.
(2) A special education school or program.
(3) An alternative school or program.

(b) To the extent possible, this chapter applies to a special school.

(c) The governing body of a special school may make necessary modifications to the responsibilities of school personnel under this chapter to accommodate the administrative structure of a special school.

(d) In addition to a disciplinary action imposed by a special school, the principal of the school where a student is enrolled may without additional procedures adopt a disciplinary action or decision of a special school as a disciplinary action of the school corporation.
As added by P.L.1-2005, SEC.17. Amended by P.L.234-2007, SEC.119.

IC 20-33-8-30
Enrollment in another school corporation or charter school during period of expulsion or proposed expulsion

Sec. 30. (a) This section applies to the following:

(1) A student who:
(A) is expelled from a school corporation or charter school under this chapter; or
(B) withdraws from a school corporation or charter school to avoid expulsion.
(2) A student who:
(A) is required to separate for disciplinary reasons from a nonpublic school or a school in a state other than Indiana by the administrative authority of the school; or
(B) withdraws from a nonpublic school or a school in a state other than Indiana in order to avoid being required to separate from the school for disciplinary reasons by the administrative authority of the school.

(b) The student referred to in subsection (a) may enroll in another school corporation or charter school during the period of the actual or proposed expulsion or separation if:

(1) the student's parent informs the school corporation in which the student seeks to enroll and also:
(A) in the case of a student withdrawing from a charter school that is not a conversion charter school to avoid expulsion, the conversion charter school; or
(B) in the case of a student withdrawing from a conversion charter school to avoid expulsion:
(i) the conversion charter school; and

(ii) the school corporation that sponsored the conversion charter school;

of the student's expulsion, separation, or withdrawal to avoid expulsion or separation;

(2) the school corporation (and, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school) consents to the student's enrollment; and

(3) the student agrees to the terms and conditions of enrollment established by the school corporation (or, in the case of a student withdrawal described in subdivision (1)(A) or (1)(B), the charter school or conversion charter school).

(c) If:

(1) a student's parent fails to inform the school corporation of the expulsion or separation or withdrawal to avoid expulsion or separation; or

(2) a student fails to follow the terms and conditions of enrollment under subsection (b)(3);

the school corporation or charter school may withdraw consent and prohibit the student's enrollment during the period of the actual or proposed expulsion or separation.

(d) Before a consent is withdrawn under subsection (c) the student must have an opportunity for an informal meeting before the principal of the student's proposed school. At the informal meeting, the student is entitled to:

(1) a written or an oral statement of the reasons for the withdrawal of the consent;

(2) a summary of the evidence against the student; and

(3) an opportunity to explain the student's conduct.

(e) This section does not apply to a student who is expelled under section 17 of this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-31

Effect of suspension or expulsion on compulsory attendance laws

Sec. 31. If a student is suspended or expelled from school or from any educational function under this chapter, the student's absence from school because of the suspension or expulsion is not a violation of:

(1) IC 20-33-2; or

(2) any other statute relating to compulsory school attendance.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-32

Locker searches

Sec. 32. (a) A school corporation must provide each:

(1) student; and

(2) student's parent;

a copy of the rules of the governing body on searches of students' lockers and locker contents.

(b) A student who uses a locker that is the property of a school

corporation is presumed to have no expectation of privacy in:

(1) that locker; or

(2) the locker's contents.

(c) In accordance with the rules of the governing body, a principal may search:

(1) a student's locker; and

(2) the locker's contents;

at any time.

(d) A law enforcement agency having jurisdiction over the geographic area having a school facility containing a student's locker may:

(1) at the request of the school principal; and

(2) in accordance with rules of the governing body of the school corporation;

assist a school administrator in searching a student's locker and the locker's contents.

As added by P.L.1-2005, SEC.17.

IC 20-33-8-33

Duty to submit information to bureau of motor vehicles

Sec. 33. Before February 1 and before October 1 of each year, except when a hearing has been requested to determine financial hardship under IC 9-24-2-1(a)(4), a principal shall submit to the bureau of motor vehicles the pertinent information concerning an individual's ineligibility under IC 9-24-2-1 to be issued a driver's license or learner's permit, or concerning the invalidation of a license or permit under IC 9-24-2-4.

As added by P.L.1-2005, SEC.17. Amended by P.L.231-2005, SEC.44.

IC 20-33-8-34

Disciplinary action for children with disabilities

Sec. 34. (a) Notwithstanding any other law, a suspension, an expulsion, or another disciplinary action against a student who is a child with a disability (as defined in IC 20-35-1-2) is subject to the:

(1) procedural requirements of 20 U.S.C. 1415; and

(2) rules adopted by the state board.

(b) The division of special education shall propose rules under IC 20-35-2-1(b)(5) to the state board for adoption under IC 4-22-2 governing suspensions, expulsions, and other disciplinary action for a student who is a child with a disability (as defined in IC 20-35-1-2).

As added by P.L.1-2005, SEC.17.

IC 20-33-8.5

Chapter 8.5. Court Assisted Resolution of Suspension and Expulsion Cases

IC 20-33-8.5-1

Applicability

Sec. 1. This chapter does not apply to a nonpublic school.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-2

Agreement between superintendent and court having juvenile jurisdiction

Sec. 2. A superintendent and a court having juvenile jurisdiction in the county may enter into a voluntary agreement (referred to as the "agreement" in this chapter) for court assisted resolution of school suspension and expulsion cases. The agreement may require the court to supervise or provide for the supervision of an expelled or suspended student who has been referred to the court by the school corporation in accordance with the terms of the agreement.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-3

Agreement; court's responsibilities

Sec. 3. The agreement may require that a court do one (1) or more of the following:

(1) Establish a flexible program for the supervision of a student who has been suspended or expelled.

(2) Supervise a student who has been suspended or expelled.

(3) Require a student who has been suspended or expelled to participate in a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-4

Agreement; school corporation's responsibilities

Sec. 4. (a) The agreement may require that a school corporation do one (1) or more of the following:

(1) Define the violation for which a student who has been suspended or expelled shall be referred to the court.

(2) Refer a student who has been suspended or expelled for a violation described in subdivision (1) to the court.

(3) Establish a school program (including an alternative educational program) for the supervision of a student who has been suspended or expelled.

(b) If a school corporation enters into an agreement, the discipline rules adopted by the school corporation under IC 20-33-8-12 must specify the violations for which a student may be referred to the court under the agreement.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-5

Agreement; payment of expenses

Sec. 5. The agreement must provide how the expenses of supervising a student who has been suspended or expelled are funded. A school corporation may not be required to expend more than the transition to foundation amount (as determined under IC 20-43-5-6) for each student referred under the agreement.

As added by P.L.242-2005, SEC.23. Amended by P.L.2-2006, SEC.156; P.L.234-2007, SEC.228; P.L.182-2009(ss), SEC.321.

IC 20-33-8.5-6

Informal hearing before court

Sec. 6. A student shall be given an informal hearing before the court, in a setting agreed upon by the court and the school system, as soon as practicable following the student's referral to the court, after notice of the hearing has been provided to the student's parent.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-7

Hearing not a determination of whether student is child in need of services

Sec. 7. A hearing under this chapter is not a hearing to determine whether a student who has been suspended or expelled is a child in need of services. However, if a court determines that a student who has been suspended or expelled may:

(1) be a child in need of services (as described in IC 31-34-1); or

(2) have committed a delinquent act (as described in IC 31-37);

the court may notify the office of family and children or the prosecuting attorney.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-8

Presence of parent or guardian at hearing

Sec. 8. A parent or guardian has the right to be present and may be required to be present during the student's appearance.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-9

Appearance of student not to be used in subsequent court proceedings

Sec. 9. A student's appearance in court under this chapter shall not be used against the child or the child's parents or guardians in any subsequent court proceeding, including but not limited to any delinquency or child in need of services matter under IC 31.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-10

Expungement of court record

Sec. 10. All records of the student's court appearance shall be

expunged upon the student's completion of the out-of-school suspension or expulsion program.
As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-11
Student with disability; procedural requirements

Sec. 11. Notwithstanding the terms of the agreement, a suspension, an expulsion, or a referral of a student who is a child with a disability (as defined in IC 20-1-6-1) is subject to the:

(1) procedural requirements of 20 U.S.C. 1415; and

(2) rules adopted by the Indiana state board of education.

As added by P.L.242-2005, SEC.23.

IC 20-33-8.5-12
Child not deprived of due process rights

Sec. 12. This chapter does not deprive a child of any due process rights to which the child may be entitled.
As added by P.L.242-2005, SEC.23.

IC 20-33-9

Chapter 9. Reporting Requirements

IC 20-33-9-1

Application of chapter

Sec. 1. Sections 5 through 9 of this chapter apply to the following:

(1) A violation under IC 7.1-5-7 (concerning minors and alcoholic beverages).

(2) A violation under IC 35-48-4 (offenses related to controlled substances).

As added by P.L.1-2005, SEC.17.

IC 20-33-9-1.3

"Battery"

Sec. 1.3. As used in this chapter, "battery" refers to battery under IC 35-42-2-1.

As added by P.L.72-2006, SEC.2.

IC 20-33-9-1.5

"Harassment"

Sec. 1.5. As used in this chapter, "harassment" refers to harassment under IC 35-45-2-2.

As added by P.L.72-2006, SEC.3.

IC 20-33-9-2

"Intimidation"

Sec. 2. As used in this chapter, "intimidation" refers to intimidation under IC 35-45-2-1.

As added by P.L.1-2005, SEC.17.

IC 20-33-9-3

"Member of the administrative staff"

Sec. 3. As used in this chapter, "member of the administrative staff" or comparable language means a school corporation employee who:

(1) is certificated under the statutes relating to the licensing of teachers; and

(2) has supervisory authority.

As added by P.L.1-2005, SEC.17.

IC 20-33-9-4

"Threat"

Sec. 4. As used in this chapter, "threat" has the meaning set forth in IC 35-45-2-1.

As added by P.L.1-2005, SEC.17.

IC 20-33-9-5

Controlled substance violations; reports by school employees

Sec. 5. If a person other than a member of the administrative staff who is an employee of a school corporation has personally observed:

(1) a violation described in section 1 of this chapter; or
(2) a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult;

in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the person, the person shall immediately report the violation in writing to a member of the administrative staff of the school corporation employing the person.
As added by P.L.1-2005, SEC.17.

IC 20-33-9-6
Controlled substance violations; reports by members of administrative staffs

Sec. 6. A member of the administrative staff who, based on personal knowledge or on the report of another employee of the school corporation, believes that a person has committed a violation described in section 1 of this chapter or a delinquent act that would be a violation described in section 1 of this chapter if the violator were an adult in, on, or within one thousand (1,000) feet of the school property of the school corporation employing the member, shall immediately report:

(1) a general description of the violation;
(2) the name or a general description of each violator known to the member;
(3) the date, time, and and place of the violation;
(4) the name or a general description of each person who the member knows witnessed any part of the violation; and
(5) a general description and the location of any property that the member knows was involved in the violation;

in writing to a law enforcement officer.
As added by P.L.1-2005, SEC.17.

IC 20-33-9-7
Privileged or confidential information

Sec. 7. A report is not required under sections 5 through 6 of this chapter if:

(1) a federal statute or regulation;
(2) IC 20-28-10-17, IC 25-33-1-17, IC 34-46-3-1, or another state statute; or
(3) a rule adopted by a state agency;

imposes a duty on the employee of the school corporation or member of the administrative staff not to disclose privileged or confidential information that otherwise would have been the basis of a report.
As added by P.L.1-2005, SEC.17.

IC 20-33-9-8
Immunity from civil liability; presumption of good faith

Sec. 8. (a) A person, other than a person who has committed a violation under section 1 of this chapter or a delinquent act that would be a violation under section 1 of this chapter if the violator were an adult, who:

(1) makes a report under this chapter in good faith;
(2) participates in good faith in a judicial proceeding resulting from a report under this chapter;
(3) employs a person described in subdivision (1) or (2); or
(4) supervises a person described in subdivision (1) or (2);

is not liable for civil damages or penalties that might otherwise be imposed because of the conduct described in subdivisions (1) through (4).

(b) A person described in subsection (a)(1) or (a)(2) is presumed to act in good faith.

As added by P.L.1-2005, SEC.17.

IC 20-33-9-9

Programs to implement chapter

Sec. 9. The law enforcement agencies and the school corporations in each county shall develop and administer a program to efficiently implement this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-9-10

Duty to report threat

Sec. 10. In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee:

(1) has received a threat;
(2) is the victim of intimidation;
(3) is the victim of battery; or
(4) is the victim of harassment;

shall report that information as required by this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.72-2006, SEC.4.

IC 20-33-9-11

Procedure to make report

Sec. 11. (a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment.

(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 of this chapter.

As added by P.L.1-2005, SEC.17. Amended by P.L.72-2006, SEC.5.

IC 20-33-9-12

Relief of obligation to report

Sec. 12. This chapter does not relieve an individual of the obligation to report a threat, intimidation, a battery, or harassment on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

As added by P.L.1-2005, SEC.17. Amended by P.L.72-2006, SEC.6.

IC 20-33-9-13

Oral report to local law enforcement agency

Sec. 13. An individual who has a duty under sections 10 through 12 of this chapter to report that a school employee may have received a threat or may be the victim of intimidation, battery, or harassment shall immediately make an oral report to the local law enforcement agency.

As added by P.L.1-2005, SEC.17. Amended by P.L.72-2006, SEC.7.

IC 20-33-9-14

Immunity from liability

Sec. 14. Except as provided in section 15 of this chapter, an individual, other than a person accused of making a threat against a school employee, intimidating a school employee, committing a battery against a school employee, or harassing a school employee, who:

(1) makes, or causes to be made, a report under this chapter; or

(2) participates in any judicial proceeding or other proceeding:

(A) resulting from a report under this chapter; or

(B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions.

As added by P.L.1-2005, SEC.17. Amended by P.L.72-2006, SEC.8.

IC 20-33-9-15

Liability

Sec. 15. An individual who has acted maliciously or in bad faith is not immune from civil or criminal liability under this chapter.

As added by P.L.1-2005, SEC.17.

IC 20-33-9-16

Good faith

Sec. 16. An individual making a report under sections 10 through 14 of this chapter or assisting in any requirement of sections 10 through 14 of this chapter is presumed to have acted in good faith.

As added by P.L.1-2005, SEC.17.

IC 20-33-10

Chapter 10. Access to High School Student Information by Military Organizations

IC 20-33-10-1

Applicability of chapter

Sec. 1. This chapter applies only to public high schools.

As added by P.L.1-2005, SEC.17.

IC 20-33-10-2

"Armed forces of the United States"

Sec. 2. As used in this chapter, "armed forces of the United States" means:

(1) the United States Air Force;
(2) the United States Army;
(3) the United States Coast Guard;
(4) the United States Marine Corps;
(5) the United States Navy; and
(6) any reserve components of the military forces listed in subdivisions (1) through (5).

As added by P.L.1-2005, SEC.17.

IC 20-33-10-3

"Student directory information"

Sec. 3. As used in this chapter, "student directory information" means the student's:

(1) name;
(2) address; and
(3) telephone number, if the telephone number is a listed or published telephone number.

As added by P.L.1-2005, SEC.17.

IC 20-33-10-4

Access to student information by military recruiters; exclusions; fee

Sec. 4. (a) Except as provided in subsection (b), a high school shall provide access to the high school campus and the high school's student directory information to official recruiting representatives of:

(1) the armed forces of the United States;
(2) the Indiana Air National Guard;
(3) the Indiana Army National Guard; and
(4) the service academies of the armed forces of the United States;

for purposes of informing students of educational and career opportunities available in the armed forces of the United States, the Indiana Air National Guard, the Indiana Army National Guard, and the service academies of the armed forces of the United States.

(b) If:

(1) a high school student; or
(2) the parent of a high school student;

submits a signed, written request to a high school at the end of the student's sophomore year that indicates the student or the parent of the student does not want the student's directory information to be provided to official recruiting representatives under subsection (a), the high school may not provide access to the student's directory information to an official recruiting representative. A high school shall notify students and the parents, guardians, or custodians of students of the provisions of this subsection.

(c) A high school may require an official recruiting representative to pay a fee:

(1) for copying and mailing the high school's student directory information described under subsection (a); and

(2) in an amount that is not more than the actual costs incurred by the high school.

As added by P.L.1-2005, SEC.17.

IC 20-33-10-5

Restrictions on use of information

Sec. 5. Information received by an official recruiting representative under section 4 of this chapter:

(1) may be used only to provide information to students concerning educational and career opportunities available in:

(A) the armed forces of the United States;

(B) the Indiana Air National Guard;

(C) the Indiana Army National Guard; and

(D) the service academies of the armed forces of the United States; and

(2) may not be released to a person who is not involved in recruiting high school students for:

(A) the armed forces of the United States;

(B) the Indiana Air National Guard;

(C) the Indiana Army National Guard; and

(D) the service academies of the armed forces of the United States.

As added by P.L.1-2005, SEC.17.

IC 20-33-11

Chapter 11. Interrogation of a Student

IC 20-33-11-1

Application of definitions

Sec. 1. The definitions in IC 20-33-8 apply to this chapter.

As added by P.L.67-2007, SEC.1.

IC 20-33-11-2

Chapter compliance

Sec. 2. A school, including a public or nonpublic school, shall comply with this chapter.

As added by P.L.67-2007, SEC.1.

IC 20-33-11-3

Parental notification of student interrogations

Sec. 3. (a) This section applies if a school does not have a policy that requires a student's parent to be notified if the student is interrogated on school property by a law enforcement officer.

(b) If a student who is at least eighteen (18) years of age is interrogated by a law enforcement officer:

(1) on school property; and

(2) regarding an investigation in which the student may be a suspect;

the school principal must make an effort to immediately notify the student's parent of the interrogation, or if immediate notification is not possible, the school principal must notify the student's parent not later than twelve (12) hours after the interrogation occurs. This subsection does not require the presence of a student's parent at the interrogation if the student is eighteen (18) years of age or older.

As added by P.L.67-2007, SEC.1.

IC 20-33-11-4

Schools with policies regarding student interrogations

Sec. 4. If a school has a policy that requires a student's parent to be notified by a designated school employee if the student is interrogated on school property by a law enforcement officer, the school policy must apply to all students, regardless of the age of the student.

As added by P.L.67-2007, SEC.1.

IC 20-34

ARTICLE 34. STUDENT HEALTH AND SAFETY MEASURES

IC 20-34-1

Chapter 1. Acquired Immune Deficiency Syndrome Advisory Council

IC 20-34-1-1

"AIDS"

Sec. 1. As used in this chapter, "AIDS" means the communicable disease known as acquired immune deficiency syndrome.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-2

"Council"

Sec. 2. As used in this chapter, "council" refers to an AIDS advisory council established under this chapter.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-3

Establishing council

Sec. 3. (a) The governing body of each school corporation shall establish a council.

(b) Subsection (a) does not apply to a school corporation that has:

(1) established an advisory committee composed of parents, students, teachers, administrators, and representatives of the state department of health; and

(2) met and identified educational materials and resources reflecting community standards on AIDS before February 15, 1988.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-4

Membership; number; appointment

Sec. 4. The council consists of thirteen (13) members. The governing body shall appoint all the members of the council.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-5

Qualification of trained council member

Sec. 5. One (1) member of the council must be:

(1) a representative of the local board of health or state department of health; and

(2) trained in the area of dangerous communicable diseases, including AIDS.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-6

Remaining membership

Sec. 6. The remaining members must include the following individuals:

(1) Two (2) students.

(2) Two (2) teachers.

(3) Two (2) parents of children who attend public schools governed by the governing body.

(4) Two (2) representatives of school administrators.

(5) Two (2) representatives of the health care professions, one (1) of whom must be a physician licensed under IC 25-22.5.

(6) Two (2) citizens who reside in the community served by the school corporation.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-7

Term

Sec. 7. The term of a council member is two (2) years, beginning upon appointment. If a successor is not appointed at the end of the term, the term continues until a successor is appointed.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-8

Election of officers

Sec. 8. The council shall, at its first meeting of each year, elect a chairperson, vice chairperson, and secretary.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-9

Terms of officers

Sec. 9. The term of an officer elected under section 8 of this chapter:

(1) begins upon election; and

(2) ends upon the election of a successor.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-10

Staff

Sec. 10. The governing body shall furnish the council with the necessary staff to conduct the council's business.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-11

Instruction of members

Sec. 11. At the first meeting of each year, a representative of the local board of health or state department of health, or an individual approved by the state department of health, shall instruct the members of the council on the source, transmission, and prevention of AIDS.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-12

Public meeting; attitudes and values

Sec. 12. At the second meeting of each year, the council shall hold a public meeting and solicit testimony from members of the community concerning community attitudes and values on matters that affect the instruction on AIDS that is presented within the school corporation.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-13

Educational materials and resources

Sec. 13. The council shall do the following:

(1) Identify and study educational materials and resources on AIDS that are available for use in the schools within the school corporation.

(2) Determine which educational materials and resources are based on sound medical principles and reflect the attitude of the community.

(3) Recommend to the school corporation educational materials and resources on AIDS that reflect the standards of the community.

As added by P.L.1-2005, SEC.18.

IC 20-34-1-14

Governing body's duty to consider recommendations

Sec. 14. The governing body shall consider the recommendations of the council.

As added by P.L.1-2005, SEC.18.

IC 20-34-2

Chapter 2. Drug-Free Schools Committee

IC 20-34-2-1

"Committee"

Sec. 1. As used in this chapter, "committee" refers to a drug-free schools committee.

As added by P.L.1-2005, SEC.18.

IC 20-34-2-2

Establishing committee

Sec. 2. To facilitate the establishment of drug-free schools in Indiana, the governing body of each school corporation shall establish a drug-free schools committee for each school in the school corporation.

As added by P.L.1-2005, SEC.18.

IC 20-34-2-3

Membership

Sec. 3. Each committee must consist of not more than fifteen (15) members who represent the following from the school corporation:

(1) School personnel.

(2) Parents of students.

(3) Representatives of the community.

As added by P.L.1-2005, SEC.18.

IC 20-34-2-4

Appointments

Sec. 4. Appointments to the committee must be made in compliance with contractual provisions, discussion procedures, or past practice.

As added by P.L.1-2005, SEC.18.

IC 20-34-2-5

Duties

Sec. 5. Each committee shall do the following:

(1) Develop a drug-free school plan that:

(A) requires each school to collect and report drug related activities in the school, including suspensions, expulsions, exclusions, police actions, or any other type of drug related behavior; and

(B) addresses ways to eliminate illegal drugs and drug related behavior in schools.

(2) Oversee the implementation of the school plan.

(3) Oversee the implementation of the curriculum under IC 20-30-5-11.

As added by P.L.1-2005, SEC.18.

IC 20-34-3

Chapter 3. Health and Safety Measures

IC 20-34-3-1

Rules

Sec. 1. (a) When the power to make rules for the administration of a section of this chapter or IC 20-34-4 is not specifically granted to a particular board or agency, the state department of health and the state board shall jointly adopt rules.

(b) A rule adopted under this chapter or IC 20-34-4 must comply with IC 4-22-2. However, the state department of health may prescribe forms for any reports required under this chapter or IC 20-34-4 without formal procedures.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-2

Religious objections

Sec. 2. (a) Except as otherwise provided, a student may not be required to undergo any testing, examination, immunization, or treatment required under this chapter or IC 20-34-4 when the child's parent objects on religious grounds. A religious objection does not exempt a child from any testing, examination, immunization, or treatment required under this chapter or IC 20-34-4 unless the objection is:

(1) made in writing;

(2) signed by the child's parent; and

(3) delivered to the child's teacher or to the individual who might order a test, an exam, an immunization, or a treatment absent the objection.

(b) A teacher may not be compelled to undergo any testing, examination, or treatment under this chapter or IC 20-34-4 if the teacher objects on religious grounds. A religious objection does not exempt an objecting individual from any testing, examination, or treatment required under this chapter or IC 20-34-4 unless the objection is:

(1) made in writing;

(2) signed by the objecting individual; and

(3) delivered to the principal of the school in which the objecting individual teaches.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-3

Exception for student's health

Sec. 3. If a physician certifies that a particular immunization required by this chapter or IC 20-34-4 is or may be detrimental to a student's health, the requirements of this chapter or IC 20-34-4 for that particular immunization is inapplicable for the student until the immunization is found no longer detrimental to the student's health.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-4

Medical inspection of student

Sec. 4. The governing body of a school corporation may provide for the inspection of students by a school physician to determine whether any child suffers from disease, disability, decayed teeth, or other defects that may reduce the student's efficiency or prevent the student from receiving the full benefit of the student's school work.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-5

Exemption from examination

Sec. 5. If the parent of a student furnishes a certificate of examination from an Indiana physician at the beginning of a school year, the student is exempt from any examination the governing body requires under section 4 of this chapter. The certificate of examination must state that the physician has examined the student and reported the results of the examination to the parent. The governing body may require a parent to periodically furnish additional certificates.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-6

School physicians and nurses

Sec. 6. (a) The governing body of a school corporation may appoint one (1) or more school physicians and one (1) or more nurses who are registered to practice nursing in Indiana.

(b) A nurse appointed under this section is responsible for emergency nursing care of students when an illness or accident occurs during school hours or on or near school property.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-7

Joint employment of physicians, health coordinators, or nurses

Sec. 7. (a) Two (2) or more school corporations may jointly employ one (1) physician, one (1) health coordinator, and one (1) or more nurses. School corporations may also employ the personnel jointly with a civil city or town.

(b) Arrangements under this section must be on terms agreeable to all school corporations involved.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-8

School physician duties

Sec. 8. A school physician shall promptly examine each student who is referred to the physician. The physician shall examine teachers and janitors and inspect school buildings to the extent required, in the physician's opinion, to protect the health of students and teachers.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-9

Students found to be ill; medical care; readmission; appeals

Sec. 9. (a) If a student is ill, has a communicable disease, or is infested with parasites, the school principal may send the student home with a note to the student's parent. The note must describe the nature of the illness or infestation and, if appropriate, recommend that the family physician be consulted.

(b) If the parent of a student who is sent home under this section is financially unable to provide the necessary medical care, the medical care shall be provided by a public health facility. If a public health facility is not available, the township trustee or an appropriate governmental agency shall provide the necessary care.

(c) A student who is sent home under this section may be readmitted to the school:

(1) when it is apparent to school officials that the student is no longer ill, no longer has a communicable disease, or is no longer infested with parasites;

(2) upon certification of a physician that the student is no longer ill, no longer has a communicable disease, or is no longer infested with parasites;

(3) upon certification of a physician that the student has a communicable disease, but the disease is not transmissible through normal school contacts; or

(4) upon certification of a Christian Science practitioner, who is listed in The Christian Science Journal, that based on the practitioner's observation the student apparently is no longer ill, no longer has a communicable disease, or is no longer infested with parasites.

If school personnel disagree with the certifying physician or Christian Science practitioner as to whether the student should be readmitted to school, the local health officer shall determine whether the student may be readmitted to school.

(d) An individual who objects to the determination made by the local health officer under this section may appeal to the commissioner of the state department of health, who is the ultimate authority. IC 4-21.5 applies to appeals under this subsection.

As added by P.L.1-2005, SEC.18.

IC 20-34-3-10

Sickle cell anemia tests

Sec. 10. (a) A sickle cell anemia test shall be administered to each student when the examining physician or school nurse determines that the test is necessary. The physician shall state on the examination form whether the test was given and, if it was, the result. All positive results shall be filed with the examining physician and the state department of health.

(b) The state department of health and the state board shall adopt joint rules concerning sickle cell anemia testing equipment, qualifications for sickle cell anemia testing personnel, and sickle cell anemia testing procedures.

(c) Records of all tests administered under this section shall be made and continuously maintained by the state department of health to provide information useful in protecting, promoting, and maintaining the health of students.
As added by P.L.1-2005, SEC.18.

IC 20-34-3-11
Lead poisoning tests

Sec. 11. (a) The governing body of a school corporation may require students to be tested for lead poisoning.

(b) If a student's parent states in writing that the parent is financially unable to pay for a test under this section, the student shall be referred to the free clinic or public health facility in the area that provides services for indigents.

(c) The state department of health and the state board shall adopt joint rules concerning lead poisoning testing under this section.

(d) Records of all tests administered under this section shall be made and continuously maintained by the state department of health to provide information useful in protecting, promoting, and maintaining the health of students.
As added by P.L.1-2005, SEC.18.

IC 20-34-3-12
Vision tests; records; report on information

Sec. 12. (a) For purposes of this section, "modified clinical technique" means a battery of vision tests that includes:

(1) a visual acuity test to determine an individual's ability to see at various distances;

(2) a refractive error test to determine the focusing power of the eye;

(3) an ocular health test to determine any external or internal abnormalities of the eye; and

(4) a binocular coordination test to determine if the eyes are working together properly.

(b) The governing body of each school corporation shall conduct:

(1) an annual vision test, using the modified clinical technique, of each student upon the student's enrollment in either kindergarten or grade 1; and

(2) an annual screening test of the visual acuity of each student enrolled in or transferred to grade 3 and grade 8 and of all other students suspected of having a visual defect.

(c) Records of all tests shall be made and continuously maintained by the school corporation to provide information useful in protecting, promoting, and maintaining the health of students. The state department of health and the state board shall adopt joint rules concerning vision testing equipment, qualifications of vision testing personnel, visual screening procedures, and criteria for failure and referral in the screening tests based on accepted medical practice and standards.

(d) The school corporation's governing body and the

superintendent shall receive the following information concerning the tests conducted under this section:

(1) The number of students tested.

(2) The number of students who passed a test.

(3) The number of students who failed a test or were referred for further testing.

(e) Each school corporation shall annually provide to the department, for each school within the school corporation, the following information concerning the tests conducted under this section:

(1) Whether the tests were conducted at the school.

(2) If the tests were not conducted at the school, the reason for not performing the tests.

(3) If the tests were conducted at the school, the number of students tested.

(f) Not later than October 1, 2010, the department shall report the information received from school corporations under subsection (e) to the legislative council in electronic format under IC 5-14-6.

As added by P.L.1-2005, SEC.18. Amended by P.L.161-2009, SEC.3.

IC 20-34-3-13

School corporation waiver of vision tests; records of waiver requests

Sec. 13. (a) If a school corporation is unable to comply with section 12(b)(1) of this chapter, the governing body may, before November 1 of a school year, request from the state superintendent a waiver of the requirements of section 12(b)(1) of this chapter.

(b) The waiver request under subsection (a) must:

(1) be in writing;

(2) include the reason or reasons that necessitated the waiver request; and

(3) indicate the extent to which the governing body attempted to comply with the requirements under section 12(b)(1) of this chapter.

(c) The state superintendent shall take action on the waiver request not later than thirty (30) days after receiving the waiver request.

(d) The state superintendent may:

(1) approve the waiver request;

(2) deny the waiver request; or

(3) provide whatever relief that may be available to enable the school corporation to comply with the requirements under section 12(b)(1)of this chapter.

(e) If the state superintendent approves the waiver request, the governing body shall conduct an annual screening test of the visual acuity of each student upon the student's enrollment in or transfer to grade 1.

(f) The governing body of each school corporation shall make and maintain records of all waivers requested by the governing body under this section.

(g) The state superintendent shall make and continuously maintain records of all actions taken by the state superintendent concerning all waivers requested under this section.
As added by P.L.1-2005, SEC.18. Amended by P.L.161-2009, SEC.4.

IC 20-34-3-14
Hearing tests

Sec. 14. (a) The governing body of each school corporation shall annually conduct an audiometer test or a similar test to determine the hearing efficiency of the following students:

(1) Students in grade 1, grade 4, grade 7, and grade 10.
(2) A student who has transferred into the school corporation.
(3) A student who is suspected of having hearing defects.

(b) A governing body may appoint the technicians and assistants necessary to perform the testing required under this section.

(c) Records of all tests shall be made and continuously maintained by the school corporation to provide information that may assist in diagnosing and treating any student's auditory abnormality. However, diagnosis and treatment shall be performed only on recommendation of an Indiana physician who has examined the student.

(d) The governing body may adopt rules for the administration of this section.
As added by P.L.1-2005, SEC.18.

IC 20-34-3-15
Remedial measures for hearing impaired students

Sec. 15. (a) Whenever the test required under section 14 of this chapter discloses that the hearing of a student is impaired and the student cannot be taught advantageously in regular classes, the governing body of the school corporation shall provide appropriate remedial measures and correctional devices. The governing body shall advise the student's parent of the proper medical care, attention, and treatment needed. The governing body shall provide approved mechanical auditory devices and prescribe courses in lip reading by qualified, competent, and approved instructors. The state superintendent and the director of the rehabilitation services bureau of the division of disability and rehabilitative services shall:

(1) cooperate with school corporations to provide assistance under this section; and
(2) provide advice and information to assist school corporations in complying with this section.

The governing body may adopt rules for the administration of this section.

(b) Each school corporation may receive and accept bequests and donations for immediate use or as trusts or endowments to assist in meeting costs and expenses incurred in complying with this section. When funds for the full payment of the expenses are not otherwise available in a school corporation, an unexpended balance in the state treasury that is available for the use of local schools and is otherwise unappropriated may be loaned to the school corporation for that

purpose by the governor. A loan made by the governor under this section shall be repaid to the fund in the state treasury from which the loan came not more than two (2) years after the date it was advanced. Loans under this section shall be repaid through the levying of taxes in the borrowing school corporation.
As added by P.L.1-2005, SEC.18. Amended by P.L.141-2006, SEC.95.

IC 20-34-3-16
Repealed
(*Repealed by P.L.4-2007, SEC.1.)*

IC 20-34-3-17
AIDS information; contents; consent to distribute
Sec. 17. (a) The state board shall provide information stressing the moral aspects of abstinence from sexual activity in any literature that it distributes to students and young adults concerning available methods for the prevention of acquired immune deficiency syndrome (AIDS). The literature must state that the best way to avoid AIDS is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship.
(b) The state board may not distribute AIDS literature described in subsection (a) to students without the consent of the governing body of the school corporation the students attend.
As added by P.L.1-2005, SEC.18.

IC 20-34-3-18
Release of medication
Sec. 18. (a) This section does not apply to medication possessed by a student for self-administration under IC 20-33-8-13.
(b) Medication that is possessed by a school for administration during school hours or at school functions for a student may be released to:
(1) the student's parent; or
(2) an individual who is:
(A) at least eighteen (18) years of age; and
(B) designated in writing by the student's parent to receive the medication.
(c) A school corporation may send home medication that is possessed by a school for administration during school hours or at school functions with a student if the student's parent provides written permission for the student to receive the medication.
As added by P.L.1-2005, SEC.18. Amended by P.L.76-2005, SEC.4.

IC 20-34-3-19
Eye protection devices
Sec. 19. (a) Each public school student and teacher shall wear industrial quality eye protective devices at all times while participating in any of the following courses:

(1) Career and technical education involving experience with:
(A) hot molten metals;
(B) milling, sawing, turning, shaping, cutting, or stamping of any solid material;
(C) heat treatment, tempering, or kiln firing of any metal or material;
(D) gas or electric arc welding;
(E) repair or servicing of any vehicle; or
(F) caustic or explosive materials.
(2) Chemical or combined chemical-physical laboratories involving caustic or explosive chemicals or hot liquids or solids.

(b) Eye protective devices are of industrial quality if the devices meet the standards of the American standard safety code for head, eye, and respiratory protection, Z2.1-1959, promulgated by the American Standards Association, Inc.

As added by P.L.1-2005, SEC.18. Amended by P.L.234-2007, SEC.120.

IC 20-34-3-20

Fire drills; tornado drills; manmade occurrence disaster drills

Sec. 20. (a) The governing body of a school corporation shall require each school in the governing body's jurisdiction to conduct periodic fire drills during the school year in compliance with rules adopted under IC 4-22-2 by the state board.

(b) Each school and attendance center shall conduct at least:
(1) one (1) tornado preparedness drill; and
(2) one (1) manmade occurrence disaster drill;
during each semester.

(c) The governing body of a school corporation shall require each principal to file a certified statement that all drills have been conducted as required under this section.

As added by P.L.1-2005, SEC.18. Amended by P.L.132-2007, SEC.8.

IC 20-34-4

Chapter 4. Immunizations

IC 20-34-4-1

Keeping immunization records; student transfer

Sec. 1. (a) Each school shall keep an immunization record of the school's students. The records must be kept uniformly throughout Indiana according to procedures prescribed by the state department of health.

(b) Whenever a student transfers to another school, the school from which the student is transferring may furnish, not later than twenty (20) days after the transfer, a copy of the student's immunization record to the school to which the student is transferring.

(c) Whenever a student enrolls in a state educational institution, the school from which the student graduated may furnish a copy of the student's immunization record to the state educational institution. If the student is enrolled in a state educational institution while still attending a secondary level school, the secondary level school that the student is attending may furnish a copy of the student's immunization record to the state educational institution.

As added by P.L.1-2005, SEC.18. Amended by P.L.2-2007, SEC.231.

IC 20-34-4-2

Required immunizations

Sec. 2. (a) Every child residing in Indiana shall be immunized against:

(1) diphtheria;
(2) pertussis (whooping cough);
(3) tetanus;
(4) measles;
(5) rubella;
(6) poliomyelitis; and
(7) mumps.

(b) Every child residing in Indiana who enters kindergarten or grade 1 shall be immunized against hepatitis B and chicken pox.

(c) The state department of health shall adopt rules under IC 4-22-2 to require school age children to receive additional immunizations against the following:

(1) Meningitis.
(2) Varicella.
(3) Pertussis (whooping cough).

The additional immunizations required under the rules shall include an immunization booster if considered appropriate by the state department.

(d) The state department of health may expand or otherwise modify the list of communicable diseases that require documentation of immunity as medical information becomes available that would warrant the expansion or modification in the interest of public health.

(e) The state department of health shall adopt rules under

IC 4-22-2 specifying the:

(1) required immunizations;

(2) child's age for administering each vaccine;

(3) adequately immunizing doses; and

(4) method of documentation of proof of immunity.

As added by P.L.1-2005, SEC.18. Amended by P.L.161-2009, SEC.5.

IC 20-34-4-3

Notification; provision of information to parents

Sec. 3. (a) Each school shall notify each parent of a student who enrolls in the school of the requirement that the student must be immunized and that the immunization is required for the student's continued enrollment, attendance, or residence at the school unless:

(1) the parent or student provides the appropriate documentation of immunity;

(2) for chicken pox, the parent or student provides a written signed statement that the student has indicated a history of chicken pox; or

(3) IC 20-34-3-2 or IC 20-34-3-3 applies.

(b) A school that enrolls grade 6 female students shall provide each parent of a female student who is entering grade 6 with information prescribed by the state department of health under subsection (c) concerning the link between cervical cancer and the human papillomavirus (HPV) infection and that an immunization against the human papillomavirus (HPV) infection is available.

(c) The state department of health shall provide a school described in subsection (b) with the information concerning cervical cancer and the human papillomavirus (HPV) infection required in subsection (b). The information must include the following:

(1) The latest scientific information on the immunization against the human papillomavirus (HPV) infection and the immunization's effectiveness against causes of cervical cancer.

(2) That a pap smear is still critical for the detection of precancerous changes in the cervix to allow for treatment before cervical cancer develops.

(3) Information concerning the means in which the human papillomavirus (HPV) infection is contracted.

(4) A statement that any questions or concerns concerning immunizing the child against human papillomavirus (HPV) could be answered by contacting a health care provider.

As added by P.L.1-2005, SEC.18. Amended by P.L.80-2007, SEC.1.

IC 20-34-4-4

Presenting student for immunization; documentation

Sec. 4. (a) The parent of any student who has not received the immunizations required under this chapter shall present the student to a physician and request the physician administer the immunizations. If the parent is unable to secure the immunizations, the local health department serving the area in which the student resides may provide the immunizations. Vaccines provided by the

local health department shall be furnished by the local health board or the state department of health from available supplies.

(b) The physician who administers the required vaccines to a student shall give a certificate or other documentation of the immunizations to the individual who presented the student for immunization. This certificate or other documentation shall be presented on request to the local health department or the local health department's authorized representative.

As added by P.L.1-2005, SEC.18.

IC 20-34-4-5

Statement of immunization history; waiver; rules

Sec. 5. (a) Each school shall require the parent of a student who has enrolled in the school to furnish not later than the first day of school a written statement of the student's immunization, accompanied by the physician's certificates or other documentation, unless a written statement of this nature is on file with the school.

(b) The statement must show, except for a student to whom IC 20-34-3-2 or IC 20-34-3-3 applies, that the student has been immunized as required under section 2 of this chapter. The statement must include the student's date of birth and the date of each immunization.

(c) A student may not be permitted to attend school beyond the first day of school without furnishing the written statement, unless:

(1) the school gives the parent of the student a waiver; or

(2) the local health department or a physician determines that the student's immunization schedule has been delayed due to extreme circumstances and that the required immunizations will not be completed before the first day of school.

The waiver referred to in subdivision (1) may not be granted for a period that exceeds twenty (20) days. If subdivision (2) applies, the parent of the student shall furnish the written statement and a schedule, approved by a physician or the local health department, for the completion of the remainder of the immunizations.

(d) The state department of health may commence an action against a school under IC 4-21.5-3-6 or IC 4-21.5-4 for the issuance of an order of compliance for failure to enforce this section.

(e) Neither a religious objection under IC 20-34-3-2 nor an exception for the student's health under IC 20-34-3-3 relieves a parent from the reporting requirements under this section.

(f) The state department of health shall adopt rules under IC 4-22-2 to implement this section.

As added by P.L.1-2005, SEC.18.

IC 20-34-4-5.5

Written statement of receipt of information and whether student received immunization or parent chooses not to provide information on immunization history

Sec. 5.5. (a) Each school that enrolls grade 6 female students shall require the parent of a female student entering grade 6 to furnish not

later than the twenty (20) school days after the first day of school a written statement prescribed by the state department of health under subsection (b) stating that the parent has received the information required under section 3(b) of this chapter and that:

(1) the student has received or is receiving the immunization;

(2) the parent has decided not to have the student immunized; or

(3) the parent chooses not to provide the information to the school concerning whether the student was immunized;

against the human papillomavirus (HPV) infection.

(b) The state department of health shall prescribe the format for the written statement required under subsection (a).

(c) A student may not be prevented from enrolling in, attending, or graduating from school for the sole reason that the student has not provided the school with the written statement required under this section.

As added by P.L.80-2007, SEC.2.

IC 20-34-4-6

Reports of immunization to department of health; onsite review or examination

Sec. 6. (a) Not later than sixty (60) days after the enrollment of students for the first time and when additional immunizations are required by statute or rule, each school shall file a written report with the state department of health and the local health department having jurisdiction. The report must include the following:

(1) A statement of the number of students who have demonstrated immunity against diphtheria, pertussis (whooping cough), tetanus, measles, rubella, poliomyelitis, mumps, and hepatitis B.

(2) A statement of the number of students who have not demonstrated immunity against the illnesses listed in subdivision (1).

(3) A statement of the number of students who have been found positive for sickle cell anemia or lead poisoning.

(4) Beginning in the 2008-2009 school year, a statement of the number of female students in grade 6 who:

(A) have or will have; and

(B) have not;

been immunized against human papillomavirus (HPV) infection, and the number of female students in grade 6 whose parent chose not to provide the information to the school concerning whether the student was immunized.

(b) The state department of health and the local health department shall, for good cause shown that there exists a substantial threat to the health and safety of a student or the school community, be able to validate immunization reports by onsite reviews or examinations of nonidentifying immunization record data. This section does not independently authorize the state department of health, a local department of health, or an agent of the state department of health or

local department of health to have access to identifying medical or academic record data of individual students attending nonaccredited nonpublic schools.

(c) A school shall file a report for each student who enrolls after the filing of the report for students who enrolled at the beginning of the school year. The state department of health has exclusive power to adopt rules for the administration of this section.

As added by P.L.1-2005, SEC.18. Amended by P.L.231-2005, SEC.45; P.L.80-2007, SEC.3.

IC 20-34-4-7

Repealed

(*Repealed by P.L.1-2009, SEC.174.)*

IC 20-34-5

Chapter 5. Care of Students With Diabetes

IC 20-34-5-1

"Diabetes management and treatment plan"

Sec. 1. As used in this chapter, "diabetes management and treatment plan" means a plan prepared under section 12 of this chapter.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-2

"Health care services"

Sec. 2. As used in this chapter, "health care services" has the meaning set forth in IC 27-8-11-1.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-3

"Individualized health plan"

Sec. 3. As used in this chapter, "individualized health plan" means a coordinated plan of care designed to meet the unique health care needs of a student with diabetes in a school setting.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-4

"Licensed health care practitioner"

Sec. 4. As used in this chapter, "licensed health care practitioner" means an individual who:

(1) is licensed to provide health care services; and

(2) has prescriptive authority;

under IC 25.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-5

"Physician"

Sec. 5. As used in this chapter, "physician" refers to an individual who is licensed under IC 25-22.5.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-6

"Registered nurse"

Sec. 6. As used in this chapter, "registered nurse" refers to an individual who is licensed as a registered nurse under IC 25-23.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-7

"School"

Sec. 7. As used in this chapter, "school" refers to a public school, including a charter school.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-8
"School employee"

Sec. 8. As used in this chapter, "school employee" means an individual employed by:

(1) a public school, including a charter school, or an accredited nonpublic school;

(2) a local health department working with a school under this chapter; or

(3) another entity with which a school has contracted to perform the duties required under this chapter.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-9
"School nurse"

Sec. 9. As used in this chapter, "school nurse" refers to an individual who:

(1) is employed by a school;

(2) is licensed as a registered nurse under IC 25-23; and

(3) meets the requirements set forth in 515 IAC 8-1-47.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-10
"Student"

Sec. 10. As used in this chapter, "student" refers to a student with diabetes.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-11
"Volunteer health aide"

Sec. 11. As used in this chapter, "volunteer health aide" means a school employee who:

(1) is not licensed or authorized to provide health care services under IC 25;

(2) volunteers to act in the capacity of a volunteer health aide; and

(3) has successfully completed the training described in section 15 of this chapter.

As added by P.L.166-2007, SEC.2. Amended by P.L.3-2008, SEC.119.

IC 20-34-5-12
Requirements of plan

Sec. 12. (a) A diabetes management and treatment plan must be prepared and implemented for a student with diabetes for use during school hours or at a school related activity. The plan must be developed by:

(1) the licensed health care practitioner responsible for the student's diabetes treatment; and

(2) the student's parent or legal guardian.

(b) A diabetes management and treatment plan must:

(1) identify the health care services or procedures the student should receive at school;
(2) evaluate the student's:
(A) ability to manage; and
(B) level of understanding of;
the student's diabetes; and
(3) be signed by the student's parent or legal guardian and the licensed health care practitioner responsible for the student's diabetes treatment.

(c) The parent or legal guardian of a student with diabetes shall submit a copy of the student's diabetes management and treatment plan to the school nurse. The plan must be submitted to and be reviewed by the school nurse:
(1) before or at the beginning of a school year;
(2) at the time the student enrolls, if the student is enrolled in school after the beginning of the school year; or
(3) as soon as practicable following a diagnosis of diabetes for the student.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-13

Development of plan

Sec. 13. (a) An individualized health plan must be developed for each student with diabetes while the student is at school or participating in a school activity. The school's nurse shall develop a student's individualized health plan in collaboration with:
(1) to the extent practicable, the licensed health care practitioner responsible for the student's diabetes treatment;
(2) the school principal;
(3) the student's parent or legal guardian; and
(4) one (1) or more of the student's teachers.

(b) A student's individualized health plan must incorporate the components of the student's diabetes management and treatment plan.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-14

Use of volunteer health aides

Sec. 14. (a) At each school in which a student with diabetes is enrolled, the school principal, after consultation with the school nurse, shall:
(1) seek school employees to serve as volunteer health aides; and
(2) make efforts to ensure that the school has an adequate number of volunteer health aides to care for students.

(b) A volunteer health aide, while providing health care services, serves under the supervision and authorization of the principal and the school nurse in accordance with the requirements that apply to the school nurse under IC 25-23.

(c) A volunteer health aide must have access to the school nurse,

in person or by telephone, during the hours that the volunteer health aide serves as a volunteer health aide.

(d) A school employee may not be subject to any disciplinary action for refusing to serve as a volunteer health aide. The school shall inform school employees that participation as a volunteer health aide is voluntary. A school employee who volunteers as a volunteer health aide may elect to perform only those functions that the school employee:

(1) chooses to perform; and

(2) is trained to perform in the training program described in section 15 of this chapter.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-15

Diabetes training program

Sec. 15. (a) The department may cooperate with the state department of health in the development of a diabetes training program for school nurses. The department, with the assistance of physicians or registered nurses who are qualified in the area of diabetes training, shall provide annual diabetes training programs to school nurses. The training must include technological advances, current standards of practice for diabetes management and training, and instruction in the following:

(1) Developing individualized health plans for students with diabetes that follow the orders of a licensed health care practitioner.

(2) Recognizing and treating the symptoms of hypoglycemia and hyperglycemia.

(3) Understanding the current standards of practice and the proper action to take if the blood glucose levels of a student are outside the target ranges indicated on the student's diabetes management and treatment plan.

(4) Performing tests to check glucose and ketone levels, and recording the results.

(5) Properly administering glucagon, insulin, or other emergency treatments prescribed by the licensed health care practitioner, and recording the results.

(6) Recognizing complications that require emergency medical assistance.

(7) Understanding recommended schedules and food intake for meals and snacks for a student, the effect of physical activity on blood glucose levels, and the proper action to be taken if a student's schedule referred to in this subdivision is disrupted.

(b) The department may cooperate with the state department of health in the development of a diabetes training program for volunteer health aides. The department, with the assistance of physicians and registered nurses who are qualified in the area of diabetes training, shall provide a diabetes training program for volunteer health aides which includes the most current standards of practice and technology for diabetes treatment. The training must

include the following:

(1) Implementing the orders of a licensed health care practitioner.

(2) Recognizing and treating the symptoms of hypoglycemia and hyperglycemia consistent with the orders of the licensed health care practitioner.

(3) Performing tests to check glucose and ketone levels, and recording the results.

(4) Properly administering glucagon, insulin, or other emergency treatments as prescribed, and recording the results.

(5) Recognizing complications that require emergency medical assistance.

(6) Understanding:

(A) recommended schedules and food intake for meals and snacks;

(B) the effect of physical activity on blood glucose levels; and

(C) the proper action to be taken if a student's schedule is disrupted.

(c) The school nurse shall coordinate:

(1) the training of school employees acting as volunteer health aides, using the training program developed under subsection (b); and

(2) the record keeping and monitoring of a volunteer health aide acting under this chapter.

(d) Training for volunteer health aides must be provided by a health care professional with expertise in the care of individuals with diabetes or by a school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:

(1) the enrollment; or

(2) the diagnosis;

of a student with diabetes at a school that previously had no students with diabetes.

(e) The school nurse or principal shall maintain a copy of the training program and the records of training completed by school employees.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-16

Tasks; school nurses and volunteer health aides

Sec. 16. (a) The school nurse shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan.

(b) When necessary, a volunteer health aide may perform the tasks necessary to assist a student in carrying out the student's individualized health plan, in compliance with the training guidelines provided under section 15 of this chapter.

(c) A volunteer health aide may act under this section only if the parent or legal guardian of the student signs an agreement that:

(1) authorizes a volunteer health aide to assist the student; and

(2) states that the parent or legal guardian understands that, as provided under IC 34-30-14, a volunteer health aide is not liable for civil damages for assisting in the student's care.

(d) A volunteer health aide who assists a student under this section:

(1) is not considered to be engaging in the practice of nursing; and

(2) is exempt from applicable statutes and rules that restrict activities that may be performed by an individual who is not an individual licensed or authorized under IC 25 to provide health care services.

(e) A school corporation may not restrict the assignment of a student to a particular school on the sole basis of whether the school has volunteer health aides.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-17

Authorized diabetes management and treatment activities

Sec. 17. (a) As provided in a student's individualized health plan, a school shall, except in an emergency, allow the student to attend to the management and care of the student's diabetes if the student has been evaluated and determined to be capable of doing so as reflected in the student's individual health plan and the student's diabetes management and treatment plan, including the following activities:

(1) Performing blood glucose level checks.

(2) Administering insulin through the insulin delivery system the student uses.

(3) Treating hypoglycemia and hyperglycemia.

(4) Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes.

(5) Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school related activity.

(b) The school nurse shall, in accordance with the requirements that apply to the school nurse under IC 25-23, establish a procedure through which a student described in subsection (a) is cared for in an emergency.

As added by P.L.166-2007, SEC.2.

IC 20-34-5-18

Information sheet requirement

Sec. 18. A school shall provide the individual who is responsible for providing transportation for or supervising a student with diabetes during an off-campus school related activity an information sheet that:

(1) identifies the student with diabetes;

(2) identifies potential emergencies that may occur as a result of the diabetes and appropriate responses to an emergency; and

(3) provides the telephone number of a contact in case an

emergency occurs.

As added by P.L.166-2007, SEC.2.

IC 20-34-6

Chapter 6. Student Safety Reporting

IC 20-34-6-1

School corporation reports; department reports

Sec. 1. (a) By July 1 of each year, each school corporation shall submit a report to the department detailing the following information for the current school year for each school in the school corporation and for the entire school corporation:

(1) The number of arrests of students on school corporation property, including arrests made by law enforcement officers, security guards, school safety specialists, and other school corporation employees, and any citizen arrests.

(2) The offenses for which students were arrested on school corporation property.

(3) The number of contacts with law enforcement personnel from a school corporation employee that have resulted in arrests of students not on school corporation property.

(4) Statistics concerning the age, race, and gender of students arrested on school corporation property and categorizing the statistics by offenses.

(5) Whether the school corporation has established and employs a school corporation police department under IC 20-26-16, and if so, report:

(A) the number of officers in the school corporation police department; and

(B) the training the officers must complete.

(6) If the school corporation employs private security guards to enforce rules or laws on school property, a detailed explanation of the use of private security guards by the school corporation.

(7) If the school corporation has an agreement with a local law enforcement agency regarding procedures to arrest students on school property, a detailed explanation of the use of the local law enforcement agency by the school corporation.

(b) By August 1 of each year, the department shall submit a report to:

(1) the legislative council;

(2) the education roundtable established by IC 20-19-4-2;

(3) the board for the coordination of programs serving vulnerable individuals established by IC 4-23-30.2-8; and

(4) the criminal justice institute;

providing a summary of the reports submitted to the department under subsection (a). The report to the legislative council must be in an electronic format under IC 5-14-6.

(c) By August 1 of each year, the department must post the reports described in subsections (a) and (b) on the department's Internet web site.

As added by P.L.74-2010, SEC.3.

IC 20-34-7

Chapter 7. Student Athletes: Concussions and Head Injuries

IC 20-34-7-1

"Association"

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

As added by P.L.144-2011, SEC.1.

IC 20-34-7-2

Dissemination of guidelines, information, and forms

Sec. 2. (a) Before July 1, 2012, the department shall disseminate guidelines, information sheets, and forms to each school corporation for distribution to a school to inform and educate coaches, student athletes, and parents of student athletes of the nature and risk of concussion and head injury to student athletes, including the risks of continuing to play after concussion or head injury.

(b) The department:

(1) may consult with the association, medical professionals, and others with expertise in diagnosing and treating concussions and head injuries; and

(2) may request the assistance of the association in disseminating the guidelines, information sheets, and forms required under subsection (a).

(c) The department may disseminate the materials required under this section in an electronic format.

As added by P.L.144-2011, SEC.1.

IC 20-34-7-3

Information and forms required before beginning practice for sport

Sec. 3. Each year, before beginning practice for an interscholastic or intramural sport, a high school student athlete and the student athlete's parent:

(1) must be given the information sheet and form described in section 2 of this chapter; and

(2) shall sign and return the form acknowledging the receipt of the information to the student athlete's coach.

The coach shall maintain a file of the completed forms.

As added by P.L.144-2011, SEC.1.

IC 20-34-7-4

Player suspected of sustaining concussion or head injury; removal from play; prohibition against returning to play

Sec. 4. A high school student athlete who is suspected of sustaining a concussion or head injury in a practice or game:

(1) shall be removed from play at the time of the injury; and

(2) may not return to play until the student athlete has received a written clearance under section 5(a) of this chapter.

As added by P.L.144-2011, SEC.1.

IC 20-34-7-5

Health care provider's clearance necessary to return to play; volunteer health care provider immunity

Sec. 5. (a) A high school student athlete who has been removed from play under section 4 of this chapter may not return to play until the student athlete:

(1) is evaluated by a licensed health care provider trained in the evaluation and management of concussions and head injuries; and

(2) receives a written clearance to return to play from the health care provider who evaluated the student athlete.

(b) A licensed health care provider who evaluates a student athlete under subsection (a) may conduct the evaluation as a volunteer. A volunteer health care provider who in good faith and gratuitously authorizes a student athlete to return to play is not liable for civil damages resulting from an act or omission in the rendering of an evaluation, except for acts or omissions that constitute gross negligence or willful or wanton misconduct.

As added by P.L.144-2011, SEC.1.

IC 20-35

ARTICLE 35. SPECIAL EDUCATION

IC 20-35-1

Chapter 1. Definitions

IC 20-35-1-1

Application

Sec. 1. The definitions in this chapter apply throughout this chapter, IC 20-35-2 through IC 20-35-6, and IC 20-35-8.

As added by P.L.1-2005, SEC.19.

IC 20-35-1-2

"Child with a disability"

Sec. 2. "Child with a disability" means a child who:

(1) is at least three (3) years of age but less than twenty-two (22) years of age; and

(2) because of physical or mental disability is incapable of being educated properly and efficiently through normal classroom instruction, but who, with the advantage of a special educational program, may be expected to benefit from instruction in surroundings designed to further the educational, social, or economic status of the child.

As added by P.L.1-2005, SEC.19.

IC 20-35-1-3

"Director"

Sec. 3. "Director" refers to the director of the division of special education.

As added by P.L.1-2005, SEC.19.

IC 20-35-1-4

"Division"

Sec. 4. "Division" refers to the division of special education established by IC 20-35-2-1.

As added by P.L.1-2005, SEC.19.

IC 20-35-1-5

"Preschool child with a disability"

Sec. 5. "Preschool child with a disability" refers to a child with a disability who is at least three (3) years of age by June 1 of the school year.

As added by P.L.1-2005, SEC.19. Amended by P.L.99-2007, SEC.178.

IC 20-35-1-6

"School corporation"

Sec. 6. "School corporation" means a corporation authorized by law to establish public schools and levy taxes for the maintenance of the schools.

As added by P.L.1-2005, SEC.19.

IC 20-35-1-7
"Special education"

Sec. 7. "Special education" means instruction specially designed to meet the unique needs of a child with a disability. The term includes transportation, developmental, corrective, and other support services and training only when required to assist a child with a disability to benefit from the instruction itself.
As added by P.L.1-2005, SEC.19.

IC 20-35-2

Chapter 2. Division of Special Education

IC 20-35-2-1

Division established; director's duties

Sec. 1. (a) There is established under the state board a division of special education. The division shall exercise all the power and duties set out in this chapter, IC 20-35-3 through IC 20-35-6, and IC 20-35-8.

(b) The governor shall appoint, upon the recommendation of the state superintendent, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be determined by the budget agency with the approval of the governor. The director has the following duties:

(1) To do the following:

(A) Have general supervision of all programs, classes, and schools for children with disabilities, including those conducted by public schools, the Indiana School for the Blind and Visually Impaired, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability and rehabilitative services, and the division of mental health and addiction.

(B) Coordinate the work of schools described in clause (A). For programs for preschool children with disabilities as required under IC 20-35-4-9, have general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under IC 20-35-4-9. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

(2) To adopt, with the approval of the state board, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.

(4) With the consent of the state superintendent and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the state board, the following:

(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.

(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the state board concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each exceptionality included within the class size ranges.

(B) The role of the teacher aide.

(C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established by IC 12-12.7-2-7 to ensure that the preschool special education programs required by IC 20-35-4-9 are consistent with the early intervention services program described in IC 12-12.7-2.

(c) The director or the state board may exercise authority over career and technical education programs for children with disabilities through a letter of agreement with the department of workforce development.

As added by P.L.1-2005, SEC.19. Amended by P.L.218-2005, SEC.79; P.L.93-2006, SEC.16; P.L.141-2006, SEC.96; P.L.1-2007, SEC.149; P.L.234-2007, SEC.121.

IC 20-35-3

Chapter 3. State Advisory Council

IC 20-35-3-1

State advisory council on education of children with disabilities; membership; duties

Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

(1) citizens of Indiana;

(2) representative of the state's population; and

(3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

(1) Parents of children with disabilities.

(2) Individuals with disabilities.

(3) Teachers.

(4) Representatives of postsecondary educational institutions that prepare special education and related services personnel.

(5) State and local education officials.

(6) Administrators of programs for children with disabilities.

(7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:

(A) The commissioner of the state department of health or the commissioner's designee.

(B) The director of the division of disability and rehabilitative services or the director's designee.

(C) The director of the division of mental health and addiction or the director's designee.

(D) The director of the department of child services or the director's designee.

(8) Representatives of nonpublic schools and freeway schools.

(9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.

(10) Representatives of the department of correction.

(11) A representative from each of the following:

(A) The Indiana School for the Blind and Visually Impaired board.

(B) The Indiana School for the Deaf board.

(d) The responsibilities of the state advisory council are as follows:

(1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.

(2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.

(3) To advise the department of unmet needs within Indiana in the education of children with disabilities.

(4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.

(5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.

(6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.

(7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(e) The state advisory council shall do the following:

(1) Organize with a chairperson selected by the state superintendent.

(2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.

(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(g) The state superintendent shall do the following:

(1) Designate the director to act as executive secretary of the state advisory council.

(2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

As added by P.L.1-2005, SEC.19. Amended by P.L.218-2005, SEC.80; P.L.141-2006, SEC.97; P.L.145-2006, SEC.152; P.L.1-2007, SEC.150; P.L.2-2007, SEC.232.

IC 20-35-4

Chapter 4. School Corporations: Powers and Duties Regarding Children With Disabilities

IC 20-35-4-1

Instruction of children with disabilities; powers and duties; funding; personnel; rules

Sec. 1. (a) A school corporation acting individually or in a joint school services program with other corporations may establish and maintain instructional facilities for the instruction of children with disabilities.

(b) A school corporation may provide transfer and transportation of children with disabilities residing in the geographical limits of the corporation to facilities for the instruction of children with disabilities that are not maintained by the school corporation.

(c) A school corporation acting individually or in a joint school services program with other corporations may convert, build, or lease the necessary school buildings or use existing buildings to establish and maintain classes of one (1) or more pupils who are:

(1) residents of Indiana; and

(2) children with disabilities.

(d) A school corporation may provide for instruction of any child with a disability who is not able to attend a special class or school for children with disabilities. Special personnel may be employed in connection with these classes of schools, and any expenditures for these classes of schools are lawful expenditures for maintaining the education of children with disabilities.

(e) All nurses, therapists, doctors, psychologists, and related specialists employed under this chapter:

(1) must be registered and authorized to practice under Indiana law; and

(2) are subject to any additional requirements of the division.

(f) A school corporation acting individually or in a joint school services program with other corporations may purchase special equipment needed in a class or school for children with disabilities, and any expenditures made for this special equipment are lawful expenditures for maintaining the education of children with disabilities.

(g) Children with disabilities shall receive credit for schoolwork accomplished on the same basis as children without disabilities who do similar work.

(h) A school corporation constructing or operating a school under this chapter:

(1) shall pay the operating expense for each student attending; and

(2) is entitled to receive state aid for these students under the applicable laws.

Other school corporations sending children with disabilities as students of the school shall pay tuition in accordance with IC 20-35-8-1 through IC 20-35-8-2.

(i) If the state receives funds from the federal government to aid in the operation of any school for children with disabilities, the division shall distribute among these schools the grant of federal funds that are appropriated. The federal funds shall be expended for the purposes for which the funds are granted.

(j) Except as provided in section 9 of this chapter with regard to preschool children with disabilities, schools or classes for children with disabilities shall be operated by the school corporation establishing the schools or classes under:

(1) Indiana laws applying to the operation of public schools; and

(2) the supervision of the division.

(k) Teachers in classes and schools for children with disabilities:

(1) shall be appointed in the same manner as other public school teachers; and

(2) must possess:

(A) the usual qualifications required of teachers in the public schools; and

(B) any special training that the state board requires.

(l) The state board shall adopt rules under IC 4-22-2 governing the qualifications required of preschool teachers under contractual agreements entered into under section 9 of this chapter.

(m) Qualifications of paraprofessional personnel to be employed under this chapter are subject to a determination by the department. Before any type of special class organized or to be organized under this chapter is established in any school corporation or through any contractual agreement, the special class must be submitted to and approved by the state board.

(n) The state board shall adopt rules under IC 4-22-2 necessary for the proper administration of this chapter.

As added by P.L.1-2005, SEC.19. Amended by P.L.99-2007, SEC.179.

IC 20-35-4-2

Special schools for children with disabilities; payment and financing

Sec. 2. (a) The division may, upon application by the governing body of a school corporation, together with proof of need, authorize the school corporation to purchase, convert, remodel, or construct rooms or buildings for special schools for children with disabilities in an effort to have the schools located near the homes of the children with disabilities the schools will serve.

(b) The school corporation:

(1) shall pay the cost of purchase, conversion, remodeling, and construction and the cost of building equipment of any such school; and

(2) may finance such conversion, remodeling, and construction as other school buildings are financed.

(c) The school corporation establishing any such school may send all its children with disabilities to the school and shall admit, if

facilities permit, any other children with disabilities in Indiana who:

(1) are eligible under this chapter; and

(2) are not provided with an opportunity to attend an adequate school in their own school corporation.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-3

Medical responsibility for children with disabilities; special education eligibility; qualifications for nurses and special therapists; responsibility of department of health

Sec. 3. (a) The medical care of a child with a disability is the responsibility of the physician chosen by the parent to attend the child. However, a child with a disability is not excused from attending school unless the local health officer, upon a statement of the attending physician, certifies that attendance would be injurious to the child. The educational and recreational program may not alter in any way the medical care prescribed by the proper medical authority. Eligibility for all special education classes and programs must be determined by appropriate specialists.

(b) All nurses and special therapists in physical therapy, occupational therapy, and related medical fields must be:

(1) graduates of fully accredited training schools; and

(2) registered by their respective examining boards or by their respective professional associations.

(c) The medical care of needy children with disabilities is the responsibility of the state department of health and its program for children with special health care needs, to the extent provided by law.

(d) The personnel and facilities under the program for children with special health care needs shall be used at all times for the following:

(1) The determination of policies related to the medical care of children with disabilities.

(2) The professional supervision of all special therapists.

(3) Individual casework as available.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-4

Special education fund; appropriation

Sec. 4. (a) For the administration and field service of the division, there is appropriated annually out of the excise funds of the alcohol and tobacco commission an amount to administer this chapter as determined by the general assembly.

(b) Money appropriated under this section shall be deposited into a special fund in the state treasury to be known as the special education fund. The special education fund shall be:

(1) administered by the state superintendent; and

(2) used only for the administration of IC 20-35-2 through IC 20-35-6 and IC 20-35-8.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-5

Effect on other statutes

Sec. 5. This chapter does not amend, alter, or repeal any other statute but is supplemental to other statutes.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-6

Religious objection to medical examination

Sec. 6. (a) Except as provided in subsection (b), this chapter does not require a student to:

(1) undergo physical or medical examination or treatment; or

(2) be compelled to receive medical instruction;

if the parent of the student, in writing, notifies the teacher or principal or other person in charge of the student that the parent objects to the medical examination, treatment, or instruction because the parent relies in good faith on prayer or spiritual means for the treatment of sickness or affliction.

(b) An objection may not be made to a physical or medical examination of a child with a physical disability to determine whether the child shall be admitted to any class or school for children with disabilities.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-7

Authority of school corporation to accept and invest gifts; special fund

Sec. 7. (a) The governing body of a school corporation may do the following:

(1) Accept, receive, and administer any gift, devise, legacy, or bequest of real or personal property, including the income from real estate:

(A) to or for the benefit of any school, dormitory, or facility for the education of children with disabilities; and

(B) for any of the purposes contemplated under this chapter and not inconsistent with this chapter or Indiana law.

(2) Invest or reinvest any of the funds received under this section in the same kind of securities in which life insurance companies are authorized by law to invest their funds.

(b) All money received by a school corporation under this section and all money, proceeds, or income realized from any real estate or other investments or property:

(1) shall be kept in a special fund;

(2) may not be commingled with any other fund or funds received from taxation; and

(3) may be expended by the governing body of the school corporation in any manner consistent with the:

(A) purposes of IC 20-35-2 through IC 20-35-6 and IC 20-35-8; and

(B) intention of the donor or donors.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-8

Duty to provide special education program; facilities

Sec. 8. (a) The school corporation in which a child with a disability resides is primarily responsible for providing the child with an appropriate special education program. The governing body of each school corporation shall establish and maintain the special educational facilities that are needed for:

(1) children with disabilities residing in the school corporation; and

(2) other children as authorized by this chapter.

However, under rules adopted by the state board, a child with a disability may be placed in a special education program that is not established or maintained by the school corporation.

(b) Notwithstanding subsection (a), a school corporation may establish special educational facilities for children with disabilities who are:

(1) at least nineteen (19) years of age; or

(2) less than six (6) years of age.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-9

Preschool special education

Sec. 9. (a) The budget agency and the division shall develop a funding mechanism to provide preschool special education. Each school corporation shall provide each preschool child with a disability with an appropriate special education. However, this subsection is applicable only if the general assembly appropriates state funds for preschool special education.

(b) A school corporation may act:

(1) individually;

(2) in a joint school services program with other school corporations as described in section 1 of this chapter; or

(3) upon approval by the division, through contractual agreements entered into between a school corporation and a qualified public or private agency that serves preschool children with disabilities.

(c) The state board shall adopt rules under IC 4-22-2 governing the following:

(1) The extent to which a school corporation may contract with another service provider as permitted under subsection (b).

(2) The nature of the contracts.

(3) The approval procedure required of the school corporation under subsection (b).

(4) Other pertinent matters concerning these agreements.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-10

Comprehensive plan for educating children with disabilities; rules; age limits

Sec. 10. (a) For purposes of this section, "comprehensive plan"

means a plan for educating the following:

(1) All children with disabilities that a school corporation is required to educate under sections 8 through 9 of this chapter.

(2) The additional children with disabilities that the school corporation elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

(1) The Indiana School for the Blind and Visually Impaired board.

(2) The Indiana School for the Deaf board.

(c) The state board shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 9 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in IC 20-35-1-2, the state board may:

(1) conduct a program for the early identification of children with disabilities, between the ages of birth and less than twenty-two (22) years of age not served by the public schools or through a contractual agreement under section 9 of this chapter; and

(2) use agencies that serve children with disabilities other than the public schools.

(e) The state board shall adopt rules under IC 4-22-2 requiring the:

(1) department of correction;

(2) state department of health;

(3) division of disability and rehabilitative services;

(4) Indiana School for the Blind and Visually Impaired board;

(5) Indiana School for the Deaf board; and

(6) division of mental health and addiction;

to submit to the state superintendent a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special education.

(f) The state superintendent shall furnish professional consultant services to school corporations and the entities listed in subsection (e) to aid them in fulfilling the requirements of this section.

As added by P.L.1-2005, SEC.19. Amended by P.L.231-2005, SEC.46; P.L.218-2005, SEC.81; P.L.1-2006, SEC.335; P.L.141-2006, SEC.98.

IC 20-35-4-11

Governing bodies powers and duties; diplomas or certificates of graduation to children with disabilities

Sec. 11. (a) The governing bodies of one (1) or more school

corporations establishing and maintaining educational facilities and services for students with disabilities, as described in this chapter, shall, in connection with establishing and maintaining the facilities and services, exercise similar powers and duties as are prescribed by law for the establishment, maintenance, and management of other recognized educational facilities and services.

(b) The governing bodies shall:

(1) include only eligible children in the program; and

(2) comply with all the requirements of:

(A) this chapter; and

(B) all rules established by the state superintendent and the state board.

(c) A school corporation may issue diplomas or certificates of graduation to pupils with disabilities completing special educational programs approved by the state superintendent and the state board.

As added by P.L.1-2005, SEC.19.

IC 20-35-4-12

Special education programs for hearing impaired children

Sec. 12. Public schools may operate special education programs for hearing impaired children at least six (6) months of age on an experimental basis upon the approval of the state superintendent and the state board.

As added by P.L.1-2005, SEC.19.

IC 20-35-5

Chapter 5. Special Education Cooperatives

IC 20-35-5-1

Definitions

Sec. 1. The definitions in this section apply throughout this chapter.

(1) "Agreement" means an:

(A) identical resolution adopted by the governing body of each participating school corporation; or

(B) agreement approved by the governing body of each participating school corporation;

providing for a special education cooperative.

(2) "Assessed valuation" of a participating school corporation for a school year means the net assessed valuation of the school corporation for the immediately preceding March 1, adjusted in the same manner as any adjustment is made in determining the amount of state distribution for school support.

(3) "Board of managers" means the board or commission charged with the responsibility of administering the affairs of a special education cooperative.

(4) "Governing body" of a participating school corporation means the board or commission charged by law with the responsibility of administering the affairs of the school corporation. In the case of a school township, the term means the township trustee and township board.

(5) "Participating school corporation" means a local public school corporation that:

(A) is established under Indiana law; and

(B) cooperates with other corporations in a special education cooperative.

(6) "Percentage share" of a participating school corporation is the percent that its assessed valuation bears to the total assessed valuation of all the participating schools joining in an agreement.

(7) "Special education cooperative" means a department, school, or school corporation established, maintained, and supervised for the education of children with disabilities in accordance with this section.

As added by P.L.1-2005, SEC.19.

IC 20-35-5-2

Formation of special education cooperative

Sec. 2. Two (2) or more participating school corporations may form a special education cooperative in accordance with the provisions of either sections 13 through 15 of this chapter or section 16 of this chapter, but subject to the limitations of this section and sections 3 through 8 of this chapter, by adopting an agreement that contains the following provisions:

(1) A plan for the organization, administration, and support for

the special education cooperative, including the establishment of a board of managers.

(2) The commencement date of the establishment of the special education cooperative, which must be contemporaneous with the beginning of a school year.

(3) The extension of the special education cooperative for at least five (5) school years and a provision that the special education cooperative will extend from school year to school year after the five (5) year period unless the special education cooperative is terminated by action of the governing bodies of a majority of the participating school corporations that is taken at least one (1) year before termination of the agreement.

As added by P.L.1-2005, SEC.19.

IC 20-35-5-3

Modification of special education cooperative agreement

Sec. 3. During the term of an agreement adopted under section 2 of this chapter, the agreement may be modified by unanimous consent of all the participating school corporations.

As added by P.L.1-2005, SEC.19.

IC 20-35-5-4

Special education cooperative agreement terms

Sec. 4. An agreement adopted under section 2 of this chapter may include the following:

(1) An agreement to acquire sites, buildings, and equipment for the sites and buildings by:

(A) purchase;

(B) lease from any of the participating school corporations for the term of the agreement; or

(C) lease under the provisions of IC 20-47-2 or IC 20-47-3.

(2) An agreement to repair, equip, and maintain school buildings and equipment.

(3) An agreement that participating school corporations may use funds from their respective capital projects fund to pay for the costs under subdivision (1) or (2) or for any other purposes authorized under IC 20-40-8.

As added by P.L.1-2005, SEC.19. Amended by P.L.2-2006, SEC.157.

IC 20-35-5-5

Funding

Sec. 5. The amount of money used from a participating school corporation's capital projects fund shall be determined by agreement among the participating school corporations.

As added by P.L.1-2005, SEC.19. Amended by P.L.2-2006, SEC.158.

IC 20-35-5-6

Costs

Sec. 6. The cost of the special education cooperative for each school year shall be paid by the participating school corporations in

accordance with the terms of their agreement. Agreements for the payment of the cost of the special education cooperative may:

(1) establish a formula for payments that meet the needs of the school corporations; or

(2) base payments on a percentage share formula.

As added by P.L.1-2005, SEC.19.

IC 20-35-5-7

Termination of agreement

Sec. 7. Upon the termination of the agreement, the participating school corporations shall be liable for their respective portions of any long term lease or other long term obligations in the same annual portions as are provided in the agreement as though the agreement had not been terminated, unless the terms under which the obligations were set up provide otherwise.

As added by P.L.1-2005, SEC.19.

IC 20-35-5-8

Employment of teachers

Sec. 8. A special education cooperative may employ teachers and issue teaching contracts in accordance with all the provisions for public teaching contracts. A teacher who has taught or is teaching in a participating school corporation who became or becomes a teacher in the special education cooperative retains semipermanent, permanent, or nonpermanent status in the participating school corporation to the same extent as if the teacher had continued teaching in the participating school corporation, and the teacher's employment may be terminated solely by the board of managers of the special education cooperative.

As added by P.L.1-2005, SEC.19.

IC 20-35-5-9

Rights and privileges of teachers in participating school corporation

Sec. 9. A teacher who:

(1) is employed by a special education cooperative; and

(2) previously taught in a participating school corporation;

retains all rights and privileges under IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10 to the same extent as if the teacher had continued teaching in the participating school corporation.

As added by P.L.1-2005, SEC.19. Amended by P.L.90-2011, SEC.47.

IC 20-35-5-10

Rights and privileges of teachers without existing service in participating school corporation

Sec. 10. A teacher who:

(1) is employed by a special education cooperative; and

(2) does not have existing years of service in any of the participating school corporations;

shall be considered to be employed by the special education cooperative and is entitled to the same rights and privileges under IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10 as if the teacher were employed by a school corporation.
As added by P.L.1-2005, SEC.19. Amended by P.L.90-2011, SEC.48.

IC 20-35-5-11
Teacher recall lists

Sec. 11. If a teacher loses the teacher's job in a special education cooperative due to:

(1) a reduction in services of;
(2) a reorganization of;
(3) the discontinuance of; or
(4) a withdrawal in whole or in part of a participating school corporation from;

the special education cooperative, the teacher shall be added to the recall list of laid off teachers that is maintained by the participating school corporations, and the teacher shall be employed under the terms of the recall provisions of the participating school corporations for a special education job opening that occurs in any of the participating school corporations. In addition and during the time the former special education cooperative teacher is entitled to remain on the recall list, all teachers in the participating school corporation other than the former special education cooperative teacher retain all rights and privileges for job openings for which the other teachers are qualified and as granted by the collective bargaining agreement in effect at the participating school corporation or, if no provisions of a collective bargaining agreement govern the rights and privileges, by the policy of the governing body, including provisions governing layoffs and recall.
As added by P.L.1-2005, SEC.19.

IC 20-35-5-12
Rights and privileges of laid-off teacher

Sec. 12. If:

(1) a teacher loses the teacher's job in a special education cooperative due to:
    (A) a reduction in services of;
    (B) a reorganization of;
    (C) the discontinuance of; or
    (D) a withdrawal in whole or in part of a participating school corporation from;

the special education cooperative; and

(2) the teacher is employed by a participating school corporation as described in section 11 of this chapter;

the teacher retains the rights and privileges under IC 20-28-6, IC 20-28-7.5, IC 20-28-8, IC 20-28-9, and IC 20-28-10 that the teacher held at the time the teacher lost the job in the special education cooperative as described in subdivision (1).
As added by P.L.1-2005, SEC.19. Amended by P.L.90-2011, SEC.49.

IC 20-35-5-13
Fiscal accountability

Sec. 13. A special education cooperative may:

(1) be attached to a participating school corporation that has responsibility for administrative and financial controls; or

(2) establish a separate treasury with separate accounts.

If a special education cooperative is not attached to a participating school corporation, it must comply with the state board of accounts' approved forms and rules for fiscal accountability and is subject to audit by the state board of accounts.

As added by P.L.1-2005, SEC.19.

IC 20-35-5-14
Operation by board of managers

Sec. 14. A special education cooperative may be operated and managed and its budget determined by a board of managers. The board of managers consists of one (1) designated member from each participating school corporation. The designated member from a participating school corporation must be:

(1) the president (or trustee in the case of a school township) of the governing body of a participating school corporation;

(2) any member of the governing body whom the president or trustee designates;

(3) the superintendent of a participating school corporation appointed by the president (or trustee in the case of a school township) of the governing body of the participating school corporation; or

(4) an assistant superintendent of a participating school corporation appointed by the president (or trustee in the case of a school township) of the governing body of the participating school corporation.

The president or trustee may change the designated member at any time.

As added by P.L.1-2005, SEC.19.

IC 20-35-5-15
Meetings

Sec. 15. Meetings of the board of managers shall be held in accordance with IC 20-26-4-3.

As added by P.L.1-2005, SEC.19. Amended by P.L.231-2005, SEC.47; P.L.1-2006, SEC.336.

IC 20-35-5-16
Organization

Sec. 16. The special education cooperative may be organized in accordance with IC 20-26-10 or IC 36-1-7.

As added by P.L.1-2005, SEC.19.

IC 20-35-5-17
Teachers; discontinuance of special education cooperative

Sec. 17. (a) A teacher who:

(1) has not retained a status as a semipermanent, permanent, or nonpermanent teacher with a participating school corporation; and

(2) loses the teacher's job in a special education cooperative because of a reduction in services or discontinuance of the cooperative;

shall be considered for any job opening for which the teacher is qualified that occurs in any of the participating school corporations in the school year immediately following the reduction in services or discontinuance of the cooperative.

(b) A teacher employed under this section has the same rights and privileges as teachers employed under IC 20-26-10-5 and IC 20-26-10-6.

As added by P.L.1-2005, SEC.19.

IC 20-35-6

Chapter 6. General Provisions

IC 20-35-6-1

Notification to school corporation of preschool children with disabilities

Sec. 1. Before February 1 of each calendar year, a program for preschool children with disabilities that is supported by the division of family resources shall notify a school corporation of the numbers and disabling conditions of the children who are likely to enter into a program of special education in the school corporation in the immediately following school year.

As added by P.L.1-2005, SEC.19. Amended by P.L.145-2006, SEC.153.

IC 20-35-6-2

Contracts for services; payment of costs; rules

Sec. 2. (a) The state superintendent may contract with in-state or out-of-state public and private schools, state agencies, or child caring institutions (as defined in IC 12-7-2-29(1)) to pay, with any funds appropriated for this purpose, the excess costs of educating children of school age:

(1) who have been identified as eligible for special education services; and

(2) whose disability is of such intensity as to preclude achievement in the existing local public school setting.

The state shall pay the costs of the services that exceed the regular cost of educating children of the same age and grade level in the child's school corporation. The school corporation shall pay the share of the total tuition cost that is the regular per capita cost of general education in that school corporation.

(b) School corporations shall pay their share of the total tuition costs for children with disabilities served under this section.

(c) The state board shall adopt rules under IC 4-22-2 necessary to implement this section.

As added by P.L.1-2005, SEC.19.

IC 20-35-7

Chapter 7. Individualized Education Program; Case Conferences for Students With Disabilities; Transitional Services

IC 20-35-7-1

"Annual case review"

Sec. 1. As used in this chapter, "annual case review" means the meeting of the case conference committee that is conducted annually to review and, if needed, revise a student's individualized education program.

As added by P.L.1-2005, SEC.19.

IC 20-35-7-2

"Case conference committee"

Sec. 2. As used in this chapter, "case conference committee" means a group composed of public agency personnel, parents, the student, if appropriate, and others at the discretion of the public agency or the parent and under rules adopted by the state board that meets to do any of the following:

(1) Determine a student's eligibility for special education and related services.

(2) Develop, review, or revise a student's individualized education program.

(3) Determine an appropriate educational placement for each student.

As added by P.L.1-2005, SEC.19.

IC 20-35-7-3

"Transition services"

Sec. 3. (a) As used in this chapter, "transition services" means a coordinated set of activities for a student with a disability that:

(1) is designed within an outcome oriented process; and

(2) promotes movement from the public agency to postsecondary school activities, including the following:

(A) Postsecondary education.

(B) Career and technical education that is not postsecondary education.

(C) Integrated employment (including supported employment).

(D) Continuing and adult education.

(E) Adult services.

(F) Independent living.

(G) Community participation.

(b) The coordinated set of activities described in subsection (a) must:

(1) be based on the individual student's needs, taking into account the student's preferences and interests; and

(2) include the following:

(A) Instruction.

(B) Related services.

(C) Community experiences.

(D) The development of employment and other postsecondary educational institution adult living objectives.

(E) Where appropriate, acquisition of daily living skills and a functional vocational evaluation.

As added by P.L.1-2005, SEC.19. Amended by P.L.2-2007, SEC.233; P.L.234-2007, SEC.122; P.L.3-2008, SEC.120.

IC 20-35-7-4

"Public agency"

Sec. 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

(1) Public school corporations that operate programs individually or cooperatively with other school corporations.

(2) Community agencies operated or supported by the office of the secretary of family and social services.

(3) State developmental centers operated by the division of disability and rehabilitative services.

(4) State hospitals operated by the division of mental health and addiction.

(5) State schools and programs operated by the state department of health.

(6) Programs operated by the department of correction.

(7) Private schools and facilities that serve students referred or placed by a school corporation, the division of special education, the department of child services, or another public entity.

As added by P.L.1-2005, SEC.19. Amended by P.L.141-2006, SEC.99; P.L.145-2006, SEC.154; P.L.1-2007, SEC.151.

IC 20-35-7-5

"Adult services"

Sec. 5. (a) As used in this chapter, "adult services" refers to services that are provided by public agencies and other organizations to:

(1) facilitate student movement from the public agency to adult life; and

(2) provide services to enhance adult life.

(b) The term includes services provided by the following:

(1) A vocational rehabilitation services program.

(2) The department of workforce development.

(3) The federal Social Security Administration.

(4) The bureau of developmental disabilities services.

(5) A community mental health center.

(6) A community rehabilitation program.

(7) An area agency on aging.

As added by P.L.1-2005, SEC.19.

IC 20-35-7-6

"Special education planning district"

Sec. 6. As used in this chapter, "special education planning district" means the public school administrative unit responsible for providing special education and related services in a specified geographic area. The term includes the following:

(1) A school corporation.

(2) More than one (1) school corporation that operates under a written agreement.

As added by P.L.1-2005, SEC.19.

IC 20-35-7-7

"Student with disabilities"

Sec. 7. As used in this chapter, "student with disabilities" means a student identified, evaluated, and enrolled in special education under this article.

As added by P.L.1-2005, SEC.19.

IC 20-35-7-8

Adult services materials

Sec. 8. (a) The division of disability and rehabilitative services, the division of mental health and addiction, and the department of workforce development shall provide each school corporation with written material describing the following:

(1) The adult services available to students.

(2) The procedures to be used to access those services.

(b) The material shall be provided in sufficient numbers to allow each student and, if the student's parent is involved, each student's parent to receive a copy at the annual case review if the purpose of the meeting is to discuss transition services.

As added by P.L.1-2005, SEC.19. Amended by P.L.141-2006, SEC.100.

IC 20-35-7-9

Case conference committee duties

Sec. 9. The case conference committee shall do the following:

(1) Review, based on areas addressed in the statement of transition services, the available adult services provided through state and local agencies.

(2) Present information on those services in writing to the student and the parent.

As added by P.L.1-2005, SEC.19.

IC 20-35-7-10

Review of transition age students

Sec. 10. (a) Upon obtaining authorization to disclose confidential information, the public agency and the vocational rehabilitation counselor shall confer at least one (1) time each year to review transition age students.

(b) If the public agency and the vocational rehabilitation counselor believe a student may be eligible for and benefit from

vocational rehabilitation services, the public agency shall do the following:

(1) Provide adequate notice to the vocational rehabilitation counselor regarding the annual case review to be conducted during the school year before the student's projected final year of school. The notification to the vocational rehabilitation counselor must include the name, address, age, and reported disability of the student for whom the annual case review is being conducted.

(2) At the annual case review, verbally advise and provide written materials to the student and the parent that describe the following:

(A) The array of vocational rehabilitation services that may be available.

(B) The process to access those services.

(c) The vocational rehabilitation counselor shall do the following:

(1) Attempt to attend the annual case review for which the counselor has been notified under subsection (b)(1).

(2) Determine with the student and parent when an application for vocational rehabilitation services will be completed and eligibility determined. However, the application must be completed not later than the beginning of the last semester of the student's last year of receiving services by the public agency.

(3) If the student has been determined eligible for vocational rehabilitation services, complete the individual plan for employment (IPE) before the student's exit from the public agency.

(4) Provide written information and be available on a consultative basis to public agency personnel, students, and parents to assist in identifying appropriate transition services.

(5) Perform the duties of advocate and consultant to the student and, where appropriate, to the student's parent.

(6) Promote communication with the student and parent by attending appropriate student activities, including, upon invitation, the following:

(A) Case conferences.

(B) Career days.

(C) Parent and student forums.

(D) Other consultative services on behalf of the student.

As added by P.L.1-2005, SEC.19.

IC 20-35-7-11

Monitoring compliance

Sec. 11. (a) The division shall monitor public agency compliance with the requirements of this chapter as part of the division's ongoing program monitoring responsibilities.

(b) The division of disability and rehabilitative services shall monitor compliance with this chapter by vocational rehabilitation services programs.

(c) The division and the division of disability and rehabilitative services shall confer, at least annually, to do the following:

(1) Review compliance with the requirements of this chapter.

(2) Ensure that students with disabilities are receiving appropriate and timely access to services.

As added by P.L.1-2005, SEC.19. Amended by P.L.141-2006, SEC.101.

IC 20-35-8

Chapter 8. Transfer and Transportation of Students With Disabilities

IC 20-35-8-1

Transfer of children with disabilities; transportation; tuition

Sec. 1. (a) Except as provided in subsection (b), if a student with legal settlement in a school corporation is transferred to attend school in another school corporation because of a disability or multiple disabilities, the transferor corporation shall:

(1) either:

(A) provide; or

(B) pay for, in the amount determined under section 2 of this chapter;

any transportation that is necessary or feasible, as determined under section 2 of this chapter and the rules adopted by the state board; and

(2) pay transfer tuition for the student to the transferee corporation in accordance with IC 20-26-11.

(b) If the student attends a school operated through:

(1) a joint school service and supply program; or

(2) another cooperative program;

involving the school corporation of the student's legal settlement, transportation and other costs shall be made in amounts and at the times provided in the agreement or other arrangement made between the participating school corporations.

(c) Student data, including ISTEP program testing scores, academic progress, grade level, and graduation date, for a student described in subsection (a) shall be included in determinations for the school corporation in which the student has legal settlement.

As added by P.L.1-2005, SEC.19. Amended by P.L.229-2011, SEC.195.

IC 20-35-8-2

Transportation for individualized education program; rules on limitations; liability for costs

Sec. 2. (a) The state board shall adopt rules under IC 4-22-2 to establish limits on the amount of transportation that may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules must limit the transportation required by the student's individualized education program to the following:

(1) The student's first entrance and final departure each school year.

(2) Round trip transportation each school holiday period.

(3) Two (2) additional round trips each school year.

(b) If a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-26-11-1 through

IC 20-26-11-4 shall pay the cost of transportation required by the student's individualized education program.

(c) If a student receives a special education:

(1) in a facility operated by:

(A) the state department of health;

(B) the division of disability and rehabilitative services; or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind and Visually Impaired; or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

(d) If a student is placed in a private facility under IC 20-35-6-2 in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

As added by P.L.1-2005, SEC.19. Amended by P.L.231-2005, SEC.48; P.L.218-2005, SEC.82; P.L.2-2006, SEC.159; P.L.141-2006, SEC.102; P.L.1-2007, SEC.152.

IC 20-35-9

Chapter 9. Reading and Writing Instruction for Blind Students

IC 20-35-9-1

"Blind student"

Sec. 1. As used in this chapter, "blind student" has the meaning established under rules adopted under IC 4-22-2 by the state board for an individual:

(1) who:

(A) cannot successfully use vision as a primary and efficient method for learning; and

(B) exhibits such a low degree or amount of visual acuity or visual field that vision is not considered as a primary mode of learning; or

(2) who has a medically indicated prognosis of visual deterioration.

As added by P.L.1-2005, SEC.19.

IC 20-35-9-2

"Braille"

Sec. 2. As used in this chapter, "braille" means a tactually perceived system of reading and writing known as Standard English braille.

As added by P.L.1-2005, SEC.19.

IC 20-35-9-3

"Case conference committee"

Sec. 3. As used in this chapter, "case conference committee" means the group of individuals described in IC 20-18-2-9 who develop the individualized education program for each child with a disability (as defined in IC 20-35-1-2).

As added by P.L.1-2005, SEC.19.

IC 20-35-9-4

"Individualized education program"

Sec. 4. As used in this chapter, "individualized education program" has the meaning set forth in IC 20-18-2-9.

As added by P.L.1-2005, SEC.19.

IC 20-35-9-5

Braille; presumption regarding student proficiency and use in instruction

Sec. 5. (a) In developing the individualized education program for a blind student, the presumption is that, with some exceptions, proficiency in braille reading and writing is essential for blind students to achieve satisfactory educational progress.

(b) This chapter does not require braille use or instruction if, in the course of developing a blind student's individualized education program, the student's case conference committee determines that another medium:

(1) is more appropriate and efficient in meeting the student's reading and writing needs; and

(2) allows the student to achieve in instructional activities commensurate with the student's potential.

(c) This chapter does not require the exclusive use of braille and the availability of other media may not preclude braille instruction if, in the determination of a blind student's case conference committee, braille is necessary for the student to achieve to the student's potential.

As added by P.L.1-2005, SEC.19.

IC 20-35-9-6

Literacy assessment of students

Sec. 6. (a) Each blind student shall undergo a literacy assessment under rules adopted under IC 4-22-2 by the state board to determine the student's present level of performance in reading and writing.

(b) The literacy assessment required by subsection (a) shall be administered by a certified teacher of individuals with a visual disability using criteria established by the state board.

As added by P.L.1-2005, SEC.19. Amended by P.L.99-2007, SEC.180.

IC 20-35-9-7

Providing braille instruction

Sec. 7. If it is determined that braille instruction and use is appropriate for a student who is blind, the student shall be provided instruction by certified teachers of individuals with a visual disability in the frequency and intensity specified in the student's individualized education program.

As added by P.L.1-2005, SEC.19. Amended by P.L.99-2007, SEC.181.

IC 20-35-9-8

Case conference; information regarding media options

Sec. 8. As a part of the case conference committee deliberations for a blind student, the case conference committee shall make available to the student and the student's parents information regarding all the potential reading and writing media options, including the availability of braille.

As added by P.L.1-2005, SEC.19.

IC 20-35-9-9

Rule adoption

Sec. 9. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-2005, SEC.19.

IC 20-35-10

Chapter 10. Inclusion School Pilot Program

IC 20-35-10-1

"Child with disabilities"

Sec. 1. As used in this chapter, "child with disabilities" means a child (as defined in IC 20-35-1-2) whose individualized education program recommends that the child participate in an inclusion school program.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-2

"Inclusion school"

Sec. 2. As used in this chapter, "inclusion school" means a public school that:

(1) participates in the pilot program under this chapter as an inclusion school;

(2) as an inclusion school, educates each child with disabilities in the school located in the child's attendance area in the school corporation of the child's legal settlement; and

(3) integrates each child with a disability in regular education classes for as much of the student instructional day as possible to normalize the child's academic learning and social experience.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-3

"Regular education"

Sec. 3. As used in this chapter, "regular education" means classroom instruction:

(1) in which children without disabilities are routinely placed; and

(2) that is not characterized as special education under this article.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-4

Program established; purposes

Sec. 4. The inclusion school pilot program is established to provide financial assistance through competitive grants awarded by the department under section 5 of this chapter to school corporations to do the following:

(1) Develop supportive regular education school and classroom communities that nurture, support, and enhance the educational and social needs of each child enrolled in the inclusion school.

(2) Integrate children with disabilities into the inclusion schools located in the child's attendance area in the school corporation of the child's legal settlement.

(3) Provide children with disabilities the opportunity to become an integral part of the total school experience while focusing on

meeting the needs of all classes of children and without a reduction in the quality of the content of the educational program being provided to children with disabilities.

(4) Foster cooperation and integration among regular education teachers and special education teachers.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-5

Program funding

Sec. 5. (a) The money annually available to the department to award the grants under this chapter is derived from the unexpended money at the end of a state fiscal year that was originally appropriated to the department for the program for preschool children with disabilities under IC 20-35-4-9, not to exceed two hundred thousand dollars ($200,000).

(b) On July 1 of each year, the budget agency shall make available to the department the appropriate amount of money for use under this chapter as designated under subsection (a).

As added by P.L.1-2005, SEC.19.

IC 20-35-10-6

Award of grants

Sec. 6. (a) The department may award competitive grants to not more than ten (10) school corporations each year to conduct inclusion school programs.

(b) The grants under this chapter must be used by a recipient school corporation to provide planning, collaboration, and staff training and development necessary for the implementation of the school corporation's inclusion school pilot program.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-7

Grant applications

Sec. 7. (a) To be eligible to receive a grant under this chapter, a school corporation must apply to the department, on forms prepared by the department, for the grant.

(b) The school corporation must include the following in the school corporation's application:

(1) A detailed description of the nature of the school corporation's inclusion school pilot program.

(2) Any other information required by the department.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-8

Grant criteria

Sec. 8. The department shall award grants to a recipient school corporation based on the following criteria:

(1) The school corporation's experience in delivering innovative instruction to children with disabilities.

(2) The completion of the appropriate application.

(3) The degree to which the:

(A) school corporation;

(B) each school in which the inclusion school pilot program will be implemented;

(C) school staff (including the support of the exclusive representative); and

(D) school community;

exhibit commitment to the inclusion school pilot program.

(4) Any other criteria established by the department.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-9

Reports

Sec. 9. Each recipient school corporation must submit to the department:

(1) an annual report; and

(2) any interim reports that the department requires;

concerning the school corporation's inclusion school pilot program.

As added by P.L.1-2005, SEC.19.

IC 20-35-10-10

Guidelines

Sec. 10. The department shall develop guidelines to implement this chapter.

As added by P.L.1-2005, SEC.19.

IC 20-36

ARTICLE 36. HIGH ABILITY STUDENTS

IC 20-36-1

Chapter 1. Definitions

IC 20-36-1-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.1-2005, SEC.20.

IC 20-36-1-2

"Domain"

Sec. 2. "Domain" includes the following areas of aptitude and talent:

(1) General intellectual.
(2) General creative.
(3) Specific academic.
(4) Technical and practical arts.
(5) Visual and performing arts.
(6) Interpersonal.

As added by P.L.1-2005, SEC.20.

IC 20-36-1-3

"High ability student"

Sec. 3. "High ability student" means a student who:

(1) performs at or shows the potential for performing at an outstanding level of accomplishment in at least one (1) domain when compared with other students of the same age, experience, or environment; and
(2) is characterized by exceptional gifts, talents, motivation, or interests.

As added by P.L.1-2005, SEC.20.

IC 20-36-1-4

"Satisfactory score"

Sec. 4. "Satisfactory score" means a score of 3, 4, or 5 on an advanced placement exam sponsored by the College Board's Advanced Placement Program.

As added by P.L.91-2010, SEC.3.

IC 20-36-2

Chapter 2. Programs for High Ability Students

IC 20-36-2-1

State resources program; grants for high ability programs

Sec. 1. (a) The department shall establish a state resources program using designated state resources that:

(1) supports school corporations in the development of local programs for high ability students;

(2) enables educational opportunities that encourage high ability students to reach the highest possible level at every stage of the students' development; and

(3) provides state integrated services that include the following:

(A) Information and materials resource centers.

(B) Professional development plan and programs.

(C) Research and development services.

(D) Technical assistance that includes the following:

(i) Student assessment.

(ii) Program assessment.

(iii) Program development and implementation.

(E) Support for educators pursuing professional development leading to endorsement or licensure in high ability education.

(b) In addition to the program established under subsection (a), the department shall use appropriations to provide grants to school corporations for programs for high ability students under section 2 of this chapter in an amount determined by the department that is based upon a set minimum amount increased by an additional amount for each student in the program. A school corporation's program must align with the strategic and continuous school improvement and achievement plans under IC 20-31-5-4 for the schools within the school corporation. A school that receives a grant under this subsection shall submit an annual report to the department that includes the following:

(1) The programs for which the grant is used.

(2) The results of the programs for which the grant is used, including student general assessment results, program effectiveness, or student achievement.

As added by P.L.1-2005, SEC.20. Amended by P.L.84-2007, SEC.2.

IC 20-36-2-2

School corporation high ability programs; criteria

Sec. 2. A governing body shall develop and periodically update a local plan to provide appropriate educational experiences to high ability students in the school corporation in kindergarten through grade 12. The plan must include the following components:

(1) The establishment of a broad based planning committee that meets periodically to review the local education authority's plan for high ability students. The committee must have representatives from diverse groups representing the school and

community.

(2) Student assessments that identify high ability students using multifaceted assessments to ensure that students not identified by traditional assessments because of economic disadvantage, cultural background, underachievement, or disabilities are included. The assessments must identify students with high abilities in the general intellectual domain and specific academic domains. The results of an assessment under this subdivision must be recorded with the student test number assigned to a student.

(3) Professional development.

(4) Development and implementation of local services for high ability students, including appropriately differentiated curriculum and instruction in the core academic areas designated by the state board for each grade consistent with federal, state, local, and private funding sources.

(5) Evaluation of the local program for high ability students.

(6) Best practices to increase the number of participants in high ability student programs who are from racial and ethnic groups that have been underrepresented in those programs.

As added by P.L.1-2005, SEC.20. Amended by P.L.84-2007, SEC.3; P.L.173-2009, SEC.2.

IC 20-36-3

Chapter 3. Advanced Placement Courses

IC 20-36-3-1

"Advanced course"

Sec. 1. As used in this chapter, "advanced course" refers to an advanced placement course for a particular subject area as authorized under this chapter.

As added by P.L.1-2005, SEC.20.

IC 20-36-3-2

"Advanced placement examination"

Sec. 2. As used in this chapter, "advanced placement examination" refers to the advanced placement examination sponsored by the College Board of the Advanced Placement Program.

As added by P.L.1-2005, SEC.20.

IC 20-36-3-2.8

"Preadvanced placement"

Sec. 2.8. As used in this chapter, "preadvanced placement" education refers to set professional development resources and services that equip all middle school, junior high school, and high school teachers with the strategies and tools they need to engage students in active, high level learning to ensure the students develop skills, habits, and concepts needed to succeed in advanced placement courses.

As added by P.L.20-2007, SEC.1.

IC 20-36-3-3

"Program"

Sec. 3. As used in this chapter, "program" refers to the advanced placement program established by section 4 of this chapter.

As added by P.L.1-2005, SEC.20.

IC 20-36-3-3.2

"Vertical team"

Sec. 3.2. As used in this chapter, "vertical team" refers to a group of teachers from different grade levels in a given discipline who work cooperatively to develop and implement a vertically aligned program aimed at helping students from diverse backgrounds acquire the academic skills necessary for success in advanced placement courses.

As added by P.L.20-2007, SEC.2.

IC 20-36-3-4

Advanced placement program established

Sec. 4. (a) The advanced placement program is established to encourage students to pursue advanced courses, particularly in math and science. The program shall be administered by the department.

(b) Unexpended money appropriated to the department to implement the program at the end of a state fiscal year does not revert to the state general fund.
As added by P.L.1-2005, SEC.20.

IC 20-36-3-5
Advanced placement courses

Sec. 5. (a) Each school year:

(1) each school corporation may provide the College Board's science and math advanced placement courses; and

(2) each school corporation may provide additional College Board advanced placement courses;

in secondary schools for students who qualify to take the advanced placement courses.

(b) Each school corporation shall provide the College Board's science and math advanced placement courses in secondary schools for students who qualify to take the advanced placement courses.

(c) In addition to the College Board's math and science advanced placement tests, the state board may approve advanced placement courses offered by a state educational institution in collaboration with a school corporation if the state educational institution and the collaborating school corporation demonstrate to the state board that the particular advanced placement course satisfies the objectives of this chapter.
As added by P.L.1-2005, SEC.20. Amended by P.L.2-2007, SEC.234.

IC 20-36-3-6
Advanced placement examination; high school credit; honors diploma; certificate of achievement; postsecondary academic credit

Sec. 6. (a) Each student who enrolls in an advanced course may take the advanced placement examination to receive high school credit for the advanced course.

(b) Any rule adopted by the department concerning an academic honors diploma must provide that a successfully completed mathematics or science advanced course is credited toward fulfilling the requirements of an academic honors diploma.

(c) If a student who takes an advanced placement examination receives a satisfactory score on the examination, the student is entitled to receive:

(1) a certificate of achievement; and

(2) postsecondary level academic credit at a state educational institution that counts toward meeting the student's degree requirements, if elective credit is part of the student's degree requirement. The state educational institution may require a score higher than 3 on an advanced placement test if the credit is to be used for meeting a course requirement for a particular major at the state educational institution.

As added by P.L.1-2005, SEC.20. Amended by P.L.91-2010, SEC.4.

IC 20-36-3-7

Summer training for teachers

Sec. 7. (a) Teachers who are assigned to teach an advanced course may participate in summer training institutes offered by the College Board.

(b) For a teacher to be eligible for a stipend under section 8 of this chapter, the training in subsection (a) must do the following:

(1) Provide teachers of advanced placement and teachers who instruct preadvanced placement courses with the necessary content knowledge and instructional skills to prepare students for success in advanced placement courses and examinations and other advanced courses.

(2) Provide administrators, including principals and counselors, with professional development that enables them to create strong and effective advanced placement programs in their respective schools.

(3) Provide middle school, junior high school, and high school teachers with advanced placement vertical team training and other preadvanced placement professional development that prepares students for success in advanced placement.

(4) Support the implementation of an instructional program for students in grades 6 through 12 that provides an integrated set of instructional materials, diagnostic assessments, and teacher professional development in reading, writing, and mathematics that prepares all students for enrollment and success in advanced placement courses and in college.

As added by P.L.1-2005, SEC.20. Amended by P.L.20-2007, SEC.3.

IC 20-36-3-8

Distribution of funds

Sec. 8. (a) Money appropriated to the department to implement the program shall be distributed for purposes listed in the following order:

(1) To pay the fees for each math or science advanced placement examination that is taken by a student who is:

(A) enrolled in a public secondary school; and

(B) a resident of Indiana.

Priority shall be given to paying the fees for each math or science advanced placement examination that is taken by a student in grade 11 or 12.

(2) To pay stipends for teachers assigned to teach a math or science advanced course to attend the institutes under section 7 of this chapter.

(3) To pay school corporations for instructional materials needed for the math or science advanced course.

(4) To pay for or rent equipment that a school corporation may need to develop a math or science advanced course.

(5) To pay the fees for the costs incurred in implementing the advanced placement program for the subjects other than math and science as authorized under section 5 of this chapter.

(b) The department shall establish guidelines concerning the distribution of funds under this chapter, including guidelines to ensure that money distributed under this chapter is distributed as evenly as possible throughout Indiana. In establishing these distribution guidelines, the department shall consider the following factors:

(1) The number of students and teachers participating in the program.

(2) Even geographic representation.

(3) Financial need of students participating in the program.

(4) Any other factor affecting the distribution of money under this chapter.

(c) The department may seek funding to carry out the purposes of this chapter through the following federal programs:

(1) The Advanced Placement Incentive Program.

(2) The Math-Science Partnership Program.

(d) The department may give priority in the distribution of funds to a school that serves a high concentration of low income students.

As added by P.L.1-2005, SEC.20. Amended by P.L.20-2007, SEC.4.

IC 20-36-3-9

Curriculum guidelines

Sec. 9. (a) The department shall develop and provide each public middle school, junior high school, and secondary school with curriculum guidelines designed to satisfy the requirements of this chapter.

(b) The guidelines developed under subsection (a) shall include a plan for increasing the:

(1) availability of advanced placement program in schools with a high concentration of low income students; and

(2) participation of low income students in advanced placement programs;

through information dissemination through print, electronic, and broadcast media that informs parents and students of the importance of advanced placement and preadvanced placement courses to a student's ability to gain access to and to succeed in postsecondary education.

As added by P.L.1-2005, SEC.20. Amended by P.L.20-2007, SEC.5.

IC 20-36-3-10

Annual report

Sec. 10. The department shall prepare an annual report concerning the implementation of the program and shall submit the report to the board before December 1 of each year. The report must include the pertinent details of the program, including the following:

(1) The number of students participating in the program.

(2) The number of teachers attending a summer institute offered by the College Board.

(3) Recent trends in the field of advanced placement.

(4) The distribution of money under this program.

(5) Gender and minority participation.
(6) Other pertinent matters.

As added by P.L.1-2005, SEC.20. Amended by P.L.229-2007, SEC.14.

IC 20-36-3-11

State educational institution; academic credit and advanced placement

Sec. 11. The department and the commission for higher education shall work with each state educational institution on implementing and communicating the state educational institution's policy for awarding advanced placement credits under IC 20-32-3-10 and section 6 of this chapter. The plan to implement each policy must be developed by March 1, 2011.

As added by P.L.1-2005, SEC.20. Amended by P.L.2-2007, SEC.235; P.L.91-2010, SEC.5.

IC 20-36-3-12

Rules

Sec. 12. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.1-2005, SEC.20.

IC 20-36-4

Chapter 4. Governor's Scholars Academy

IC 20-36-4-1

"Academy"

Sec. 1. As used in this chapter, "academy" refers to the governor's scholars academy established by section 3 of this chapter.

As added by P.L.1-2005, SEC.20.

IC 20-36-4-2

"Advisory board"

Sec. 2. As used in this chapter, "advisory board" refers to the advisory board for the governor's scholars academy established by section 5 of this chapter.

As added by P.L.1-2005, SEC.20.

IC 20-36-4-3

Academy established

Sec. 3. The governor's scholars academy is established to administer and operate a public, residential, coeducational school to be held in the summer for high school students in Indiana who are high ability students as described in IC 20-36-1.

As added by P.L.1-2005, SEC.20.

IC 20-36-4-4

Operation of academy; guidelines; department of education duties

Sec. 4. (a) The department shall operate the academy under guidelines that are established by the advisory board and in consideration of the recommendations that are made by the advisory board under section 6 of this chapter.

(b) The department shall:

(1) employ personnel necessary to operate the academy;

(2) select the students who will attend the academy;

(3) hire the faculty for the academy;

(4) enter into contracts with postsecondary educational institutions or other similar entities for establishing the location or locations of the academy;

(5) determine the courses that are to be offered at each academy site; and

(6) take any other action necessary to operate the academy under this chapter.

As added by P.L.1-2005, SEC.20. Amended by P.L.2-2007, SEC.236.

IC 20-36-4-5

Advisory board; membership; chairperson; reimbursement; quorum

Sec. 5. (a) An advisory board for the academy is established.

(b) Fifteen (15) members shall be appointed to the advisory board as follows:

(1) The state superintendent as an ex officio member.

(2) The chairman of the curriculum committee of the state board as an ex officio member.

(3) The commissioner of the commission for higher education as an ex officio member.

(4) Seven (7) members appointed by the state superintendent as follows:

(A) Two (2) members who are classroom teachers.

(B) Two (2) members who are public school administrators.

(C) One (1) member who represents the parents of public school students.

(D) Two (2) members who are former students of the academy.

(5) Five (5) members appointed by the governor as follows:

(A) Two (2) representatives from state educational institutions.

(B) One (1) representative from a private postsecondary educational institution in Indiana.

(C) Two (2) individuals representing business and industry.

(c) At the expiration of the terms of the initial appointees, their successors shall be appointed to four (4) year terms beginning on July 1 in the year of their appointments. A member may be reappointed to the advisory board.

(d) A vacancy in any appointive term under this section shall be filled for the unexpired part of the term by appointment of the officer who appointed the person creating the vacancy.

(e) On July 1 of each year, the state superintendent shall designate a member to serve as chairperson. The advisory board shall elect other officers annually to serve terms from July 1 through June 30.

(f) An advisory board member is not entitled to the minimum salary per diem as provided in IC 4-10-11-2.1(b) while performing the member's duties. A member is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) The chairperson shall call the meetings of the advisory board.

(h) A majority of the advisory board constitutes a quorum for the purpose of doing business.

As added by P.L.1-2005, SEC.20. Amended by P.L.2-2007, SEC.237.

IC 20-36-4-6

Advisory board guidelines and recommendations

Sec. 6. (a) The advisory board shall establish the following guidelines:

(1) The criteria for admission to the academy.

(2) The maximum number and grade levels of students to be admitted to the academy.

(3) Rules for selecting students based upon county student populations with the goal of gathering a diverse student body representing as many high schools in the state as possible.

(4) Criteria and procedures for evaluating the academy.

(b) The advisory board may make recommendations to the department of education concerning the following:

(1) The curriculum to be offered at the academy.

(2) The location or locations for the operation of the academy.

(3) The length of time during the summer that the academy is to be operational.

(4) Any other matter that the advisory board determines to be pertinent to the operation of the academy.

As added by P.L.1-2005, SEC.20.

IC 20-36-4-7

Free tuition, room, and board

Sec. 7. The academy shall provide free tuition, room, and board to students accepted to attend the academy.

As added by P.L.1-2005, SEC.20.

IC 20-36-5

Chapter 5. Alternate Methods of Earning High School Academic Credit

IC 20-36-5-1

Receiving credits by demonstrating proficiency; methods

Sec. 1. A student shall receive credits toward graduation or an academic honors diploma by demonstrating the student's proficiency in a course or subject area required for graduation or the academic honors diploma, whether or not the student has completed course work in the subject area, by any one (1) or more of the following methods:

(1) Receiving a score that demonstrates proficiency on a standardized assessment of academic or subject area competence that is accepted by accredited postsecondary educational institutions.

(2) Receiving a high proficiency level score on an end of course assessment for a course without taking the course.

(3) Successfully completing a similar course at an eligible institution under the postsecondary enrollment program under IC 21-43-4.

(4) Receiving a score of three (3), four (4), or five (5) on an advanced placement examination for a course or subject area.

(5) Other methods approved by the state board.

As added by P.L.64-2006, SEC.1. Amended by P.L.2-2007, SEC.238.

IC 20-36-5-2

Waiver of minimum number of semesters for graduation or academic honors diploma

Sec. 2. A student who demonstrates proficiency in one (1) or more courses or subject areas under section 1 of this chapter may not be required to complete a minimum number of semesters to graduate or to receive an academic honors diploma.

As added by P.L.64-2006, SEC.1.

IC 20-36-5-3

Guidelines; rules

Sec. 3. The department shall develop guidelines and the state board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.64-2006, SEC.1.

IC 20-37

ARTICLE 37. CAREER AND TECHNICAL EDUCATION

IC 20-37-1

Chapter 1. Cooperative Career and Technical Education Departments

IC 20-37-1-1

Career and technical education; cooperating school corporations; board of management; withdrawal

Sec. 1. (a) Two (2) or more school corporations may cooperate to:

(1) establish; and

(2) maintain or supervise;

schools or departments for career and technical education if the governing bodies of the school corporations agree to cooperate and apportion the cost of the schools or departments among the school corporations.

(b) If the cooperating school corporations agree to:

(1) establish; and

(2) maintain or supervise;

the schools or departments under subsection (a), the designated representatives of the school corporations constitute a board for the management of the schools or departments. The board may adopt a plan of organization, administration, and support for the schools or departments. The plan, if approved by the state board, is a binding contract between the cooperating school corporations.

(c) The governing bodies of the cooperating school corporations may cancel or annul the plan described in subsection (b) by the vote of a majority of the governing bodies and upon the approval of the state board. However, if a school corporation desires to withdraw a course offering from the cooperative agreement after:

(1) attempting to withdraw the course offering under a withdrawal procedure authorized by the school corporation's cooperative agreement or bylaw; and

(2) being denied the authority to withdraw the course offering;

the school corporation may appeal the denial to the state board. In the appeal, a school corporation must submit a proposal requesting the withdrawal to the state board for approval.

(d) The proposal under subsection (c) must do the following:

(1) Describe how the school corporation intends to implement the particular career and technical education course.

(2) Include a provision that provides for at least a two (2) year phaseout of the educational program or course offering from the cooperative agreement.

Upon approval of the proposal by the state board, the school corporation may proceed with the school corporation's withdrawal of the course offering from the cooperative agreement and shall proceed under the proposal.

(e) The withdrawal procedure under subsections (c) and (d) may not be construed to permit a school corporation to change any other terms of the plan described in subsection (b) except those terms that require the school corporation to provide the particular course offering sought to be withdrawn.

(f) The board described in subsection (b) may do the following:

(1) Enter into an agreement to acquire by lease or purchase:

(A) sites;

(B) buildings; or

(C) equipment;

that is suitable for these schools or departments. This authority extends to the acquisition of facilities available under IC 20-47-2.

(2) By resolution adopted by a majority of the board, designate three (3) or more individuals from the board's membership to constitute an executive committee.

(g) To the extent provided in a resolution adopted under subsection (f)(2), an executive committee shall do the following:

(1) Exercise the authority of the full board in the management of the schools or departments.

(2) Submit a written summary of its actions to the full board at least semiannually.

As added by P.L.1-2005, SEC.21. Amended by P.L.231-2005, SEC.49; P.L.2-2006, SEC.160; P.L.234-2007, SEC.123.

IC 20-37-2

Chapter 2. Career and Technical Education Centers, Schools, or Departments

IC 20-37-2-1

Establishing industrial or manual training and education

Sec. 1. (a) A governing body may establish and conduct a system of industrial or manual training and education to teach:

(1) the major uses of tools and mechanical implements;

(2) the elementary principles of mechanical construction;

(3) mechanical drawing; and

(4) printing.

(b) If a system is established, the governing body shall employ competent instructors in the various subjects and shall establish rules and regulations on student admissions designed to produce the best results and to give instruction to the largest practicable number. A governing body may provide this instruction in school buildings or in separate buildings. Each governing body may:

(1) require students enrolling in this system to pay a reasonable tuition fee; and

(2) differentiate between students living in the attendance unit and those living outside the attendance unit in the amount of tuition charged.

However, tuition charges by a school corporation operating under IC 20-25-3 and IC 20-25-4 are also regulated by IC 20-25-4-17.

As added by P.L.1-2005, SEC.21.

IC 20-37-2-2

Career and technical centers, schools, or departments; approved courses; notification

Sec. 2. (a) A governing body may:

(1) establish career and technical education centers, schools, or departments in the manner approved by the state board; and

(2) maintain these schools or departments from the general fund.

(b) The governing body may include in the high school curriculum without additional state board approval any secondary level career and technical education course that is:

(1) included on the list of approved courses that the state board establishes under IC 20-20-38-5(5); and

(2) approved under section 11 of this chapter, if applicable.

(c) The governing body shall notify the department and the department of workforce development whenever the governing body:

(1) includes an approved course for; or

(2) removes an approved course from;

the high school curriculum.

As added by P.L.1-2005, SEC.21. Amended by P.L.234-2007, SEC.124; P.L.7-2011, SEC.10.

IC 20-37-2-3

Contracts with nonprofit corporations

Sec. 3. (a) The governing body of a school corporation may contract with a nonprofit corporation to establish and maintain a career and technical education program in the building trades solely to teach the principles of building construction to students enrolled in grades 9 through 12.

(b) A career and technical education program established under this section is limited to the construction of buildings upon real property owned by the nonprofit corporation.

As added by P.L.1-2005, SEC.21. Amended by P.L.234-2007, SEC.125.

IC 20-37-2-4

Class time; instruction

Sec. 4. (a) Career and technical education centers, schools, or departments for industrial, agricultural, or home economics education may offer instruction in:

(1) day;
(2) part-time; and
(3) evening;

classes so that instruction in the principles and practice of the arts can occur together. The instruction must be less than college grade, and the instruction must be designed to meet the vocational needs of a person who can profit by the instruction.

(b) Evening classes in:

(1) an industrial;
(2) an agricultural; or
(3) a home economics;

school or department must offer training for a person employed during the working day. This training, in order to be considered career and technical training, must deal with and relate to the subject matter of the day employment. However, evening classes in home economics must be open to all individuals.

(c) Part-time classes in an industrial, agricultural, or home economics school or department are for persons giving a part of each working day, week, or longer period to a part-time class when it is in session. This part-time instruction must be:

(1) complementary to the particular work conducted in the employment;
(2) in subjects offered to enlarge civic or vocational intelligence; or
(3) in trade preparation subjects.

As added by P.L.1-2005, SEC.21. Amended by P.L.234-2007, SEC.126.

IC 20-37-2-5

Age of students

Sec. 5. Attendance in:

(1) day and part-time classes is restricted to persons who are at least fourteen (14) years of age; and

(2) evening classes is restricted to persons who are at least sixteen (16) years of age.

As added by P.L.1-2005, SEC.21.

IC 20-37-2-6

Required attendance

Sec. 6. If a governing body has established an approved career and technical education center, school, or department for instruction in part-time classes for regularly employed persons who are at least fourteen (14) years of age, the governing body may formally choose to require regularly employed persons who are less than nineteen (19) years of age to attend part-time classes:

(1) between the hours of 8 a.m. and 5 p.m. during the school term; and

(2) for not less than four (4) hours and not more than eight (8) hours per week.

As added by P.L.1-2005, SEC.21. Amended by P.L.234-2007, SEC.127.

IC 20-37-2-7

Cooperative programs with employers

Sec. 7. (a) A school corporation, through the school corporation's appropriate officials, may enter into cooperative programs with employers. These programs must include an agreement by the employer to provide employment for students enrolled in school directed career and technical education to learn the manipulative skills or manual processes of an occupation.

(b) The employer may employ the students in otherwise restricted occupations for the purpose of career and technical education under the following conditions:

(1) That training in the occupation is approved by a proper school authority and is school supervised.

(2) That safety instructions are given by the school and integrated with on-the-job training by the employer.

(3) That the student is assigned to competent adults designated by the employer for instruction and supervision in the manipulative skills or manual processes of the occupation according to a written training schedule developed by the employer and a representative of the school.

As added by P.L.1-2005, SEC.21. Amended by P.L.234-2007, SEC.128.

IC 20-37-2-8

Student employees; worker's compensation

Sec. 8. (a) A student in career and technical education and employed under section 7 of this chapter:

(1) is entitled to the rights of recovery of a worker of at least seventeen (17) years of age under the worker's compensation and occupational diseases laws (IC 22-3-2 through IC 22-3-7); and

(2) may not recover any additional benefit otherwise payable as a result of being less than seventeen (17) years of age under the definition of a minor in IC 22-3-6-1.

The student is considered the employee of the employer while performing services for the employer under section 7 of this chapter.

(b) A student performing services for an employer under section 7 of this chapter is considered a full-time employee in computing compensation for permanent impairment under the worker's compensation law (IC 22-3-2 through IC 22-3-6).

(c) Employers and students under section 7 of this chapter are exempt from IC 20-33-3-35.

As added by P.L.1-2005, SEC.21. Amended by P.L.234-2007, SEC.129.

IC 20-37-2-9

Career and technical education youth organization fund; grants; annual appropriation

Sec. 9. (a) A career and technical education youth organization fund is established to assist in carrying out the purposes of this chapter. The fund shall be administered by the state superintendent.

(b) The state superintendent may award grants from the career and technical education youth organization fund for combined career and technical activities of the organizations that are an integral part of the instructional program in career and technical education. Areas of career and technical instruction for which grants may be awarded include:

(1) agriculture;
(2) business and office occupations;
(3) health occupations;
(4) distributive education;
(5) home economics; and
(6) trade industrial education.

(c) There is appropriated from the state general fund to the state superintendent a sum to be determined annually by the general assembly to implement this section.

As added by P.L.1-2005, SEC.21. Amended by P.L.234-2007, SEC.130.

IC 20-37-2-10

Advisory committee

Sec. 10. (a) Each governing body administering approved vocational schools or departments for industrial, agricultural, or home economics education shall appoint an advisory committee composed of members representing local trades, industries, and occupations.

(b) The advisory committee shall advise the governing body and other school officials having the management and supervision of the schools or departments described in subsection (a).

As added by P.L.1-2005, SEC.21.

IC 20-37-2-11

Joint career and technical education courses

Sec. 11. (a) As used in this section, "career and technical education course" means a career and technical education course that is:

(1) an approved high school course under the rules of the state board; and

(2) included on the list of approved courses that the state board develops and approves under IC 20-20-20-3.

(b) A school corporation that has entered into an agreement for a joint program of career and technical education with one (1) or more other school corporations may not add a new career and technical education course to its curriculum unless the course has been approved in the following manner:

(1) In the case of an agreement under IC 20-37-1, the course must be approved by the management board for the joint program.

(2) In the case of an agreement under IC 20-26-10, the course must be approved by the governing body of the school corporation that is designated to administer the joint program under IC 20-26-10-3. However, if that governing body refuses to approve the course, the course may be approved by a majority of the governing bodies of the school corporations that are parties to the agreement.

As added by P.L.1-2005, SEC.21. Amended by P.L.234-2007, SEC.131.

IC 20-37-2-12

Acceptance of veteran student aid; agricultural programs

Sec. 12. A school corporation that offers an institutional farm training program in any high school to veterans under 38 U.S.C. 3201 et seq. may accept from any student tuition fees to be paid by the student from any allotment for tuition fees received by the student from the United States Department of Veterans Affairs.

As added by P.L.2-2006, SEC.161.

IC 20-38

ARTICLE 38. EDUCATIONAL COMPACTS

IC 20-38-1

Chapter 1. Interstate Agreement of Qualifications of Educational Personnel

IC 20-38-1-1

Contents of interstate agreement

Sec. 1. The following interstate agreement on qualification of educational personnel is enacted into law and entered into by this state with all other states legally joining the interstate agreement in substantially the following form:

INTERSTATE AGREEMENT ON
QUALIFICATION OF EDUCATIONAL PERSONNEL

Article 1 – Purpose, Findings, and Policy

1. The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational manpower. All contracts shall be subject to approval of the Indiana state board of education.

Article 2 – Definitions

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a

state selected by that state to negotiate and enter into, on behalf of the individual's state, contracts pursuant to this agreement.

3. "Accept", or any variant thereof, means to recognize and give effect to one (1) or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the District of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating state" means a state (and the subdivision thereof, if any) whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article 3.

6. "Receiving state" means a state (and the subdivisions thereof) which accept educational personnel in accordance with the terms of a contract made pursuant to Article 3.

Article 3 – Interstate Educational Personnel Contracts

1. The designated state official of a party state may make one (1) or more contracts on behalf of the official's state with one (1) or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which the official finds that there are programs of education, certification standards, or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in the official's own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this agreement shall be for a term longer than five (5) years, but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state of any persons qualified because of successful completion of a program before January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Article 4 – Approved and Accepted Programs

1. Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

Article 5 – Interstate Cooperation

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article 3 of this agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

Article 6 – Agreement Evaluation

The designated state officials of any party state may meet from time to time as a group to evaluate progress under the agreement and to formulate recommendations for changes.

Article 7 – Other Arrangements

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

Article 8 – Effect and Withdrawal

1. This agreement shall become effective when enacted into law by two (2) states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

2. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one (1) year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any

obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Article 9 – Construction and Severability

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence, or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

As added by P.L.1-2005, SEC.22.

IC 20-38-1-2

Authorized person to negotiate and enter contracts; rules

Sec. 2. (a) The state superintendent, or a person authorized to act in behalf of the state superintendent, is the education official selected by this state to negotiate and enter into, on behalf of this state, contracts under the interstate agreement set forth in section 1 of this chapter.

(b) The designated education official, acting jointly with similar officers of other party states, may adopt rules to carry out more effectively the terms of the interstate agreement.

(c) The designated education official is authorized, empowered, and directed to cooperate with all departments, agencies, and officers of state government and its subdivisions in facilitating the proper administration of the following:

(1) The interstate agreement.

(2) A supplementary agreement entered into by this state under the interstate agreement.

As added by P.L.1-2005, SEC.22.

IC 20-38-2

Chapter 2. Compact for Education

IC 20-38-2-1

Contents of compact for education

Sec. 1. The following compact for education, which has been negotiated by the representatives of the fifty (50) states, is approved, ratified, adopted, enacted into law, and entered into by the state as a party and a signatory state, namely:

COMPACT FOR EDUCATION

ARTICLE 1.

PURPOSE AND POLICY.

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational, and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the fields of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement, and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare, and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE 2.

STATE DEFINED.

As used in this compact, "state" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

ARTICLE 3.

THE COMMISSION.

A. The education commission of the states, hereinafter called "the commission," is established. The commission shall consist of seven (7) members representing each party state. One (1) of such members shall be the governor; two (2) shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and four (4) shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, six (6) members shall be appointed and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission for each party state shall be that the members representing such state shall by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one (1) shall be the head of a state agency or institution, designated by the governor, having responsibility for one (1) or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten (10) nonvoting commissioners selected by the steering committee for terms of one (1) year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

B. The members of the commission shall be entitled to one (1) vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, and power to make policy recommendations pursuant to Article 4 and adoption of the annual report pursuant to Article 3(J).

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice chairman, and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive

director shall be secretary.

E. Irrespective of the civil service, personnel, or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept, or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two (2) or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, limited liability company, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to Article 3(F) shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish (in) its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

ARTICLE 4.
POWERS.

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a

whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies, and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE 5.

COOPERATION WITH FEDERAL GOVERNMENT.

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten (10) representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE 6.

COMMITTEES.

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two (32) members that, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the by-laws of the commission. One-fourth (1/4) of the voting membership of the steering committee shall consist of governors, one-fourth (1/4) shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two (2) years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen (16) for one (1) year and sixteen (16) for two (2) years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect

its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two (2) terms as a member of the steering committee; provided that service for a partial term of one (1) year or less shall not be counted toward the two (2) term limitation.

B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one (1) or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two (2) or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

ARTICLE 7.
FINANCE.

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article 3(G) of this compact, provided, that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article 3(G) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE 8.
ELIGIBLE PARTIES;
ENTRY INTO AND WITHDRAWAL.

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact, and it shall become binding thereon when it has adopted the same: Provided, That in order to enter into initial effect, adoption by at least ten (10) eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor. However, in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

D. Except for a withdrawal effective on December 31, 1967, in accordance with Article 8(C), any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one (1) year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE 9.
CONSTRUCTION AND SEVERABILITY.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

As added by P.L.1-2005, SEC.22.

IC 20-38-2-2

Filing copies of bylaws and amendments

Sec. 2. In accordance with Article 3(I) of the compact for education adopted by the state under section 1 of this chapter, the governor shall appoint one (1) of the commissioners designated

under section 4 of this chapter to file a copy of the bylaws adopted by the education commission of the states and any amendments to those bylaws with the office of the secretary of state.
As added by P.L.1-2005, SEC.22.

IC 20-38-2-3
Authority of state officers to assist in carrying out compact

Sec. 3. (a) Each state officer shall do whatever is necessary within the officer's respective jurisdiction in order to carry out the purposes of the compact for education adopted by the state under this chapter.

(b) All officers, bureaus, or departments of state government shall furnish, upon the request of a commissioner designated under section 4 of this chapter, any information and data possessed by that officer, bureau, or department that pertains to the policies and purposes of the compact for education.
As added by P.L.1-2005, SEC.22.

IC 20-38-2-4
Designated commissioners; meetings; staff support

Sec. 4. (a) In accordance with the compact for education adopted by the state under this chapter, the following seven (7) individuals are designated to represent the state as commissioners on the education commission of the states:

(1) The governor.

(2) One (1) member of the senate appointed by the president pro tempore of the senate.

(3) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(4) Four (4) members appointed by the governor, and serving at the pleasure of the governor, each of whom, either in a professional or lay capacity, is:

(A) involved in the educational system in Indiana; or

(B) familiar with the educational needs and problems in Indiana.

(b) The commissioners designated in subsection (a) are not required to hold meetings. However, the governor may take whatever action is necessary to ensure that the state is appropriately represented at the meetings or events sponsored by the education commission of the states.

(c) The commissioners designated in subsection (a) may exercise on behalf of the state the powers set forth under Article 4 of the compact for education adopted by the state under section 1 of this chapter.

(d) Administrative and staff support for the commissioners shall be provided by the education policy office of the Indiana University School of Public and Environmental Affairs at Indiana University-Purdue University Indianapolis.
As added by P.L.1-2005, SEC.22.

IC 20-38-2-5

Compensation

Sec. 5. (a) Each commissioner who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each commissioner who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each commissioner who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

As added by P.L.1-2005, SEC.22.

IC 20-38-3

Chapter 3. Interstate Compact on Educational Opportunity for Military Children

IC 20-38-3-1

Purpose

Sec. 1. ARTICLE I. PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families due to frequent moves and deployment of their parents by doing the following:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of educational records from the school corporations the children previously attended or variations in admissions requirements.

B. Facilitating the student placement process to ensure that children of military families are not placed at a disadvantage due to variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment.

C. Facilitating the qualifications and eligibility for enrollment and participation in educational programs and extracurricular academic, athletic, and social activities.

D. Facilitating the timely graduation of children of military families.

E. Providing for the adoption and enforcement of rules to implement this chapter.

F. Providing for the uniform collection and sharing of information among member states, schools, and military families.

G. Promoting coordination among this compact and other compacts affecting children of military families.

H. Promoting flexibility and cooperation among the educational system, students, and families to achieve educational success for the students.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-2

Definitions

Sec. 2. ARTICLE II. DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the armed forces of the United States or the National Guard and Reserve on active duty orders under 10 U.S.C. 1209 and 10 U.S.C 1211.

B. "Children of military families" means school aged children who are enrolled in kindergarten through grade 12 and are members of the household of an active duty member.

C. "Compact commissioner" means the voting representative of each member state appointed under section 9 of this chapter.

D. "Deployment" means the period beginning one (1) month

before a service member departs from the member's home station on military orders and ending six (6) months after the service member returns to the member's home station.

E. "Educational records" means the official records, files, and data that are directly related to a student and maintained by a school or local education agency. The term includes general identifying data, records of attendance and academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means voluntary activities sponsored by a school, a local education agency, or an organization approved by a local education agency. The term includes preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate commission" refers to the interstate commission on Educational Opportunity for Military Children created by Article IX of this compact.

H. "Local education agency" means a public administrative agency authorized by the state to control and direct kindergarten through grade 12 public educational institutions.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, a camp, a post, a station, a yard, a center, a homeport facility for a ship, or any other activity under the jurisdiction of the United States Department of Defense. The term includes a leased facility located within the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, or any other United States territory. The term does not include a facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Nonmember state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means a written statement by the interstate commission adopted under Article XII of this compact that is of general applicability, that implements, interprets, or prescribes a policy of provision of the interstate compact, and that has the force and effect of statutory law on a member state. The term includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, or any other United States territory.

P. "Student" means a child of a military family for whom a local education agency receives public funding and who is formally enrolled in kindergarten through grade 12.

Q. "Transition" means the formal and physical process of transferring a student between schools or the period during which a student transfers from a school in the sending state to a school in the receiving states.

R. "Uniformed services" means the United States Army, Navy, Air Force, Marine Corps, or Coast Guard. The term includes the commission corp of the National Oceanic and Atmospheric Administration and the Public Health Services.

S. "Veteran" means an individual who served in and was discharged or released from the uniformed services under conditions other than dishonorable.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-3

Applicability

Sec. 3. ARTICLE III. APPLICABILITY

A. Except as otherwise provided in paragraph B, this compact applies to the children of the following:

1. An active duty member of the uniformed services, including a member of the National Guard and Reserve on active duty orders under 10 U.S.C. 1209 and 10 U.S.C 1211.

2. A member or veteran of the uniformed services who is severely injured and medically discharged or retired for at least one (1) year after medical discharge or retirement.

3. A member of the uniformed services who dies on active duty or as a result of injuries sustained on active duty, for one (1) year after the member's death.

B. This compact applies only to local education agencies as defined in this compact.

C. This compact does not apply to the children of the following:

1. Inactive members of the National Guard and military reserves.

2. Retired members of the uniformed services, except as provided in paragraph A.

3. Veterans of the uniformed services, except as provided in paragraph A.

4. Other United States Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

As added by P.L.21-2009, SEC.1. Amended by P.L.1-2010, SEC.81.

IC 20-38-3-4

Educational records and enrollment

Sec. 4. ARTICLE IV. EDUCATIONAL RECORDS AND ENROLLMENT

A. If official educational records cannot be released to the parents for the purpose of transfer, the custodian of the records in the

sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial educational records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records, pending validation by the official records, as quickly as possible.

B. At the same time as the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official educational record from the school in the sending state. Upon receipt of this request, the school in the sending state shall process and furnish the official educational records to the school in the receiving state within ten (10) days of such time as is reasonably determined under the rules adopted by the interstate commission.

C. Member states shall give thirty (30) days after the date of enrollment, or within such time as is reasonably determined under the rules adopted by the interstate commission, for students to obtain immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time as is reasonably determined under the rules adopted by the interstate commission.

D. Students may continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state is eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student who transfers after the start of the school year in the receiving state shall enter the school in the receiving state on the student's validated level from an accredited school in the sending state.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-5

Placement and attendance

Sec. 5. ARTICLE V. PLACEMENT AND ATTENDANCE

A. When a student transfers before or during a school year, the receiving state school initially shall honor placement of the student in educational courses based on the student's enrollment in the sending state school, on educational assessments conducted at the school in the sending state if the courses are offered, or on both the enrollment and assessments. Course placement includes honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses are paramount when considering placement. The school in the receiving state may perform subsequent evaluations to ensure appropriate

placement and continued enrollment of the student in the courses.

B. The receiving state school initially shall honor placement of a student in educational programs based on current educational assessments conducted at the school in the sending state or by participation or placement in similar programs in the sending state. Similar programs include gifted and talented programs and English as a second language programs. A school in a receiving state may perform subsequent evaluations to ensure appropriate placement of a student.

C. In compliance with the federal requirements of the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on the student's current individualized education program.

D. In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C. 12131 through 12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 Plan or Title II Plan, to provide the student with equal access to education. A school in a receiving state may perform subsequent evaluations to ensure appropriate placement of a student.

E. Local education agency administrative officials have flexibility in waiving course or program prerequisites or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

F. A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with the parent or legal guardian before the leave or deployment.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-6

Eligibility

Sec. 6. ARTICLE VI. ELIGIBILITY

A. Eligibility for enrollment

1. A special power of attorney, relative to the guardianship of a child of a military family, is sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency is prohibited from charging local tuition to a transitioning child of a military family placed in the care of a noncustodial parent or another person standing in loco parentis who lives in a jurisdiction other than the jurisdiction of the custodial parent.

3. A transitioning child of a military family, placed in the care of a noncustodial parent or another person standing in loco

parentis who lives in a jurisdiction other than the jurisdiction of the custodial parent, may attend the school in which the child was enrolled while residing with the custodial parent.

B. States and local education agencies shall facilitate the opportunity for the inclusion of transitioning children of military families in extracurricular activities, regardless of application deadlines, to the extent the children are otherwise qualified.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-7

Graduation

Sec. 7. ARTICLE VII. GRADUATION

To facilitate the on time graduation of children of military families, states and local education agencies shall follow the following procedures:

A. Local education agency administrative officials shall waive specific courses required for graduation if a student has satisfactorily completed similar course work in another local education agency. If a local education agency does not grant a waiver to a student who would qualify to graduate from the sending school, the local education agency must provide reasonable justification for denial of the waiver and provide alternative means to acquire the required course work so the student may graduate on time.

B. A receiving state shall accept any of the following in place of testing requirements for graduation in the receiving state:

1. Exit or end of course exams required for graduation from the sending state.
2. National norm referenced achievement tests.
3. Alternative testing.

If a receiving state fails to accept an alternative listed in this paragraph for a student transferring during the student's senior year, paragraph C applies.

C. If a student who transfers at the beginning of the student's senior year is ineligible to graduate from the receiving local education agency after all alternatives under paragraph B have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. If a sending or receiving state is not a member state, the state that is a member state shall use best efforts to facilitate the on time graduation of the student under paragraphs A and B.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-8

State coordination

Sec. 8. ARTICLE VIII. STATE COORDINATION

A. A member state shall create a state council or use an existing body or board to coordinate the actions of government agencies, local education agencies, and military installations concerning the

state's participation in and compliance with this compact and interstate commission activities. A state council created under this section must include at least the following members:

1. The state superintendent of education.
2. A superintendent of a school district with a high concentration of children of military families. If a member state does not contain a school district with a high concentration of children of military families, a superintendent of a school district to represent local education agencies.
3. A representative of a military installation.
4. A member of the legislative branch.
5. A member of the executive branch.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of a member state's participation in this compact shall be appointed by the governor of the member state or as otherwise determined by the member state.

D. The compact commissioner and the military family education liaison appointed under this section are ex officio members of the state council unless either is already a voting member of the state council.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-9

Interstate commission on educational opportunity for military children

Sec. 9. ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the interstate commission on Educational Opportunity for Military Children. The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission:

A. Is a body corporate and joint agency of the member states and has all the responsibilities, powers, and duties set forth in this compact and such additional powers as may be conferred upon it by a subsequent concurrent action of the legislatures of the member states under the terms of this compact.

B. Consists of one (1) interstate commission voting representative from each member state who is the member state's compact commissioner.

1. Each member state represented at a meeting of the interstate commission is entitled to one (1) vote.
2. A majority of the total member states constitutes a quorum for the transaction of business unless the bylaws of the interstate commission require a larger quorum.
3. A representative may not delegate a vote to another member state. If a compact commissioner is unable to attend a meeting

of the interstate commission, the governor or the state council may delegate voting authority to another person from the compact commissioner's state for a specified meeting.

4. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

C. Consists of ex officio, nonvoting representatives who are members of interested organizations, including members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel, and other interstate compacts affecting the education of children of military families.

D. Shall meet at least one (1) time each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, must call additional meetings.

E. Shall establish an executive committee. Members of the executive committee include the officers of the interstate commission and other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one (1) year term. Members of the executive committee are entitled to one (1) vote each. The executive committee has the power to act on behalf of the interstate commission, except for rulemaking, during periods when the interstate commission is not in session. The executive committee shall oversee the daily activities of the administration of this compact, including enforcement and compliance with this compact, its bylaws, and its rules, and other necessary duties. The United States Department of Defense is an ex officio nonvoting member of the executive committee.

F. Shall establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

G. Shall give public notice of all meetings. All meetings are open to the public except as set forth in the rules or as otherwise provided in this compact. The interstate commission and its committees may close a meeting or part of a meeting if the interstate commission determines by a two-thirds (2/3) majority that an open meeting would be likely to:

1. relate solely to the interstate commission's internal personnel practices and procedures;

2. disclose matters specifically exempted from disclosure by federal or state law;

3. disclose trade secrets or privileged or confidential commercial or financial information;

4. involve accusing a person of a crime or formally censuring a person;

5. disclose information of a personal nature in a clearly unwarranted invasion of personal privacy;

6. disclose investigative records compiled for law enforcement purposes; or

7. specifically relate to the interstate commission's participation in a civil action or another legal proceedings.

H. Shall cause its legal counsel or designee to certify that a meeting may be closed and reference each relevant exemptible provision for any meeting or part of a meeting that is closed under this section. The interstate commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and provide a full and accurate summary of actions taken and the reasons for taking the actions, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission.

I. Shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through the interstate commission's rules. The rules must specify the data to be collected, the means of collection, and data exchange and reporting requirements. The methods of data collection, exchange, and reporting must, to the extent reasonably possible, conform to current technology and coordinate information functions with the appropriate custodian of records as identified in the interstate commission's bylaws and rules.

J. Shall create a process to permit military officials, education officials, and parents to inform the interstate commission of alleged violations of this compact or the rules of the interstate commissions, or when issues subject to the jurisdiction of this compact or the rules of the interstate commission are not addressed by a state or local education agency. This section may not be construed to create a private right of action against the interstate commission or any member state.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-10

Powers and duties of commission

Sec. 10. ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission has the following powers:

A. To provide for dispute resolution among member states.

B. To adopt rules and take all necessary actions to effect the goals, purposes, and obligations set forth in this compact. The rules have the force and effect of statutory law and are binding in the member states to the extent and in the manner provided in this compact.

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of this compact or the bylaws, rules, or actions of the interstate commission.

D. To enforce compliance with compact provisions, rules adopted by the interstate commission, and the bylaws, using all necessary and proper means, including the use of judicial process.

E. To establish and maintain offices located within one (1) or more member states.

F. To purchase and maintain insurance and bonds.

G. To borrow, accept, hire, or contract for personnel services.

H. To establish and appoint committees, including an executive committee required by Article IX, Section E. The executive committee has the power to act on behalf of the interstate commission in carrying out the powers and duties of the interstate commission.

I. To elect or appoint officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications, and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

J. To accept donations and grants of money, equipment, supplies, materials, and services, and to receive, use, and dispose of the donations and grants.

K. To lease, purchase, accept contributions or donations of, or otherwise own, hold, improve, or use any property.

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property.

M. To establish a budget and make expenditures.

N. To adopt a seal and bylaws governing the management and operation of the interstate commission.

O. To report annually to the legislatures, governors, judiciary, and the state councils of the member states about the activities of the interstate commission during the preceding year. A report must include any recommendations adopted by the interstate commission. A report to the general assembly must be in an electronic format under IC 5-14-6.

P. To coordinate education, training, and public awareness for officials and parents regarding the compact and its implementation and operation.

Q. To establish uniform standards for the reporting, collecting, and exchanging of data.

R. To maintain corporate books and records in accordance with the bylaws.

S. To perform necessary and appropriate functions to achieve the purposes of this compact.

T. To provide for the uniform collection and sharing of information among member states, schools, and military families under this compact.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-11

Organization and operation of commission

Sec. 11. ARTICLE XI. ORGANIZATION AND OPERATION

OF THE INTERSTATE COMMISSION

A. The interstate commission shall, by a majority of members present and voting, within twelve (12) months after the first interstate commission meeting, adopt bylaws to govern its conduct and carry out the purposes of this compact, including the following:

1. Establishing the fiscal year of the interstate commission.

2. Establishing an executive committee and other necessary committees.

3. Providing for the establishment of committees and for governing any delegation of authority or function of the interstate commission.

4. Providing reasonable procedures for calling and conducting meetings of the interstate commission and ensuring reasonable notice of each meeting.

5. Establishing the titles and responsibilities of the officers and staff of the interstate commission.

6. Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds existing upon the termination of the compact after the payment and reserving of all the debts and obligations of the interstate commission.

7. Providing "start up" rules for initial administration of this compact.

B. The interstate commission shall, by a majority of members, elect annually from its members a chairperson, a vice chairperson, and a treasurer, each of whom has the authority and duties specified in the bylaws. The chairperson or vice chairperson, as applicable, shall preside at all meetings of the interstate commission. The elected officers shall serve without compensation or remuneration from the interstate commission. However, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred in the performance of their responsibilities as officers of the interstate commission.

C. Executive Committee, Officers, and Personnel

1. The executive committee has the authority and duties set forth in the bylaws, including:

a. managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

b. overseeing an organizational structure within, and appropriate procedures for, the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations to advance the goals of the interstate commission.

2. The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for a period, upon such terms and conditions, and for such

compensation as the interstate commission may consider appropriate. The executive director shall serve as secretary to the interstate commission but is not a member of the interstate commission. The executive director shall hire and supervise other persons authorized by the interstate commission.

D. The interstate commission's executive director and interstate commission employees are immune from suit and liability, personally or in their official capacities, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such a person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities. However, a person is not protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the person.

1. The liability of the interstate commission's executive director, an employee, or a representative, acting within the scope of the person's employment or duties for acts, errors, or omissions occurring within the person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The interstate commission is an instrumentality of the states for purposes of such an action. This subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the person.

2. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of a member state represented by an interstate commission representative, shall defend the interstate commission representative in a civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant reasonably believed occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of the defendant.

3. To the extent not covered by the state involved, a member state, the interstate commission, and the representatives and employees of the interstate commission are held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the persons reasonably believed occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or

omission did not result from intentional or willful and wanton misconduct on the part of the persons.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-12

Rulemaking functions of commission

Sec. 12. ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. The interstate commission shall adopt reasonable rules to effectively and efficiently achieve the purposes of this compact. However, if the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of or power granted under this compact, the action by the interstate commission is invalid and has no force or effect.

B. Rules shall be made under a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

C. Not later than thirty (30) days after a rule is adopted, a person may file a petition for judicial review of the rule. However, the filing of a petition does not stay or otherwise prevent the rule from becoming effective unless a court finds that the petitioner has a substantial likelihood of success. The court shall defer to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

D. If a majority of the legislatures of the member states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, the rule has no further force and effect in any compacting state.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-13

Oversight, enforcement, and dispute resolution

Sec. 13. ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. This compact and the rules adopted under this compact have standing as statutory law.

2. All courts shall take judicial notice of this compact and the rules adopted under this compact in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact that may affect the powers, responsibilities, or actions of the interstate commission.

3. The interstate commission is entitled to receive all service of process in any proceeding and has standing to intervene in the

proceeding for all purposes. Failure to provide service of process to the interstate commission renders a judgment or an order void as to the interstate commission, this compact, or adopted rules.

B. If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, the bylaws, or the adopted rules, the interstate commission shall do the following:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be withdrawn from this compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact are terminated from the effective date of the defaulting state's withdrawal. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Suspension or termination of membership in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or withdraw shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

5. The member state that has been suspended or withdrawn is responsible for all assessments, obligations, and liabilities incurred through the effective date of its suspension or termination, including obligations, the performance of which extends beyond the effective date of suspension or withdrawal.

6. The interstate commission shall not bear any costs relating to any member state that has been found to be in default or that has been suspended or withdrawn from this compact unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting member state.

7. The defaulting member state may appeal the action of the interstate commission by petitioning the United States District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. The interstate commission shall attempt, upon the request of a member state, to resolve disputes that are subject to this compact and that may arise among member states and between member and nonmember states.

2. The interstate commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The interstate commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with this compact and its adopted rules and bylaws against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies set forth in this section are not the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

As added by P.L.21-2009, SEC.1. Amended by P.L.1-2010, SEC.82.

IC 20-38-3-14

Financing of commission

Sec. 14. ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION

A. The interstate commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

B. The interstate commission may levy on, and collect an annual assessment from, each member state to cover the cost of the operations and activities of the interstate commission and its staff. The total amount of the assessment must be sufficient to cover the interstate commission's annual budget as approved each year. The total annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall adopt a rule binding upon all member states.

C. The interstate commission may not incur obligations of any kind before securing the funds adequate to meet the obligations, nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission are subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the interstate commission.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-15

Member states, effective date, and amendment

Sec. 15. ARTICLE XV. MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. This compact becomes effective and binding upon legislative enactment of the compact into law by at least ten (10) of the states. It becomes effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis before adoption of the compact by all states.

C. The interstate commission may propose amendments to this compact for enactment by the member states. An amendment shall not become effective and binding upon the interstate commission and the member states unless and until the amendment is enacted into law by unanimous consent of the member states.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-16

Withdrawal and dissolution

Sec. 16. ARTICLE XVI. WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, this compact continues in force and remains binding upon each and every member state. However, a member state may withdraw from this compact by repealing the statute that enacted the compact into law.

2. Withdrawal from this compact shall be by repealing the statute that enacted this compact into law but does not take effect until one (1) year after the effective date of the repealing statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member state.

3. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty (60) days of its receipt of the written notification.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of its withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting this compact or upon a later date as determined by the interstate commission.

B. Dissolution of Compact

1. This compact dissolves effective upon the date of the withdrawal or default of the member state that reduces the membership in the compact to one (1) member state.

2. Upon the dissolution of this compact, this compact becomes void and is of no further force or effect, and the business and affairs of the interstate commission shall be concluded, and surplus funds shall be distributed, in accordance with the bylaws.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-17

Severability and construction

Sec. 17. ARTICLE XVII. SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact are severable, and if any phrase, clause, sentence, or provision is considered unenforceable, the remaining provisions of this compact are enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. This compact may not be construed to prohibit the applicability of other interstate compacts to which the states are members.

As added by P.L.21-2009, SEC.1.

IC 20-38-3-18

Binding effect of compact and other laws

Sec. 18. ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws

1. This compact does not prevent the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws that conflict with this compact are superseded to the extent of the conflict.

B. Binding Effect of the Compact

1. All lawful actions of the interstate commission, including all rules and bylaws adopted by the interstate commission, are binding upon the member states.

2. All agreements between the interstate commission and the member states are binding in accordance with their terms.

3. If a provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, the provision is ineffective to the extent of the conflict with the constitutional provision in question in that member state.

As added by P.L.21-2009, SEC.1.

IC 20-39

ARTICLE 39. ACCOUNTING AND FINANCIAL REPORTING PROCEDURES

IC 20-39-1

Chapter 1. Unified Accounting System

IC 20-39-1-1

Required implementation

Sec. 1. All public school governing bodies shall adopt and fully and accurately implement a single, unified accounting system as prescribed by the state board and the state board of accounts.

As added by P.L.2-2006, SEC.162.

IC 20-39-1-2

Application to charter schools

Sec. 2. Section 1 of this chapter and rules and guidelines adopted under section 1 of this chapter apply to a charter school.

As added by P.L.2-2006, SEC.162.

IC 20-39-1-3

Application to freeway schools

Sec. 3. IC 20-26-15-6 applies to the budget and accounting system of a freeway school.

As added by P.L.2-2006, SEC.162.

IC 20-39-2

Chapter 2. Oversight by Department of Education

IC 20-39-2-1

Supervision by state superintendent

Sec. 1. (a) The state superintendent shall exercise the supervision over school funds and revenues that is necessary to ascertain their safety, secure their preservation, and secure their application to the proper object.

(b) The state superintendent may cause to be instituted, in the name of the state of Indiana, for the use of the proper fund or revenue, all suits necessary for the recovery of any part of the funds or revenues. The prosecuting attorney shall prosecute all the suits at the insistence of the state superintendent and without charge against the funds or revenue.

As added by P.L.2-2006, SEC.162.

IC 20-39-2-2

Township schools; power to require reports

Sec. 2. The state superintendent may require from the county auditors, school examiners, county treasurers, township trustees, county clerks, and county treasurers:

(1) copies of all reports required to be made by them; and

(2) all other information in relation to the duties of their respective offices, so far as those duties relate to the:

(A) condition of the school funds, school revenues, and property of the common schools; and

(B) condition and management of the common schools;

that the state superintendent determines is important.

As added by P.L.2-2006, SEC.162.

IC 20-39-2-3

Prescription of forms

Sec. 3. The state superintendent may prepare and transmit to the proper officers:

(1) suitable forms and rules for making all reports;

(2) necessary blanks for all reports; and

(3) all necessary instructions;

for the better organization and government of common schools and conducting all necessary proceedings under this chapter and IC 20-42.

As added by P.L.2-2006, SEC.162.

IC 20-39-3

Chapter 3. Financial Oversight of Township Schools

IC 20-39-3-1

Inspection of records

Sec. 1. The books, papers, and accounts of any township trustee concerning schools are at all times subject to the inspection of the school examiner, the county auditor, and the board of county commissioners of the proper county.

As added by P.L.2-2006, SEC.162.

IC 20-39-3-2

County officers; subpoena powers

Sec. 2. For purposes of an inspection, the school examiner, county auditor, and board of county commissioners may by subpoena:

(1) summon before them any trustee; and

(2) require the production of books, papers, and accounts;

after three (3) days notice of the time to appear and produce any books, papers, and accounts is given.

As added by P.L.2-2006, SEC.162.

IC 20-39-3-3

Correction of records

Sec. 3. If any books and accounts have been imperfectly kept, the board of commissioners may correct them. If fraud appears, the board of commissioners shall remove the person guilty of the fraud.

As added by P.L.2-2006, SEC.162.

IC 20-39-3-4

Prescription of forms

Sec. 4. The state board of accounts shall prescribe accounting forms to be used by the county committees (as defined in IC 20-23-4-4) and shall audit the financial records of each county committee (as defined in IC 20-23-4-4) at least once every three (3) years.

As added by P.L.2-2006, SEC.162.

IC 20-39-4

Chapter 4. Audits; Reports Related to Trust Funds

IC 20-39-4-1

Application; county common school fund; congressional township school fund

Sec. 1. This chapter applies to the following funds:

(1) A county common school fund held in trust by a county under IC 20-42-1.

(2) A congressional township school fund held in trust by a county under IC 20-42-2.

As added by P.L.2-2006, SEC.162.

IC 20-39-4-2

Examination of records; state board of accounts

Sec. 2. The state board of accounts shall examine the records and affairs of the school funds held in trust by the counties. If the examination discloses a violation of law, the state examiner shall order the county auditor or other public official charged with the performance of any duty to comply with the law. If the county auditor or other public official fails to comply with the state examiner's order within a reasonable time, the state examiner shall certify to the prosecuting attorney of the county a copy of the report of examination and of the order issued for proper proceeding to enforce the law.

As added by P.L.2-2006, SEC.162.

IC 20-39-4-3

Annual report of county auditor and county treasurer

Sec. 3. Before May 1 of each calendar year, each county auditor and county treasurer shall prepare a written report and present the report to the board of county commissioners at the May meeting of the board. The report must concern the school funds held in trust by the county. The following information must be included concerning the county common school fund and the congressional township school fund for the previous calendar year:

(1) The amount in each fund.

(2) Any additions to the funds, including the sources of the additional funds.

(3) The financial condition of the funds, including information concerning the amount safely invested, unsafely invested, and uninvested in the funds, and any loss to the funds.

(4) The amount of interest collected on the funds.

(5) Any amount due and unpaid to the funds.

As added by P.L.2-2006, SEC.162.

IC 20-39-4-4

Examination of report; county commissioners

Sec. 4. (a) At the May meeting the county commissioners shall, in the presence of the county auditor and county treasurer, do the

following:

(1) Examine the:

(A) reports prepared under section 3 of this chapter;

(B) accounts and proceedings of the officers in relation to the funds listed in section 1 of this chapter; and

(C) revenue derived from the funds listed in section 1 of this chapter.

(2) Compare the reports with the cash, notes, mortgages, records, and books of the officers to determine the amount in the funds and the safety of the funds.

(b) The county commissioners may do whatever is necessary to secure the preservation and prompt payment of the interest on the funds listed in section 1 of this chapter and make up any losses to the funds that have accrued or may accrue.

As added by P.L.2-2006, SEC.162.

IC 20-39-4-5

Annual report; county commissioners

Sec. 5. (a) Each board of county commissioners, at the May meeting described in section 4 of this chapter, shall prepare a written report that includes the following information for the previous year:

(1) The amount in the funds at the close of the year.

(2) The amount added from sale of land.

(3) The number of acres of unsold congressional township school lands and the approximate value of the lands.

(4) The amount added from fines and forfeitures.

(5) The amount added by the commissioners of the debt service fund.

(6) The amount added from all other sources.

(7) The total amount in the funds.

(8) The amount refunded.

(9) The amount reloaned.

(10) The amount safely invested.

(11) The amount unsafely invested.

(12) The amount uninvested.

(13) The amount of any fund loss.

(14) The amount of interest collected.

(15) The amount of interest delinquent.

(b) The information in the report required by subsection (a) must distinguish between the:

(1) congressional township school fund; and

(2) county common school fund.

In its report of the interest or revenue derived from the funds, the board of county commissioners shall observe the same distinction.

As added by P.L.2-2006, SEC.162.

IC 20-39-4-6

Record of report; distribution of copies

Sec. 6. The report prepared under section 5 of this chapter must be entered on the records of the board of county commissioners.

Copies of the report must be:

(1) signed by the members of the board of county commissioners, the county auditor, and the county treasurer; and

(2) sent to the:

(A) auditor of state; and

(B) state superintendent.

As added by P.L.2-2006, SEC.162.

IC 20-40

ARTICLE 40. GOVERNMENT FUNDS AND ACCOUNTS

IC 20-40-1

Chapter 1. Funds Established Outside IC 20-40

IC 20-40-1-1

Purpose

Sec. 1. This article is not intended to be an exhaustive list of the governmental funds and accounts that a school corporation may establish to carry out school purposes.

As added by P.L.2-2006, SEC.163.

IC 20-40-1-2

"Freeway school"

Sec. 2. As used in this chapter, "freeway school" has the meaning set forth in IC 20-26-15-2.

As added by P.L.2-2006, SEC.163.

IC 20-40-1-3

"Freeway school corporation"

Sec. 3. As used in this chapter, "freeway school corporation" has the meaning set forth in IC 20-26-15-3.

As added by P.L.2-2006, SEC.163.

IC 20-40-1-4

"Joint program"

Sec. 4. As used in this chapter, "joint program" has the meaning set forth in IC 20-26-10-1.

As added by P.L.2-2006, SEC.163.

IC 20-40-1-5

Listing of funds established outside IC 20-40

Sec. 5. Statutes outside this article that permit or require the establishment of joint funds include the following:

(1) IC 20-26-10-3 (joint fund for a joint program).

(2) IC 20-26-10-8 (joint services, leasing, construction, and supply fund).

(3) IC 20-26-10-9 (joint investment fund).

(4) IC 20-26-10-11 (joint service and supply fund to pay for a joint program).

(5) IC 20-30-6-5 (joint fund to conduct educational television instruction and contract with a commercial television station for the use of the station's facilities and staff).

As added by P.L.2-2006, SEC.163.

IC 20-40-1-6

Freeway school; freeway school corporation; professional development and technology fund

Sec. 6. IC 20-26-15-6 permits a freeway school or freeway school corporation to establish and use a professional development and technology fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-2

Chapter 2. General Fund

IC 20-40-2-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to a school corporation's general fund established under section 2 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-2-2

Establishment of general fund

Sec. 2. The governing body of each school corporation shall establish a general fund for the operation and maintenance of local schools.

As added by P.L.2-2006, SEC.163.

IC 20-40-2-3

Source of fund balances; required use of fund

Sec. 3. Except as otherwise provided by law, all receipts and disbursements authorized by law for school funds and tax levies shall be received in and disbursed from the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-2-4

Uses

Sec. 4. Except as provided by law, any lawful school expenses payable from any other fund of a school corporation, including debt service and capital outlay, but excluding costs attributable to transportation (as defined in IC 20-40-6-1), may be budgeted in and paid from the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-2-5

Payment of athletic coaches

Sec. 5. Remuneration for athletic coaches, whether or not the athletic coaches are:

(1) otherwise employed by the school corporation; and

(2) licensed under IC 20-28-4 or IC 20-28-5;

may be budgeted in and paid from the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-3

Chapter 3. Referendum Tax Levy Fund

IC 20-40-3-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to a referendum tax levy fund established under section 3 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-3-2

"Levy"

Sec. 2. As used in this chapter, "levy" refers to a property tax levy imposed under IC 20-46-1 for the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-3-3

Establishment of fund

Sec. 3. The governing body of each school corporation for which a levy is:

(1) transferred; or

(2) approved;

under IC 20-46-1 shall establish a referendum tax levy fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-3-4

Source of fund balances

Sec. 4. Property tax collections from a levy shall be deposited in the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-3-5

Uses

Sec. 5. Money in the fund may be used for any lawful school expenses.

As added by P.L.2-2006, SEC.163.

IC 20-40-4
Repealed

(*Repealed by P.L.182-2009(ss), SEC.466.*)

IC 20-40-5

Chapter 5. Racial Balance Fund

IC 20-40-5-1

Application

Sec. 1. This chapter applies only to a school corporation that may impose a levy under IC 20-46-3.

As added by P.L.2-2006, SEC.163.

IC 20-40-5-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to a racial balance fund established under section 4 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-5-3

"Levy"

Sec. 3. As used in this chapter, "levy" refers to a property tax levy imposed under IC 20-46-3 for the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-5-4

Establishment of fund

Sec. 4. A school corporation may establish a racial balance fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-5-5

Uses

Sec. 5. Money in the fund may be used only for education programs that improve or maintain racial balance in the school corporation. Money in the fund may not be used for:

(1) transportation; or

(2) capital improvements;

even though those costs may be attributable to the school corporation's proposed programs for improving or maintaining racial balance in the school corporation.

As added by P.L.2-2006, SEC.163.

IC 20-40-6

Chapter 6. School Transportation Fund

IC 20-40-6-1

"Costs attributable to transportation"

Sec. 1. As used in this chapter, "costs attributable to transportation" refers to costs listed in section 6 of this chapter that are attributable to transportation, as authorized by this title, of school children during the school year ending in the calendar year.

As added by P.L.2-2006, SEC.163.

IC 20-40-6-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to a school transportation fund established under section 4 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-6-3

"Levy"

Sec. 3. As used in this chapter, "levy" refers to a property tax levy imposed under IC 20-46-4 for the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-6-4

Establishment of fund

Sec. 4. The governing body of each school corporation shall establish a school transportation fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-6-5

Uses; required use of fund

Sec. 5. (a) Subject to this chapter, the fund is the exclusive fund to be used by a school corporation for the payment of costs attributable to transportation.

(b) Contracted transportation service costs transferred to the school bus replacement fund under IC 20-40-7 are payable from the school bus replacement fund.

As added by P.L.2-2006, SEC.163. Amended by P.L.234-2007, SEC.229.

IC 20-40-6-6

Uses; costs payable from fund

Sec. 6. (a) The following costs are payable from the fund:

(1) The salaries paid to bus drivers, transportation supervisors, mechanics and garage employees, clerks, and other transportation related employees.

(2) Contracted transportation service.

(3) Wages of independent contractors.

(4) Contracts with common carriers.

(5) Student fares.

(6) Transportation related insurance.

(7) Other expenses of operating the school corporation's transportation service, including gasoline, lubricants, tires, repairs, contracted repairs, parts, supplies, equipment, and other related expenses.

(b) Percentages or parts of salaries of teaching personnel or principals are not attributable to transportation. However, parts of salaries of instructional aides who are assigned to assist with the school transportation program are attributable to transportation. The costs described in this subsection (other than instructional aide costs) may not be budgeted for payment or paid from the fund.

(c) Costs for a calendar year are those costs attributable to transportation for students during the school year ending in the calendar year.

As added by P.L.2-2006, SEC.163.

IC 20-40-6-7

Source of fund balances; appropriation requirement

Sec. 7. In addition to property tax collections, receipts available for school transportation from any other revenue source shall be received in and disbursed from the fund to pay costs attributable to transportation. An expenditure may be made only if it has been provided for in the school corporation's annual budget or by an additional appropriation under IC 6-1.1-18-5.

As added by P.L.2-2006, SEC.163.

IC 20-40-6-8

Repealed

(*Repealed by P.L.234-2007, SEC.268.)*

IC 20-40-7

Chapter 7. School Bus Replacement Fund

IC 20-40-7-1

"Costs attributable to transportation"

Sec. 1. As used in this chapter, "costs attributable to transportation" has the meaning set forth in IC 20-40-6-1.

As added by P.L.2-2006, SEC.163.

IC 20-40-7-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to a school bus replacement fund established under section 5 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-7-3

"Levy"

Sec. 3. As used in this chapter, "levy" refers to a property tax levy imposed under IC 20-46-5 for the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-7-4

"Plan"

Sec. 4. "Plan" refers to a plan or amended plan adopted and approved under IC 20-46-5.

As added by P.L.2-2006, SEC.163.

IC 20-40-7-5

Establishment of fund

Sec. 5. The governing body of each school corporation shall establish a school bus replacement fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-7-6

Uses; general provisions

Sec. 6. Except as otherwise provided by law, the fund is the exclusive fund used to pay the following costs attributable to transportation:

(1) Amounts paid for the replacement of school buses, either through a purchase agreement or under a lease agreement.

(2) The costs of contracted transportation service payable from the fund under section 7 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-7-7

Uses; expenditures; transportation, fleet, and common carrier contracts

Sec. 7. (a) Before the last Thursday in August in the year preceding the first school year in which a proposed contract commences, the governing body of a school corporation may elect to

designate a part of a:

(1) transportation contract (as defined in IC 20-27-2-12);

(2) fleet contract (as defined in IC 20-27-2-5); or

(3) common carrier contract (as defined in IC 20-27-2-3);

as an expenditure payable from the fund.

(b) An election under this section must be made in a transportation plan approved by the department of local government finance under this chapter. The election applies throughout the term of the contract.

(c) The amount that may be paid from the fund in a school year is equal to the fair market lease value in the school year of each school bus, school bus chassis, or school bus body used under the contract, as substantiated by invoices, depreciation schedules, and other documented information available to the school corporation.

(d) The allocation of costs under this section to the fund must comply with the allocation guidelines adopted by the department of local government finance and the accounting standards prescribed by the state board of accounts.

As added by P.L.2-2006, SEC.163.

IC 20-40-7-8

Requirement of expenditure plan

Sec. 8. The department of local government finance may approve appropriations from the fund only if the appropriations conform to a plan.

As added by P.L.2-2006, SEC.163.

IC 20-40-8

Chapter 8. Capital Projects Fund

IC 20-40-8-1 Version a

"Calendar year distribution"

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 1. As used in this chapter, "calendar year distribution" means the sum of the following:

(1) A school corporation's:

(A) state tuition support; and

(B) maximum permissible tuition support levy (as defined in IC 20-45-1-15 before its repeal);

for the calendar year.

(2) The school corporation's excise tax revenue (as defined in IC 20-43-1-12) for the immediately preceding calendar year.

As added by P.L.2-2006, SEC.163. Amended by P.L.146-2008, SEC.477.

IC 20-40-8-1 Version b

"Calendar year distribution"

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 1. As used in this chapter, "calendar year distribution" means the sum of the following:

(1) A school corporation's:

(A) state tuition support; and

(B) maximum permissible tuition support levy (as defined in IC 20-45-1-15 before its repeal);

for the calendar year.

(2) The sum of the following excise tax revenue of the school corporation for the immediately preceding calendar year:

(A) Financial institution excise tax revenue (IC 6-5.5).

(B) Motor vehicle excise taxes (IC 6-6-5).

(C) Commercial vehicle excise taxes (IC 6-6-5.5).

(D) Boat excise tax (IC 6-6-11).

(E) Aircraft license excise tax (IC 6-6-6.5).

As added by P.L.2-2006, SEC.163. Amended by P.L.146-2008, SEC.477; P.L.229-2011, SEC.196.

IC 20-40-8-2

"Emergency"

Sec. 2. As used in this chapter, "emergency" means:

(1) when used with respect to repair or replacement:

(A) a fire;

(B) a flood;

(C) a windstorm;

(D) a mechanical failure of any part of a structure; or

(E) an unforeseeable circumstance; and

(2) when used with respect to site acquisition, the unforeseeable

availability of real property for purchase.
As added by P.L.2-2006, SEC.163.

IC 20-40-8-3
"Fund"
Sec. 3. As used in this chapter, "fund" refers to the capital projects fund established under section 6 of this chapter.
As added by P.L.2-2006, SEC.163.

IC 20-40-8-4
"Levy"
Sec. 4. As used in this chapter, "levy" refers to a property tax levy imposed under IC 20-46-6 for the fund.
As added by P.L.2-2006, SEC.163.

IC 20-40-8-5
"Plan"
Sec. 5. As used in this chapter, "plan" refers to a plan or amended plan adopted and approved under IC 20-46-6.
As added by P.L.2-2006, SEC.163.

IC 20-40-8-6
Establishment of fund
Sec. 6. A school corporation may establish a capital projects fund.
As added by P.L.2-2006, SEC.163.

IC 20-40-8-7
Deposit of interest
Sec. 7. Interest on money in the fund, including the fund's pro rata share of interest earned on the investment of total money on deposit, shall be deposited in the fund. However, the governing body may adopt a resolution to transfer any interest earned on money in the fund to the school corporation's general fund.
As added by P.L.2-2006, SEC.163.

IC 20-40-8-8
Requirement of expenditure plan
Sec. 8. Notwithstanding IC 6-1.1-17, the department of local government finance may approve appropriations from the fund only if the appropriations conform to a plan.
As added by P.L.2-2006, SEC.163.

IC 20-40-8-9
Rules
Sec. 9. The department of local government finance may adopt rules under IC 4-22-2 to implement this chapter and IC 20-46-6.
As added by P.L.2-2006, SEC.163.

IC 20-40-8-10
Uses; land and improvements

Sec. 10. (a) Except as provided in subsection (b), with respect to any facility used or to be used by the school corporation, money in the fund may be used to pay for the following:

(1) Planned construction, repair, replacement, or remodeling.

(2) Site acquisition.

(3) Site development.

(4) Repair, replacement, or site acquisition that is necessitated by an emergency.

(b) Except as provided in section 12 of this chapter, money in the fund may not be used to pay for:

(1) planned construction, repair, replacement, or remodeling;

(2) site acquisition;

(3) site development; or

(4) repair, replacement, or site acquisition that is necessitated by an emergency;

of a facility used or to be used primarily for interscholastic or extracurricular activities.

As added by P.L.2-2006, SEC.163.

IC 20-40-8-11

Uses; equipment

Sec. 11. Money in the fund may be used to pay for the purchase, lease, repair, or maintenance of equipment to be used by the school corporation. However, money in the fund may not be used to pay for the purchase, lease, repair, or maintenance of the following:

(1) Vehicles to be used for any purpose.

(2) Except as provided in section 12 of this chapter, equipment to be used primarily for interscholastic or extracurricular activities.

As added by P.L.2-2006, SEC.163. Amended by P.L.48-2011, SEC.33; P.L.229-2011, SEC.197.

IC 20-40-8-12

Uses; school sports facilities

Sec. 12. Money in the fund may be used to pay for the construction, repair, replacement, remodeling, or maintenance of a school sports facility. However, a school corporation's expenditures in a calendar year under this section may not exceed five percent (5%) of the property tax revenues levied for the fund in the calendar year.

As added by P.L.2-2006, SEC.163.

IC 20-40-8-13

Uses; computer systems

Sec. 13. Money in the fund may be used for any of the following purposes:

(1) To purchase, lease, upgrade, maintain, or repair one (1) or more of the following:

(A) Computer hardware.

(B) Computer software.

(C) Wiring and computer networks.
(D) Communication access systems used to connect with computer networks or electronic gateways.
(2) To pay for the services of full-time or part-time computer maintenance employees.
(3) To conduct nonrecurring in-service technology training of school employees.
(4) To pay advances, together with interest on the advances, from the common school fund for educational technology programs under IC 20-49-4.
(5) To acquire any equipment or services necessary:
(A) to implement the technology preparation curriculum under IC 20-30-12;
(B) to participate in a program to provide educational technologies, including:
(i) computers in the homes of students (commonly referred to as "the buddy system project") under IC 20-20-13-6;
(ii) the 4R's technology program; or
(iii) any other program under the educational technology program described in IC 20-20-13; or
(C) to obtain any combination of equipment or services described in clauses (A) and (B).
As added by P.L.2-2006, SEC.163.

IC 20-40-8-14
Uses; vocational capital expenditures
Sec. 14. Money in the fund may be used to purchase any of the following for the use of vocational building trades classes to construct new buildings and remodel existing buildings:
(1) Building sites.
(2) Buildings in need of renovation.
(3) Building materials.
(4) Equipment.
As added by P.L.2-2006, SEC.163.

IC 20-40-8-15
Uses; renting or leasing real estate
Sec. 15. Money in the fund may be used for leasing or renting existing real estate. However, money in the fund may not be used for payments authorized under IC 20-47-2 and IC 20-47-3.
As added by P.L.2-2006, SEC.163.

IC 20-40-8-16
Uses; skilled trades
Sec. 16. (a) For purposes of this section, maintenance does not include janitorial or comparable routine services normally provided in the daily operation of the facilities or equipment.
(b) Subject to this section, money in the fund may be used to pay for services of school corporation employees who are:
(1) bricklayers;

(2) stone masons;
(3) cement masons;
(4) tile setters;
(5) glaziers;
(6) insulation workers;
(7) asbestos removers;
(8) painters;
(9) paperhangers;
(10) drywall applicators and tapers;
(11) plasterers;
(12) pipe fitters;
(13) roofers;
(14) structural and steel workers;
(15) metal building assemblers;
(16) heating and air conditioning installers;
(17) welders;
(18) carpenters;
(19) electricians; or
(20) plumbers;

as these occupations are defined in the United States Department of Labor, Employment and Training Administration, Dictionary of Occupational Titles, Fourth Edition, Revised 1991.

(c) Payment may be made under this section for employee services described in subsection (b) only if:

(1) the employees perform:
(A) construction of;
(B) renovation of;
(C) remodeling of;
(D) repair of; or
(E) maintenance on;

the facilities and equipment specified in sections 10 and 11 of this chapter;

(2) the total of all annual salaries and benefits paid by the school corporation to employees described in this section is at least six hundred thousand dollars ($600,000); and

(3) the payment of the employees described in this section is included as part of the school corporation's proposed plan.

(d) The number of employees covered by this section is limited to the number of employee positions described in this section that existed in the school corporation on January 1, 1993.

As added by P.L.2-2006, SEC.163. Amended by P.L.48-2011, SEC.34; P.L.229-2011, SEC.198.

IC 20-40-8-17

Uses; energy savings contracts

Sec. 17. Money in the fund may be used to pay for energy saving contracts entered into by a school corporation under IC 36-1-12.5.

As added by P.L.2-2006, SEC.163.

IC 20-40-8-18

Uses; indoor air quality

Sec. 18. Money in the fund may be used to carry out a plan developed under IC 16-41-37.5.

As added by P.L.2-2006, SEC.163.

IC 20-40-8-19

Uses; utility services; insurance

Sec. 19. Money in the fund may be used before January 1, 2014, to pay for up to one hundred percent (100%) of the following costs of a school corporation:

(1) Utility services.

(2) Property or casualty insurance.

(3) Both utility services and property or casualty insurance.

A school corporation's expenditures under this section may not in a calendar year exceed three and five-tenths percent (3.5%) of the school corporation's 2005 calendar year distribution.

As added by P.L.2-2006, SEC.163. Amended by P.L.234-2007, SEC.230; P.L.146-2008, SEC.528; P.L.182-2009(ss), SEC.322; P.L.48-2011, SEC.35.

IC 20-40-8-20

Uses; transfers to other funds

Sec. 20. Money in the fund may be transferred to another fund and used as provided by law. The laws permitting a transfer of money from the fund include the following:

(1) IC 20-20-10-5 (implementation of technology preparation task force).

(2) IC 20-40-11-3 (repair and replacement fund).

(3) IC 20-40-12-6 (self-insurance fund).

(4) IC 20-49-4-22 (advance for educational technology program).

As added by P.L.2-2006, SEC.163. Amended by P.L.234-2007, SEC.231.

IC 20-40-8-21

Transfer of money in the fund to replace lost property tax revenue; amount of transfer

Sec. 21. Money in the fund may be transferred to another fund to replace property tax revenues lost to the fund as a result of the granting of circuit breaker credits under IC 6-1.1-20.6. A school corporation shall make a transfer of money under this section if the fund experiencing a shortfall is a debt service fund and money is not transferred from any other fund to cover the shortfall. The amount transferred must be equal to the amount of the shortfall that is not replaced from other funds.

As added by P.L.146-2008, SEC.478.

IC 20-40-8-22

Repealed

(Repealed by P.L.229-2011, SEC.274.)

IC 20-40-9

Chapter 9. Debt Service Fund

IC 20-40-9-1

"Debt service"

Sec. 1. As used in this chapter, "debt service" includes bonds and coupons, civil bond obligations, lease rental contracts, and interest cost on emergency and temporary loans.

As added by P.L.2-2006, SEC.163.

IC 20-40-9-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to a debt service fund established under section 4 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-9-3

"Levy"

Sec. 3. As used in this chapter, "levy" refers to a debt service levy under IC 20-46-7 for the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-9-4

Establishment of fund

Sec. 4. The governing body of each school corporation shall establish a debt service fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-9-5

Uses; required use of fund

Sec. 5. Except as otherwise provided by law, all expenditures for debt service must be paid from the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-9-6

Uses; payment of debt and lease expenses

Sec. 6. Money in the fund may be used for payment of the following:

(1) All debt and other obligations arising out of funds borrowed or advanced for school buildings when purchased from the proceeds of a bond issue for capital construction.

(2) A lease to provide capital construction.

(3) Interest on emergency and temporary loans.

(4) All debt and other obligations arising out of funds borrowed or advanced for the purchase or lease of school buses when purchased or leased from the proceeds of a bond issue, or from money obtained from a loan made under IC 20-27-4-5, for that purpose.

(5) All debt and other obligations arising out of funds borrowed to pay judgments against the school corporation.

(6) All debt and other obligations arising out of funds borrowed to purchase equipment.

As added by P.L.2-2006, SEC.163.

IC 20-40-9-7

Uses; post of textbooks

Sec. 7. (a) Money in the fund may be used for payment of all unreimbursed costs of textbooks for the school corporation's students who were eligible for free or reduced lunches in the previous school year.

(b) The governing body may transfer the amount levied to cover unreimbursed costs of textbooks under this section to the textbook rental fund or extracurricular account.

As added by P.L.2-2006, SEC.163.

IC 20-40-9-8

Uses; lease rentals

Sec. 8. (a) Lease rental obligations on account of leases entered into under IC 21-5-11 (before its repeal), IC 20-47-2, IC 21-5-12 (before its repeal), or IC 20-47-3 may be paid by a school corporation from the fund.

(b) Payments described in subsection (a) must be provided for in the annual budget for the fund from which the payment is made.

(c) This section does not prohibit the payment of lease rental obligations from the general fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-9-9

Uses; community school corporations

Sec. 9. Money in the fund may be used to pay lease rental obligations, school bonds and coupons, and civil bond obligations assumed by school corporations reorganized under IC 20-23-4.

As added by P.L.2-2006, SEC.163.

IC 20-40-9-10

Limitation on payment of principal; emergency and temporary loans

Sec. 10. (a) Except as otherwise provided by law, a school corporation may not pay from the fund the principal of emergency and temporary loans obtained for the benefit of any other fund.

(b) Except as provided in IC 20-48-1-7 and IC 20-48-1-9, payment of interest on emergency and temporary loans must be received in and disbursed from the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-9-11

Uses; principal and interest; state advance

Sec. 11. An amount equal to deductions made or to be made in the current year for the payment of principal and interest on an advancement from any state fund (including the common school fund

and the veterans memorial school construction fund) may be included in debt service and appropriated and paid to the general fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-10

Chapter 10. Levy Excess Fund

IC 20-40-10-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to a levy excess fund established under section 2 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-10-2

Establishment of fund

Sec. 2. Each corporation shall establish a levy excess fund for purposes of IC 20-44-3.

As added by P.L.2-2006, SEC.163.

IC 20-40-10-3

Investments

Sec. 3. The chief fiscal officer of a school corporation may invest money in the school corporation's fund in the same manner in which money in the school corporation's general fund may be invested. However, any income derived from investment of the money shall be deposited in and becomes a part of the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-11

Chapter 11. Repair and Replacement Fund

IC 20-40-11-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to a repair and replacement fund established under section 2 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-2

Establishment of fund

Sec. 2. The governing body of each school corporation may establish a repair and replacement fund under this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-3

Resolution governing fund

Sec. 3. (a) The procedure for establishing a fund is the same as the procedure to be used in making an additional appropriation under IC 6-1.1-18-5.

(b) The resolution of the governing body must be in the form prescribed by the department of local government finance and must contain at least the following:

(1) The annual amount permitted to be expended from the fund each year.

(2) The duration of the fund, which may not exceed five (5) years.

(3) That the sources for the fund for each year must be from either the general fund or the capital projects fund, or both.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-4

Source of fund balances

Sec. 4. The fund consists of:

(1) any balance in the fund at the beginning of the year; and

(2) any transfers into the fund from the capital projects fund or the general fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-5

Transfer to fund; required appropriation

Sec. 5. A transfer to the fund from the general fund or capital projects fund may be made without appropriation.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-6

Uses

Sec. 6. The fund shall be used solely for the repair of buildings and the repair and replacement of building fixtures that are:

(1) owned or leased by the school corporation; and

(2) of a type constituting loss capable of being covered by casualty insurance.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-7

Expenditures; required appropriation

Sec. 7. Expenditures from the fund may be made only after appropriation in the school corporation's annual budget or by an additional appropriation under IC 6-1.1-18-5.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-8

Balance; nonreverting

Sec. 8. Any balance remaining in the fund at the end of a year does not revert to the general fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-9

Investment

Sec. 9. Any balance in the fund may be invested in the manner provided for investment of general fund money and the net proceeds from the investment become a part of the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-10

Duration

Sec. 10. The fund may extend for a specified number of years, not to exceed five (5), and for a specified annual amount permitted to be expended during each year.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-11

Termination or reduction in balance of fund

Sec. 11. (a) The fund may be reduced or rescinded before its expiration by resolution of the governing body of the school corporation.

(b) Not later than August 1 of any year, ten (10) or more taxpayers in a taxing district in which the school corporation is located may file with the county auditor of the county in which the taxing district is located a petition for reduction or rescission of the fund. The petition must set forth the taxpayers' objections to the fund. The petition shall be certified to the department of local government finance.

(c) Upon receipt of a petition under subsection (b), the department of local government finance shall, within a reasonable time, fix a date for a hearing on the petition. The hearing must be held in the county in which the taxing district is located. Notice of the hearing shall be given to the executive officer of the school corporation and to the first ten (10) taxpayers whose names appear on the petition. The notice must be in the form of a letter signed by the commissioner or deputy commissioner of the department of local government

finance, sent by mail with full prepaid postage to the executive officer and the taxpayers at their usual places of residence at least five (5) days before the date fixed for the hearing.

(d) After the hearing under subsection (c), the department of local government finance shall approve, disapprove, or modify the request for reduction or rescission of the fund and shall certify that decision to the county auditor of the county in which the taxing district is located.

(e) If the fund is rescinded under this section, any balance remaining shall be transferred to the school corporation's capital projects fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-11-12

Levy prohibited

Sec. 12. This chapter does not authorize an additional levy increase.

As added by P.L.2-2006, SEC.163.

IC 20-40-12

Chapter 12. Self-Insurance Fund

IC 20-40-12-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to a self-insurance fund established under section 4 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-2

"Health care services"

Sec. 2. As used in this chapter, "health care services" has the meaning set forth in IC 27-8-11-1.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-3

"Self-insurance program"

Sec. 3. As used in this chapter, "self-insurance program" means a program of self-insurance established or maintained by a governing body to provide coverage for health care services to a school corporation's employees and the employees' dependents.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-4

Establishment of fund

Sec. 4. The governing body of each school corporation:

(1) may establish a self-insurance fund in accordance with this chapter for the purposes described in:

(A) section 5(1) through 5(3) of this chapter; and

(B) section 5(4) of this chapter as section 5(4) of this chapter applies to governing body or school employee coverage other than coverage for health care services; and

(2) shall, if the governing body elects to provide a self-insurance program to cover health care services, establish a self-insurance fund for the purposes described in section 5(4) of this chapter as section 5(4) of this chapter applies to health care services.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-5

Uses

Sec. 5. The fund may be used to provide money for the following purposes:

(1) The payment of a judgment rendered against the school corporation, or rendered against an officer or employee of the school corporation for which the school corporation is liable under IC 34-13-2, IC 34-13-3, or IC 34-13-4 (or IC 34-4-16.5, IC 34-4-16.6, or IC 34-4-16.7 before their repeal).

(2) The payment of a claim or settlement for which the school corporation is liable under IC 34-13-2, IC 34-13-3, or

IC 34-13-4 (or IC 34-4-16.5, IC 34-4-16.6, or IC 34-4-16.7 before their repeal).

(3) The payment of a premium, management fee, claim, or settlement for which the school corporation is liable under a federal or state statute, including IC 22-3 and IC 22-4.

(4) The payment of a settlement or claim for which insurance coverage is permitted under IC 20-26-5-4(15).

As added by P.L.2-2006, SEC.163.

IC 20-40-12-6

Transfers to fund

Sec. 6. Subject to the approval of the commissioner of insurance, the governing body of the school corporation may:

(1) transfer to the fund an amount of money in the general fund budget;

(2) transfer money from the general fund to the fund;

(3) appropriate money from the general fund for the fund; or

(4) transfer money from the capital projects fund to the fund, to the extent that money in the capital projects fund may be used for property or casualty insurance.

As added by P.L.2-2006, SEC.163. Amended by P.L.146-2008, SEC.479.

IC 20-40-12-7

Balance; nonreverting

Sec. 7. Any balance remaining in the fund at the end of the year does not revert to the general fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-8

Compliance with chapter; self-insurance programs

Sec. 8. Subject to IC 20-26-5-4(15) and this chapter and notwithstanding any other law, a self-insurance program must comply with this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-9

Appeals

Sec. 9. (a) A self-insurance program must provide for appeals to a review panel to:

(1) hear complaints; and

(2) resolve concerns;

regarding issues related to coverage, coverage discrimination, and access under the self-insurance program.

(b) The composition of the review panel under subsection (a):

(1) must reflect the populations covered under the self-insurance program;

(2) may include a member representative of each covered population; and

(3) must maintain a balance of administration and

nonadministration members.

(c) Self-insurance program documents provided to individuals covered under the self-insurance program must specify the appeal process, including the name, address, and telephone number of the individual with whom an appeal may be filed.

As added by P.L.2-2006, SEC.163.

IC 20-40-12-10

Incurred claim basis

Sec. 10. (a) A self-insurance program must be written on an incurred claims basis.

(b) The governing body must fund a self-insurance program as described in section 4(2) of this chapter to include coverage for all eligible incurred claims.

(c) Subject to this chapter and notwithstanding any other law:

(1) contributions made on behalf of individuals covered under the self-insurance program, including employee and employer contributions; and

(2) transfers or allocations of funds by a governing body;

for coverage for health care services under a self-insurance program must be directly deposited into the fund and may not be transferred to other accounts or expended for any other purpose.

As added by P.L.2-2006, SEC.163.

IC 20-40-13

Chapter 13. Petty Cash Fund

IC 20-40-13-1

"Custodian"

Sec. 1. As used in this chapter, "custodian" means a person appointed by the governing body to be responsible for the maintenance and administration of the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-13-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to a petty cash fund established under section 3 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-13-3

Establishment of fund

Sec. 3. The governing body of each school corporation may establish and maintain a petty cash fund to pay small or emergency expenses of an administrative or operating nature.

As added by P.L.2-2006, SEC.163.

IC 20-40-13-4

Maximum balance

Sec. 4. If a fund is established, the governing body shall make an appropriation for the fund in an amount that is not more than five hundred dollars ($500). The fund shall be established by a warrant drawn on the general fund of the school corporation payable to a custodian appointed by the school corporation.

As added by P.L.2-2006, SEC.163.

IC 20-40-13-5

Custodian responsibilities

Sec. 5. The custodian shall convert a warrant described in section 4 of this chapter to cash and is responsible for the administration of the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-13-6

Custodian reports

Sec. 6. (a) At the end of each month, the custodian shall file with the governing body a report showing the:

(1) balance of the fund at the beginning of the month;

(2) amount of all warrants drawn and expenditures from the fund during the month; and

(3) balance on hand in the fund at the end of the month.

(b) For each expenditure from the fund, the custodian shall obtain a receipt or voucher, which the custodian shall file with the monthly report.

As added by P.L.2-2006, SEC.163.

IC 20-40-13-7

Termination of custodian duties; reconciliation of fund accounts

Sec. 7. If the fund is no longer needed or a change is made in custodian, the custodian shall return the balance of the fund to the general fund and make a report to the governing body containing the information and supporting receipts or vouchers required under section 6 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-14

Chapter 14. Special Purpose Funds Without Local Tax

IC 20-40-14-1

Separate accounting; gifts; endowments; federal grants and loans

Sec. 1. (a) Except as provided in this section, money received by a school corporation for a specific purpose or purposes, by gift, endowment, or under a federal statute, may be accounted for by establishing separate funds apart from the general fund.

(b) Subsection (a) does not apply if local tax funds are involved.

(c) Money described in subsection (a) may not be accepted unless the:

(1) terms of the gift, endowment, or payment; and

(2) acceptance of the gift, endowment, or payment;

provide that the officers of the school corporation are not divested of any right or authority that the officers are granted by law.

As added by P.L.2-2006, SEC.163.

IC 20-40-14-2

Disbursement without appropriation

Sec. 2. Both:

(1) money received for specific purposes, by gift, endowment, or under a federal statute; and

(2) any earnings on money received for specific purposes, by gift, endowment, or under a federal statute;

may be disbursed without appropriation.

As added by P.L.2-2006, SEC.163.

IC 20-40-14-3

Application of other laws

Sec. 3. A school corporation shall maintain money received by gift, endowment, or under a federal statute in a special fund as required by law, including IC 20-35-4-7.

As added by P.L.2-2006, SEC.163.

IC 20-40-15

Chapter 15. School Technology Fund

IC 20-40-15-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to a school technology fund established under section 2 of this chapter.

As added by P.L.2-2006, SEC.163.

IC 20-40-15-2

Establishment of fund

Sec. 2. (a) Each school corporation shall establish a school technology fund.

(b) The fund consists of the following:

(1) Money transferred to the fund under IC 20-40-14-1 or section 3 or 4 of this chapter.

(2) Other money, as designated by the department.

(c) Property taxes levied by a school corporation for a capital projects fund may not be transferred to the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-15-3

Transfers from the general fund

Sec. 3. All money appropriated from the general fund for any of the purposes described in section 5 of this chapter shall be transferred from the general fund to the fund.

As added by P.L.2-2006, SEC.163.

IC 20-40-15-4

Transfer of savings from universal service discounts

Sec. 4. (a) As used in this section, "base year" means:

(1) January 1, 1998, through June 30, 1999; or

(2) any subsequent universal service program year for which a school corporation initially makes an application to the program.

(b) All money saved by a school corporation as a result of universal service discounts provided to the school corporation under the federal Telecommunications Act of 1996 must be transferred to the fund.

(c) For purposes of this section, the amount of money saved by a school corporation as a result of universal service discounts during the base year and any subsequent universal service program year is equal to:

(1) the sum of all reimbursements in the form of cash or discounts received or eligible to be received under the universal service program during the base year; minus

(2) discounts from expenditures made from the debt service and capital projects funds during the base year for one (1) time costs such as new construction or remodeling projects.

As added by P.L.2-2006, SEC.163.

IC 20-40-15-5

Uses

Sec. 5. (a) Except as provided in subsection (b), money in the fund may be used for one (1) or more of the purposes described in IC 20-20-13, IC 20-26-15-6(4)(B), or IC 20-40-8-13.

(b) Money in the fund may not be used to purchase software programs to be used exclusively for administrative purposes, such as payroll and attendance records, personnel records, administration of insurance or pension programs, or any other similar purpose. However, if a particular software program will be used for administrative purposes and for other purposes described in subsection (a), a part of the cost of the software program may be paid from the fund. The part of the cost that may be paid from the fund is the total cost of the software program multiplied by the estimated percentage of use of the software program for nonadministrative purposes.

As added by P.L.2-2006, SEC.163.

IC 20-40-15-6

Reports

Sec. 6. (a) Before February 15 of each year, each school corporation shall file a report with the state superintendent's special assistant for technology.

(b) A report filed under this section must:

(1) be prepared in the form prescribed by the special assistant for technology; and

(2) include a list of expenditures made by the school corporation during the preceding calendar year from the school corporation's:

(A) fund for purposes described in this chapter;

(B) capital projects fund for purposes described in IC 20-40-8-13; and

(C) debt service fund to provide financing for any equipment or facilities used to provide educational technology programs.

(c) Before April 1 of each year, the special assistant for technology shall:

(1) compile the information contained in the reports filed under this section; and

(2) present that compilation to the educational technology council.

As added by P.L.2-2006, SEC.163.

IC 20-40-16
Repealed

(*Repealed by P.L.229-2011, SEC.274.)*

IC 20-40-17

Chapter 17. Pilot School Corporations

IC 20-40-17-1

Selection of pilot school corporations; compliance with P.L.50-1996

Sec. 1. The department and the state board of tax commissioners shall select pilot school corporations under section 2 of this chapter. Beginning January 1, 1997, the school corporations selected under section 2 of this chapter shall comply with SECTIONS 1 through 18 of P.L.50-1996 as if those SECTIONS were effective January 1, 1997.

As added by P.L.220-2011, SEC.337.

IC 20-40-17-2

Criteria for selection of pilot school corporations

Sec. 2. Before October 1, 1996, the department and the state board of tax commissioners shall meet to select ten (10) pilot school corporations. The pilot school corporations shall be selected with the objective that the pilot school corporations collectively represent a broad range of the different types and sizes of school corporations that exist in Indiana. In order to achieve this objective, the department and the state board of tax commissioners shall select the pilot school corporations based on the following criteria:

(1) The size of the student population within the corporation.

(2) The size of the geographic territory served by the corporation.

(3) The average growth of the property tax assessed valuation within the corporation's district over the preceding three (3) years.

(4) The growth or decline of the ADM (as defined in IC 21-3-1.6-1.1, before its repeal) within the corporation over the preceding three (3) years, excluding any year in which there is a general reassessment.

(5) The extent of urban development in the corporation.

(6) Any other factors the department and the state board of tax commissioners determine are necessary to distinguish a group or category of school corporations that deserve representation by a pilot school corporation.

As added by P.L.220-2011, SEC.337.

IC 20-40-17-3

Implementation of P.L.50-1996; cooperation of government officials

Sec. 3. All state and local government officials whose official functions relate to P.L.50-1996 shall cooperate with the department, the state board of tax commissioners, and the pilot school corporations to implement P.L.50-1996.

As added by P.L.220-2011, SEC.337.

IC 20-41

ARTICLE 41. EXTRACURRICULAR FUNDS AND ACCOUNTS

IC 20-41-1

Chapter 1. Accounting for School Functions; Extracurricular Account

IC 20-41-1-1

"Treasurer"

Sec. 1. As used in this chapter, "treasurer" includes an assistant treasurer or a deputy treasurer.

As added by P.L.2-2006, SEC.164.

IC 20-41-1-2

Accounting as separate funds

Sec. 2. Any self-supporting programs maintained by a school corporation, including:

(1) school lunch; and

(2) rental or sale of textbooks;

may be established as separate funds, separate and apart from the general fund, if no local tax rate is established for the programs.

As added by P.L.2-2006, SEC.164.

IC 20-41-1-3

Custodian responsibilities

Sec. 3. (a) A person who has charge of the collection, custody, and disbursement of funds collected and expended to pay expenses incurred in conducting any athletic, social, or other school function, the cost of which is not paid from public funds, shall:

(1) keep an accurate account of all money received and expended, showing the:

(A) sources of all receipts;

(B) purposes for which the money was expended; and

(C) balance on hand; and

(2) file a copy of the account with the township trustee, board of school trustees, or board of school commissioners within two (2) weeks after the close of each school year.

(b) An account filed under subsection (a)(2) is a public record open to inspection by any interested person at any reasonable time during office hours.

As added by P.L.2-2006, SEC.164.

IC 20-41-1-4

Forms

Sec. 4. (a) All forms and records for keeping the accounts of the extracurricular activities in school corporations shall be prescribed or approved by the state board of accounts. The records and affairs of the extracurricular activities may be examined by the state board of accounts when the state examiner determines an examination is

necessary. The forms prescribed or approved for keeping these accounts must achieve a simplified system of bookkeeping and shall be paid for, along with the bond required in this chapter, from the general fund.

(b) The funds of all accounts of any organization, class, or activity shall be accounted separately from all others. Funds may not be transferred from the accounts of any organization, class, or activity except by a majority vote of its members, if any, and by the approval of the principal, sponsor, and treasurer of the organization, class, or activity. However, in the case of athletic funds:

(1) approval of the transfer must be made by the athletic director, who is regarded as the sponsor; and

(2) participating students are not considered members.

All expenditures of the funds are subject to review by the governing body of the school corporation.

As added by P.L.2-2006, SEC.164.

IC 20-41-1-5

Requirement of treasurer

Sec. 5. (a) A public school must have a treasurer for purposes of this chapter. The treasurer must be:

(1) the superintendent or principal of the particular school;

(2) a clerk of the school corporation; or

(3) a member of the faculty appointed by the superintendent or principal.

This designation must be made immediately upon the opening of the school term or the vacating of the office of treasurer. Claims shall be filed and paid under sections 7 and 8 of this chapter. The employing or appointing officials of a school may appoint and engage a school treasurer or clerk.

(b) A school corporation may appoint one (1) or more assistant or deputy treasurers.

(c) A treasurer is not personally liable for an act or omission occurring in connection with the performance of the duties set forth in this chapter, unless the act or omission constitutes gross negligence or an intentional disregard of the treasurer's duties.

As added by P.L.2-2006, SEC.164.

IC 20-41-1-6

Bond

Sec. 6. (a) The treasurer shall give a bond in an amount fixed by the superintendent and principal of the school approximating the total amount of the anticipated funds that will come into the possession of the treasurer at any one (1) time during the regular school year. Bonds shall be filed with the trustee or board of school trustees. The surety on the bonds must be a surety company authorized to do business in Indiana. However, the requirement for giving the bond and the requirement to deposit the receipts in a separate bank account, as required in section 9 of this chapter, do not apply to any school for which the funds, as estimated by the

principal, will not exceed three hundred dollars ($300) during a school year.

(b) The requirements of this chapter may be fulfilled by providing a comprehensive bonding instrument, including a single blanket position bond, for all extracurricular treasurers. A comprehensive bonding instrument is acceptable instead of individual separate personal position bonds.

As added by P.L.2-2006, SEC.164.

IC 20-41-1-7

Responsibilities of treasurer

Sec. 7. (a) The treasurer has charge of the custody and disbursement of any funds collected by a collecting authority and expended to pay expenses:

(1) approved by the principal or teacher in charge of the school;

(2) incurred in conducting any athletic, social, or other school function (other than functions conducted solely by any organization of parents and teachers);

(3) that cost more than twenty-five dollars ($25) during the school year; and

(4) that are not paid from public funds.

(b) The principal or teacher in charge of the school shall designate a collecting authority to be in charge of the collection of any funds described in this section. Upon collection of any funds, the collecting authority shall deliver the funds, together with an accounting of the funds, to the custody of the school treasurer. The principal may designate different collecting authorities for each separate account of funds described in this section.

As added by P.L.2-2006, SEC.164.

IC 20-41-1-8

Treasurer; duties; accurate accounts; reports

Sec. 8. (a) The treasurer shall keep an accurate account of all money received by the collecting authority and expended, showing:

(1) the sources of all receipts;

(2) the purposes for which the money was expended; and

(3) the balance on hand.

A copy of the report, together with all records and files of extracurricular activities, shall be filed as required under section 3 of this chapter.

(b) However, in a school that has two (2) or more semesters in any one (1) school year, the treasurer of the school shall file a copy of the treasurer's financial report of receipts and disbursements with the township trustee, board of school trustees, or board of school commissioners not more than two (2) weeks after the close of each semester. Records and files of extracurricular activities for the entire school year shall be filed with the last financial semester report of any one (1) school year.

(c) A copy of the report shall be filed with and kept by the city superintendent having jurisdiction and the county superintendent

where the superintendent has jurisdiction.

(d) The records under this section shall be kept for five (5) years, after which they may be destroyed.

As added by P.L.2-2006, SEC.164.

IC 20-41-1-9

Deposits and accounts

Sec. 9. (a) The treasurer shall deposit all receipts in one (1) bank account. The receipts shall be deposited without unreasonable delay. The account is known as the school extracurricular account. The records of each organization, class, or activity shall be kept separate so that the balance in each fund may be known at all times.

(b) The money in the school extracurricular account may be invested under the conditions specified in IC 5-13-10 and IC 5-13-10.5 for investment of state money. However, investments under this section are at the discretion of the principal. The interest earned from any investment may be credited to the school extracurricular account and need not be credited proportionately to each separate extracurricular fund. The interest earned from the investment may be used for any of the following:

(1) A school purpose approved by the principal.

(2) An extracurricular purpose approved by the principal.

(c) Amounts expended under this section for the purposes described in this section are in addition to the appropriation under IC 20-26-5-4(3).

As added by P.L.2-2006, SEC.164.

IC 20-41-2

Chapter 2. School Lunch and Textbook Rental Programs

IC 20-41-2-1

Township school; election to use separate school lunch fund or extracurricular account

Sec. 1. Each township trustee in operating a school lunch program may use either of the following accounting methods:

(1) The township trustee may supervise and control the program through its school corporation account by establishing a school lunch fund.

(2) The township trustee may have the program operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts under IC 20-41-1.

As added by P.L.2-2006, SEC.164.

IC 20-41-2-2

Township school; election to use separate textbook rental fund or extracurricular account

Sec. 2. Each township trustee in operating a textbook rental program may use either of the following accounting methods:

(1) The township trustee may supervise and control the program through its school corporation account by establishing a textbook rental fund.

(2) If textbooks have not been purchased and financial commitments or guarantees for the purchases have not been made by the school corporation, the township trustee may have the program operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts under IC 20-41-1.

As added by P.L.2-2006, SEC.164.

IC 20-41-2-3

Township schools; expenditures without appropriation

Sec. 3. (a) If a school lunch fund is established under section 1 of this chapter or a textbook rental fund is established under section 2 of this chapter, the receipts and expenditures for each program shall be made to and from the proper fund without appropriation or the application of other laws relating to the budgets of local governmental units.

(b) If either program or both programs under sections 1 and 2 of this chapter are operated through the extracurricular account, the township trustee shall approve the amount of the bond of the treasurer of the extracurricular account in an amount the township trustee considers necessary to protect the account for all funds coming into the hands of the treasurer.

As added by P.L.2-2006, SEC.164.

IC 20-41-2-4

School corporations; election to use separate school lunch fund or extracurricular account

Sec. 4. A governing body in operating a school lunch program under IC 20-26-5-4(11) may use either of the following accounting methods:

(1) It may supervise and control the program through the school corporation account, establishing a school lunch fund.

(2) It may cause the program to be operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts in accordance with IC 20-41-1.

As added by P.L.2-2006, SEC.164.

IC 20-41-2-5

School corporations; election to use separate textbook rental fund or extracurricular account

Sec. 5. (a) A governing body in operating a textbook rental program under IC 20-26-5-4(12) may use either of the following accounting methods:

(1) The governing body may supervise and control the program through the school corporation account, establishing a textbook rental fund.

(2) If textbooks have not been purchased and financial commitments or guarantees for the purchases have not been made by the school corporation, the governing body may cause the program to be operated by the individual schools of the school corporation through the school corporation's extracurricular account or accounts in accordance with IC 20-41-1.

(b) If the governing body determines that a hardship exists due to the inability of a student's family to purchase or rent textbooks, taking into consideration the income of the family and the demands on the family, the governing body may furnish textbooks to the student without charge, without reference to the application of any other statute or rule except IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1.

As added by P.L.2-2006, SEC.164.

IC 20-41-2-6

School corporations; expenditures without appropriation

Sec. 6. (a) If a school lunch fund is established under section 4 of this chapter and a textbook rental fund is established under section 5 of this chapter, the receipts and expenditures from a fund for the program to which the fund relates shall be made to and from the fund without appropriation or the application of other statutes and rules relating to the budgets of municipal corporations.

(b) If either the lunch program or textbook rental program is handled through the extracurricular account, the governing body of the school corporation shall approve the amount of the bond of the treasurer of the extracurricular account in an amount the governing

body considers sufficient to protect the account for all funds coming into the hands of the treasurer of the account.
As added by P.L.2-2006, SEC.164.

IC 20-41-2-7
Indianapolis public schools; application of other laws
Sec. 7. IC 20-25-4-19 applies to a lunch program established by a school city (as defined in IC 20-25-2-12).
As added by P.L.2-2006, SEC.164.

IC 20-42

ARTICLE 42. FIDUCIARY FUNDS AND ACCOUNTS

IC 20-42-1

Chapter 1. Administration of Common School Fund by County

IC 20-42-1-1

Application

Sec. 1. This chapter applies to a county that has not:

(1) transferred the money in the county's fund to the debt service funds of the school corporations in the county under section 5 of this chapter, IC 21-2-4-5 (before its repeal), or a predecessor law; or

(2) surrendered the money in the county's fund to the treasurer of state under section 6 of this chapter, IC 21-1-3-1 (before its repeal), or a predecessor law.

As added by P.L.2-2006, SEC.165.

IC 20-42-1-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to a common school fund administered by a county.

As added by P.L.2-2006, SEC.165.

IC 20-42-1-3

Sources of fund

Sec. 3. The funds that:

(1) before March 6, 1865, were:

(A) known and designated as the surplus revenue funds;

(B) appropriated to common schools;

(C) known and designated as the saline fund;

(D) known and designated as the bank-tax fund;

(E) derived from the sale of county seminaries and property belonging to county seminaries or after March 5, 1865, are derived from the sale of county seminaries and property belonging to county seminaries; or

(F) money and property held for county seminaries;

(2) are derived from fines assessed for breaches of the penal laws of the state;

(3) are derived from forfeitures that accrue;

(4) are derived from lands and other estate that escheat to the state for want of heirs or kindred entitled to the inheritance of the lands or other estate;

(5) are derived from lands that:

(A) were granted before March 6, 1865; or

(B) are granted after March 5, 1865;

to the state, if no special object is expressed in the grant;

(6) are derived from the proceeds of the sales of the swamp lands granted to the state of Indiana by the act of Congress of September 1850;

(7) are derived from the taxes that are assessed periodically upon the property of corporations for common school purposes; and

(8) are derived from the one hundred and fourteenth section of the charter of the state bank of Indiana;

constitute the common school fund.

As added by P.L.2-2006, SEC.165.

IC 20-42-1-4

Prohibition on reducing principal of fund

Sec. 4. Subject to sections 5, 6 and 9 of this chapter, the fund shall never be diminished in amount.

As added by P.L.2-2006, SEC.165.

IC 20-42-1-5

Transfer of fund balance to debt service fund

Sec. 5. Any balance remaining in a fund shall be transferred to the debt service funds of the school corporations in the county. The amount transferred may be appropriated and paid to a school corporation's general fund.

As added by P.L.2-2006, SEC.165.

IC 20-42-1-6

Transfer of custody of fund balance to state

Sec. 6. (a) A county council may adopt a resolution to:

(1) elect to surrender the custody of the fund; and

(2) order the board of county commissioners, the county auditor, and the county treasurer to take any and all steps necessary to surrender the custody of a fund held in trust by the county.

If the county council adopts a resolution under this section, the amount of money distributed to and held in trust by the county is due and payable to the treasurer of state. A county council may elect whether the county shall surrender all or any part of the fund. If the county retains custody of any money in the fund, the county shall loan the money as otherwise provided by law. Any part of the money in the fund surrendered by the county shall be paid to the treasurer of state immediately after the election by the county council.

(b) Within ten (10) days after the passage of the resolution by a county council of a county electing to surrender the custody of the fund, the county auditor shall prepare and file with the board of commissioners of the county a report showing the following:

(1) The total amount of the fund that has been entrusted to and is held in trust by the county.

(2) The total amount of the funds that is loaned as provided by law.

(3) The total amount of the fund, if any, loaned to the county and which loans are unpaid.

(4) The total amount of the fund held in cash in the possession and custody of the county and that is not loaned.

(5) A separate schedule of past due loans. The schedule must show the unpaid balance of principal and the amount of delinquent interest due and unpaid on each delinquent loan.

(c) The board of county commissioners shall examine the reports, and, if found correct, the board of county commissioners shall order:

(1) that the report be entered on its records; and

(2) the county auditor to draw the county auditor's warrant, payable to the treasurer of state, for the amount of the fund that is not loaned and is held in cash in the custody and possession of the county as shown by the report.

The county auditor shall forward the warrants to the auditor of state together with a certified copy of the report. The county auditor shall also forward with the payment a certified copy of the resolution of the county council electing to surrender the custody of the fund or any part of the fund.

(d) After passage by the county council of a resolution electing to surrender the custody of the funds, no part of the fund that is in the custody of the county may be loaned by the county or by any official of the county. Except as provided in this subsection, all outstanding loans of the fund at the time of the passage of the resolution shall be collected when due. Any loan that comes due and payable after the passage of the resolution may be renewed for one (1) additional five (5) year period, on the application of the person owing the loan as provided by law. However, a loan that is more than one (1) year delinquent in payment of principal or interest at the time of the passage of the resolution of the county council may not be renewed.

(e) On:

(1) May 1 or November 1 immediately after the passage of the resolution electing to surrender the fund; and

(2) each May 1 and November 1 thereafter;

all the money collected and on hand that belongs to the fund shall be paid to the treasurer of state. If at the time for a semiannual payment the amount collected and paid to the treasurer of state when added to the amounts previously paid to the treasurer of state is less than the result determined by multiplying one-fortieth (1/40) of the amount of the fund held in trust at the time of the passage of the resolution by the number of semiannual payments that have occurred after the passage of the resolution, the county auditor shall draw the county auditor's warrant on the general fund of the county for an amount sufficient to pay to the treasurer of state the difference between the amount paid and the amount equal to the result of multiplying one-fortieth (1/40) of the amount of the fund held in trust at the time of the passage of the resolution by the number of semiannual payments that have occurred after the passage of the resolution.

(f) At the same time and in the same manner, there shall be paid to the treasurer of state interest to the date of the semiannual payment on the balance of the funds held in trust by the county from the immediately preceding October 31 or April 30 at the rate fixed by law. Whenever within the preceding six (6) months any payment of the fund has been made by the county to the treasurer of state, the

county shall also pay interest at the rate fixed by law on the amount of the payment to the date of receipt of the payment by the treasurer of state. If the amount collected as interest on the fund is not sufficient to make payment of interest to the treasurer of state, the county auditor shall draw the county auditor's warrant on the general fund of the county for an amount sufficient when added to the amount collected as interest on the fund to pay the interest due to the state.

(g) The board of county commissioners shall, in its annual budget estimate, include an estimate of the amount necessary to make the payments from the county general fund as required by this section, and the county council shall appropriate the amount of the estimate.

(h) A county is subrogated to all the rights and remedies of the state with respect to loans made from a fund held in trust by the county to the extent of any and all payments made from the county general fund under this chapter.

As added by P.L.2-2006, SEC.165.

IC 20-42-1-7

County liability for fund

Sec. 7. A county shall be held liable for the:

(1) preservation of the part of the fund as is entrusted or has been entrusted to the county; and

(2) payment of the annual interest on the fund at the rate established by law.

As added by P.L.2-2006, SEC.165.

IC 20-42-1-8

Deposit of interest in fund

Sec. 8. The payment of annual interest must be full and complete every year. The payment must appear in the county auditor's report to the state superintendent. The state superintendent shall, at any time when the state superintendent discovers from the report, or otherwise, that there is a deficit in the amount collected, for want of prompt collection or otherwise, direct the attention of the board of county commissioners and the county auditor to the fact. The board of commissioners shall provide for the deficit in their respective counties.

As added by P.L.2-2006, SEC.165.

IC 20-42-1-9

Required transfer of revenue to state

Sec. 9. (a) This section does not apply to a fund entrusted to a county before November 1, 1851.

(b) Loans may not be made of the principal of the common school funds held in trust by the several counties of the state. Each county auditor and treasurer shall forward semiannually all payments made and all interest collected on any loan made before March 7, 1953, by any county from the fund, to the treasurer of state. The amount transferred to the treasurer of state must be held under IC 20-49-3.

As added by P.L.2-2006, SEC.165.

IC 20-42-1-10
Loans; required interest rate

Sec. 10. Subject to section 9 of this chapter, the:

(1) principal belonging to a fund; and

(2) accumulations to the principal of a fund held by a county;

must be loaned at four percent (4%) per annum. Loans made before June 1, 1943, with a rate of interest higher than four percent (4%) per annum must have an interest rate of four percent (4%) per annum.
As added by P.L.2-2006, SEC.165.

IC 20-42-1-11
Minimum balance; loans; maximum term

Sec. 11. In a county where the total amount in the:

(1) fund; or

(2) congressional township school fund;

accumulates to the amount of at least one thousand dollars ($1,000), a county may borrow and use the funds or any part of the funds for any lawful purpose for a period not exceeding five (5) years.
As added by P.L.2-2006, SEC.165. Amended by P.L.162-2006, SEC.40.

IC 20-42-1-12
Form of loan agreement

Sec. 12. (a) If a county council borrows funds under this chapter, the county council shall adopt an ordinance specifying the amount of the funds to be borrowed and specify the time for which the loan will be made. The board of county commissioners shall execute to the state of Indiana for the use of the funds a written obligation, executed by the board of county commissioners and attested by the county auditor, that specifies the following:

(1) The facts under which the written obligation is executed.

(2) The sum of money borrowed.

(3) The time when the money will be repaid to the fund by the county.

(b) The obligation must be deposited with the county auditor of the county. The county auditor shall retain the obligation and record entries concerning the loans. The provisions of IC 6-1.1-20 concerning the loan to the county from the school funds apply to this section.
As added by P.L.2-2006, SEC.165.

IC 20-42-1-13
Distribution of loaned amount from fund

Sec. 13. After the obligation is deposited with the county auditor under section 12 of this chapter, the county auditor shall issue a warrant to the county treasurer, to be paid to the county for the amount of money specified in the ordinance and obligation. When the warrant is presented to the county treasurer, the treasurer shall

transfer from the fund the amount contained in the warrant from the principal sum of the fund to the credit of the county revenue of the county. Funds transferred under this section become a part of the general revenue funds of the county.
As added by P.L.2-2006, SEC.165.

IC 20-42-1-14
Investments

Sec. 14. (a) If the funds remain in the county treasury of the county for four (4) months without having been loaned under this chapter, upon the request of the county auditor, the board of county commissioners may, by an order entered of record, direct the county treasurer to invest the funds in:

(1) bonds, notes, certificates, and other valid obligations of the United States; and

(2) bonds, notes, debentures, and other securities issued by any federal instrumentality that are fully guaranteed by the United States.

(b) If it becomes necessary to obtain the funds invested in the government bonds under subsection (a) to be able to make a loan to any borrower, whose application has been approved and granted, the treasurer shall sell, at the earliest opportunity, a sufficient amount of the government bonds to make the loan.
As added by P.L.2-2006, SEC.165.

IC 20-42-1-15
Receipts for payment of principal or interest on loan

Sec. 15. (a) All payments of principal or interest must be paid to the county treasurer. The:

(1) county treasurer shall file a receipt with the county auditor; and

(2) county auditor shall give the payor a receipt and record the payment.

(b) The county auditor may accept payment of principal or interest if the county auditor can immediately transmit and pay the payment to the county treasurer.
As added by P.L.2-2006, SEC.165.

IC 20-42-2

Chapter 2. County Administration of Congressional Township School Fund

IC 20-42-2-1

Application

Sec. 1. This chapter applies to a county that has money in a fund and has not surrendered custody of the fund to the treasurer of state under section 4.5 of this chapter, or a predecessor law.

As added by P.L.2-2006, SEC.165. Amended by P.L.39-2008, SEC.1.

IC 20-42-2-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to a congressional township school fund administered by a county.

As added by P.L.2-2006, SEC.165.

IC 20-42-2-3

Sources of fund

Sec. 3. The fund derived from the sale of congressional township school lands constitutes the congressional township school fund.

As added by P.L.2-2006, SEC.165.

IC 20-42-2-4

Prohibition on reducing principal of fund

Sec. 4. The fund shall never be diminished in amount.

As added by P.L.2-2006, SEC.165.

IC 20-42-2-4.5

Transfer of custody of fund balance to state

Sec. 4.5. (a) A county council may adopt a resolution to:

(1) elect to surrender the custody of the fund or any part of the fund; and

(2) order the board of county commissioners, the county auditor, and the county treasurer to take all steps necessary to surrender the custody of the fund or part of the fund that is to be surrendered.

If the county council adopts a resolution under this section, the amount of money designated by the resolution distributed to and held in trust by the county is to be transferred to the treasurer of state over a period not to exceed twenty (20) years. A county council may elect whether the county shall surrender all or any part of the fund. If the county retains custody of any money in the fund, the county shall loan the money as otherwise provided by law.

(b) Within ten (10) days after the passage of the resolution by a county council of a county electing to surrender the custody of the fund or part of the fund, the county auditor shall prepare and file with the board of commissioners of the county a report showing the following:

(1) The total amount of the fund that has been entrusted to and

is held in trust by the county.

(2) The total amount of the fund that is loaned as provided by law.

(3) The total amount of the fund, if any, loaned to the county and which loans are unpaid.

(4) The total amount of the fund held in cash in the possession and custody of the county and that is not loaned.

(5) A separate schedule of past due loans. The schedule must show the unpaid balance of principal and the amount of delinquent interest due and unpaid on each delinquent loan.

(c) The board of county commissioners shall examine the reports, and, if found correct, the board of county commissioners shall order:

(1) that the report be entered on its records; and

(2) the county auditor to draw the county auditor's warrant, payable to the treasurer of state, for the amount of the fund that is not loaned and is held in cash in the custody and possession of the county as shown by the report.

The county auditor shall forward the warrants to the auditor of state together with a certified copy of the report. The county auditor shall also forward with the payment a certified copy of the resolution of the county council electing to surrender the custody of the fund or any part of the fund.

(d) After passage by the county council of a resolution electing to surrender the custody of the fund or any part of the fund, no part of the fund up to the amount designated in the resolution that is not surrendered to the treasurer of state and is in the custody of the county may be loaned by the county or by any official of the county. Except as provided in this subsection, all outstanding loans of the fund not part of the amount retained by the county at the time of the passage of the resolution shall be collected when due. Any loan that comes due and payable after the passage of the resolution may be renewed for one (1) additional five (5) year period, on the application of the person owing the loan as provided by law. However, a loan that is more than one (1) year delinquent in payment of principal or interest at the time of the passage of the resolution of the county council may not be renewed.

(e) The maximum time to surrender money that the county designates in the resolution is for a period not to exceed twenty (20) years. On:

(1) May 1 or November 1 immediately after the passage of the resolution electing to surrender the fund or any part of the fund; and

(2) each May 1 and November 1 thereafter;

all the money collected and on hand up to the amount designated in the resolution that belongs to the fund that is to be surrendered shall be paid to the treasurer of state. If at the time for a semiannual payment the amount collected and paid to the treasurer of state when added to the amounts previously paid to the treasurer of state is less than the result determined by multiplying two and one-half percent (2.5%) of the amount in the resolution by the number of semiannual

payments that have occurred after the passage of the resolution, the county auditor shall draw the county auditor's warrant on the general fund of the county for an amount sufficient to pay to the treasurer of state the difference between the amount paid and the amount equal to the result of multiplying two and one-half percent (2.5%) of the amount designated in the resolution by the number of semiannual payments that have occurred after the passage of the resolution.

(f) The board of county commissioners shall, in its annual budget estimate, include an estimate of the amount necessary to make the payments from the county general fund as required by this section, and the county council shall appropriate the amount of the estimate.

(g) A county is subrogated to all the rights and remedies of the state with respect to loans made from a fund held in trust by the county to the extent of any and all payments made from the county general fund under this chapter.

(h) If a county elects to transfer custody of the fund or any part of the fund to the treasurer of state, the treasurer of state shall ensure that the principal of the fund belonging to any congressional township or a part of a congressional township shall never be diminished in amount.

(i) If a county elects to transfer custody of the fund or any part of the fund to the treasurer of state, the treasurer of state shall take steps to ensure that the income of the fund belonging to any congressional township or a part of a congressional township may not be:

(1) diminished by an apportionment; or

(2) diverted or distributed to another township.

As added by P.L.39-2008, SEC.2.

IC 20-42-2-5

County liability for fund

Sec. 5. A county shall be held liable for the:

(1) preservation of the part of the fund as is entrusted or has been entrusted to the county; and

(2) payment of the annual interest on the fund, at the rate established by law.

As added by P.L.2-2006, SEC.165.

IC 20-42-2-6

Deposit of interest in fund

Sec. 6. The payment of annual interest must be full and complete every year. The payment must appear in the county auditor's or treasurer of state's report to the state superintendent. The state superintendent shall, at any time when the state superintendent discovers that there is a deficit in the amount collected, direct the attention of the board of county commissioners and the county auditor to the fact. The board of commissioners shall provide for the deficit in the commissioners' respective counties.

As added by P.L.2-2006, SEC.165. Amended by P.L.39-2008, SEC.3.

IC 20-42-2-7

Annual distribution of balance to school corporations

Sec. 7. The county auditor of each county or the treasurer of state shall, semiannually, on the second Monday of July and on the last Monday in January make apportionment of the amount of the congressional township school revenue belonging to each school corporation. The apportionment shall be paid to each school corporation's treasurer.

As added by P.L.2-2006, SEC.165. Amended by P.L.39-2008, SEC.4.

IC 20-42-2-8

Report to state superintendent

Sec. 8. The county auditor or treasurer of state shall report the amount apportioned to the state superintendent, verified by affidavit.

As added by P.L.2-2006, SEC.165. Amended by P.L.39-2008, SEC.5.

IC 20-42-2-9

Distributions proportional to balance deposited in fund from township

Sec. 9. The income of the fund belonging to any congressional township or part of a congressional township may not be:

(1) diminished by an apportionment; or

(2) diverted or distributed to another township.

As added by P.L.2-2006, SEC.165.

IC 20-42-2-10

Loans; required interest rate

Sec. 10. The:

(1) principal belonging to the fund; and

(2) accumulations to the principal of a fund held by a county;

must be loaned at four percent (4%) per annum. Loans made before June 1, 1943, with a rate of interest higher than four percent (4%) per annum must have an interest rate of four percent (4%) per annum.

As added by P.L.2-2006, SEC.165.

IC 20-42-2-11

Minimum balance; loans; maximum term

Sec. 11. In a county where the total amount in the:

(1) common school fund; or

(2) fund;

accumulates to the amount of at least one thousand dollars ($1,000), a county may borrow and use the funds, or any part of the funds, for any lawful purpose for a period not exceeding five (5) years.

As added by P.L.2-2006, SEC.165. Amended by P.L.162-2006, SEC.41.

IC 20-42-2-12

Form of loan agreement

Sec. 12. (a) If a county council borrows funds under this chapter, the county council shall adopt an ordinance specifying the amount of the funds to be borrowed and specify the time when the loan will be

made. The board of county commissioners shall execute to the state of Indiana for the use of the funds a written obligation, executed by the board of county commissioners and attested by the county auditor, that specifies the following:

(1) The facts under which the written obligation is executed.

(2) The sum of money borrowed.

(3) The time when the money will be repaid to the fund by the county.

(b) The obligation must be deposited with the county auditor. The county auditor shall retain the obligation and record entries concerning the loans. The provisions of IC 6-1.1-20 concerning the loan to the county from the school funds apply to this section.

As added by P.L.2-2006, SEC.165.

IC 20-42-2-13

Distribution of loaned amount from fund

Sec. 13. After the obligation is deposited with the county auditor under section 12 of this chapter, the county auditor shall issue a warrant to the county treasurer to be paid to the county for the amount of money specified in the ordinance and obligation. When the warrant is presented to the county treasurer, the treasurer shall transfer from the fund the amount contained in the warrant from the principal sum of the fund to the credit of the county revenue of the county. Funds transferred under this section become a part of the general revenue funds of the county.

As added by P.L.2-2006, SEC.165.

IC 20-42-2-14

Investments

Sec. 14. (a) If the funds remain in the county treasury of the county for four (4) months without having been loaned under this chapter, upon the request of the county auditor, the board of county commissioners may, by an order entered of record, direct the county treasurer to invest the funds in:

(1) bonds, notes, certificates, and other valid obligations of the United States; and

(2) bonds, notes, debentures, and other securities issued by any federal instrumentality that are fully guaranteed by the United States.

(b) If it becomes necessary to obtain the funds invested in the government bonds under subsection (a) to be able to make a loan to any borrower, whose application has been approved and granted, the treasurer shall sell, at the earliest opportunity, a sufficient amount of the government bonds to make the loan.

As added by P.L.2-2006, SEC.165.

IC 20-42-2-15

Receipts for payment of principal or interest on loan

Sec. 15. All payments of principal or interest must be paid to the county treasurer. The:

(1) treasurer shall file a receipt with the county auditor; and

(2) auditor shall give the payor a receipt and record the payment.

The county auditor may accept payment of principal or interest if the county auditor can immediately transmit and pay the payment to the county treasurer.

As added by P.L.2-2006, SEC.165.

IC 20-42-3

Chapter 3. Seminary Township School Fund

IC 20-42-3-1

Application

Sec. 1. This chapter applies in a county that has a seminary township school fund.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-2

"Account"

Sec. 2. As used in this chapter, "account" refers to the seminary lands school account established under section 8 of this chapter.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-3

"Fund"

Sec. 3. As used in this chapter, "fund" refers to a seminary township school fund established under section 5 of this chapter.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-4

"Seminary land"

Sec. 4. As used in this chapter, "seminary land" means land dedicated to the inhabitants of a township by the Northwest Territory Ordinance of 1787 for educational purposes.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-5

Establishment of fund

Sec. 5. There is established in any township containing seminary land a fund to be known as the seminary township school fund.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-6

Source of fund balance

Sec. 6. The fund consists of all money received before August 18, 1969, from the rental of seminary lands.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-7

Administrator

Sec. 7. The administrator of the fund is the trustee of the township in which the seminary lands are located.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-8

Deposit; public depository

Sec. 8. (a) The fund shall be deposited in a commercial bank or other institution authorized by law to receive public money.

(b) The account into which the fund is deposited must be an interest paying account. The trustee shall annually take the interest from the fund and deposit the interest into a separate bank account known as the seminary lands school account maintained by the trustee for purposes of this chapter.

(c) The trustee shall also deposit in the account:

(1) forty percent (40%); or

(2) two thousand five hundred dollars ($2,500);

whichever is greater, each year of the annual rental received from seminary lands.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-9

Distribution of revenue; school corporations

Sec. 9. (a) Both:

(1) sixty percent (60%) of the annual rental received from seminary lands; and

(2) the interest received from the fund created by the proceeds from the lease or sale of seminary lands;

shall be paid each year by the trustee to the school corporations in the county in which seminary lands are located.

(b) The amount paid each year under this section shall be credited on a pro rata basis to the school property tax obligations of the owners of land in the township containing the seminary land. The school property tax obligation of the owners of land shall be reduced each year on a pro rata basis by the amount of the payment.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-10

Uses; educational purposes

Sec. 10. The trustee, with the advice and consent of the township board, shall use the account for the following educational purposes:

(1) Each year the trustee shall pay to the parent or legal guardian of any child whose residence is within the township, the initial cost for the rental of textbooks used in any elementary or secondary school that has been accredited by the state. The reimbursement for the rental of textbooks shall be for the initial yearly rental charge only. Textbooks subsequently lost or destroyed may not be paid for from this account.

(2) Students who are residents of the township for the last two (2) years of their secondary education and who still reside within the township are entitled to receive financial assistance in an amount not to exceed an amount determined by the trustee and the township board during an annual review of postsecondary education fees and tuition costs of education at any accredited postsecondary educational institution. Amounts to be paid to each eligible student shall be set annually after this review. The amount paid each year must be:

(A) equitable for every eligible student without regard to race, religion, creed, sex, disability, or national origin; and

(B) based on the number of students and the amount of funds available each year.

(3) A person who has been a permanent resident of the township continuously for at least two (2) years and who needs educational assistance for job training or retraining may apply to the trustee of the township for financial assistance. The trustee and the township board shall review each application and make assistance available according to the need of each applicant and the availability of funds.

(4) If all the available funds are not used in any one (1) year, the unused funds shall be retained in the account by the trustee for use in succeeding years.

As added by P.L.2-2006, SEC.165. Amended by P.L.2-2007, SEC.239; P.L.234-2007, SEC.132; P.L.3-2008, SEC.121.

IC 20-42-3-11

Bond

Sec. 11. The bond required by law for the trustee shall be increased by an amount equal to the sum of the fund and the average annual rental income from the seminary lands.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-12

Audit

Sec. 12. All funds and accounts provided in this chapter and the accumulation of the funds and accounts shall be periodically audited and examined in the same manner provided by law for public money.

As added by P.L.2-2006, SEC.165.

IC 20-42-3-13

Duty to maintain seminary lands

Sec. 13. All expenditures and payments made under this chapter shall be made only after necessary expenditures to protect and maintain the seminary lands in a good and safe condition are first made from the annual rental income.

As added by P.L.2-2006, SEC.165.

IC 20-42-4

Chapter 4. Funding of Retirement or Severance Plan

IC 20-42-4-1

Application

Sec. 1. This chapter applies to a school corporation that:

(1) after June 30, 2001, establishes a retirement or severance plan that will require the school corporation to pay postretirement or severance benefits to employees of the school corporation; or

(2) includes in a collective bargaining agreement or other contract entered into after June 30, 2001, a provision to increase:

(A) the benefit; or

(B) the unfunded liability;

under a retirement or severance provision that will require the school corporation to pay postretirement or severance benefits to employees of the school corporation.

As added by P.L.2-2006, SEC.165.

IC 20-42-4-2

Actuarial funding requirement; separate accounting

Sec. 2. (a) A school corporation must fund on an actuarially sound basis the postretirement or severance benefits that will be paid to employees under a plan, an agreement, or a contract described in section 1(1) of this chapter or an increase described in section 1(2) of this chapter.

(b) A school corporation must place the assets used to fund on an actuarially sound basis the postretirement or severance benefits in a separate fund or account, and the school corporation may not commingle the assets in the separate fund or account with any other assets of the school corporation.

As added by P.L.2-2006, SEC.165.

IC 20-42.5

ARTICLE 42.5. ALLOCATION OF EXPENDITURES TO STUDENT INSTRUCTION

IC 20-42.5-1

Chapter 1. Purposes and General Provisions

IC 20-42.5-1-1

Purposes of article

Sec. 1. This article has the following purposes:

(1) To maximize the allocation and use of taxpayer provided resources by school corporations and schools for student instruction and learning.

(2) To confirm the authority of school corporations to use a variety of methods to reduce the costs of acquisition of products and services.

(3) To instruct the state board to oversee the consideration of statewide means to acquire products and services.

(4) To provide a means for school corporations to access technical assistance and other support in the consideration of means to increase the allocation of resources to student instruction and learning.

(5) To recognize school corporations that achieve effective allocation of resources to student instruction and learning.

As added by P.L.2-2007, SEC.240.

IC 20-42.5-1-2

Supplemental nature of article

Sec. 2. This article is supplemental to and does not abrogate the powers given to school corporations under the home rule provisions of IC 20-26-3, and those powers remain in full effect.

As added by P.L.2-2007, SEC.240.

IC 20-42.5-2

Chapter 2. Authority to Allocate Expenditures to Student Instruction and Learning

IC 20-42.5-2-1

Actions to reduce noninstructional expenditures

Sec. 1. A school corporation individually, in collaboration with other school corporations, and through the educational services centers may undertake action to reduce noninstructional expenditures and allocate the resulting savings to student instruction and learning. Actions taken under this section include the following:

(1) Pooling of resources with other school corporations for liability insurance, property and casualty insurance, worker's compensation insurance, employee health insurance, vision insurance, dental insurance, or other insurance, whether by pooling risks for coverage or for the purchase of coverage, or by the creation of or participation in insurance trusts, subject to the following:

(A) School corporations that elect to pool assets for coverage must create a trust under Indiana law for the assets. The trust is subject to regulation by the department of insurance as follows:

(i) The trust must be registered with the department of insurance.

(ii) The trust shall obtain stop loss insurance issued by an insurer authorized to do business in Indiana with an aggregate retention of not more than one hundred twenty-five percent (125%) of the amount of expected claims for the following year.

(iii) Contributions by the school corporations must be set at one hundred percent (100%) of the aggregate retention plus all other costs of the trust.

(iv) The trust shall maintain a fidelity bond in an amount approved by the department of insurance. The fidelity bond must cover each person responsible for the trust for acts of fraud or dishonesty in servicing the trust.

(v) The trust is subject to IC 27-4-1-4.5 regarding claims settlement practices.

(vi) The trust shall file an annual financial statement in the form required by IC 27-1-3-13 not later than March 1 of each year.

(vii) The trust is not covered by the Indiana insurance guaranty association created under IC 27-6-8. The liability of each school corporation is joint and several.

(viii) The trust is subject to examination by the department of insurance. All costs associated with an examination shall be borne by the trust.

(ix) The department of insurance may deny, suspend, or revoke the registration of a trust if the commissioner finds that the trust is in a hazardous financial condition, the trust

refuses to be examined or produce records for examination, or the trust has failed to pay a final judgment rendered against the trust by a court within thirty (30) days.

(B) The department of insurance may adopt rules under IC 4-22-2 to implement this subdivision.

(2) Electing, as an individual school corporation or as more than one (1) school corporation acting jointly, to aggregate purchases of natural gas commodity supply from any available natural gas commodity seller for all schools included in the aggregated purchases. A rate schedule that is:

(A) filed by a natural gas utility; and

(B) approved by the Indiana utility regulatory commission; must include provisions that allow a school corporation or school corporations acting jointly to elect to make aggregated purchases of natural gas commodity supplies. Upon request from a school corporation, a natural gas utility shall summarize the rates and charges for providing services to each school in the school corporation on one (1) summary bill for remitting payment to the utility.

(3) Consolidating purchases with other school corporations or units of government of the following:

(A) School buses and other vehicles and vehicle fleets.

(B) Fuel, maintenance, or other services for vehicles or vehicle fleets.

(C) Food services.

(D) Facilities management services.

(E) Transportation management services.

(F) Textbooks, technology, and other school materials and supplies.

(G) Any other purchases a school corporation may require.

Purchases may be made by contiguous school corporations, as part of regional consolidated purchasing arrangements, or from consolidated sources under multistate cooperative bidding arrangements.

As added by P.L.2-2007, SEC.240.

IC 20-42.5-2-2

Shared services arrangements

Sec. 2. A school corporation may use shared services arrangements with other school corporations and units of government, including:

(1) the use of shared administrative services overseeing transportation, food service, facilities, or other operations;

(2) the use of shared administrative services to manage finance, payroll, human resources, information technology, purchasing, or other administrative services; and

(3) the use of shared resources to provide instruction, supplemental services, extracurricular activities, or other student services.

School corporations are not required to merge schools, consolidate, or otherwise relinquish control of curriculum, instruction, or student activities to use shared services arrangements.
As added by P.L.2-2007, SEC.240.

IC 20-42.5-2-3
Collaboration with contiguous school corporations

Sec. 3. A school corporation may collaborate with contiguous school corporations to explore the use of cooperatives among school corporations, commonly managed school corporations, or the consolidation of school corporations to provide effective and efficient management of the school corporations or functions of the school corporations.
As added by P.L.2-2007, SEC.240.

IC 20-42.5-2-4
Support by educational service centers; reporting of efforts to state board

Sec. 4. (a) Educational service centers established under IC 20-20-1 shall support and facilitate actions by school corporations under this article, including by the use of an educational service center's existing cooperative agreements.

(b) School corporations and educational service centers may use the division of finance of the department and the office of management and budget to provide technical assistance under this article.

(c) Not later than August 31 of each year, the educational service centers shall report to the state board the results of the efforts of the educational service centers under this article during the preceding school year.
As added by P.L.2-2007, SEC.240.

IC 20-42.5-3

Chapter 3. State Board Action

IC 20-42.5-3-1

Exploration of methods to reduce expenses

Sec. 1. The state board shall explore methods, including statewide purchases, to reduce the expense to school corporations for the purchase of the following:

(1) Textbooks.

(2) Technology.

(3) School buses and other vehicles.

(4) Other areas of expenses as determined by the state board.

As added by P.L.2-2007, SEC.240.

IC 20-42.5-3-2

State board; annual survey and regarding actions taken by school corporations; format

Sec. 2. The state board, assisted by the educational service centers, the division of finance of the department, and the office of management and budget, shall survey annually the school corporations to determine actions taken by the school corporations to allocate resources to student instruction and learning. The state board shall issue an annual report of actions taken to:

(1) each school corporation;

(2) the public; and

(3) the general assembly.

The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

As added by P.L.2-2007, SEC.240.

IC 20-42.5-3-3

Submission of report to state superintendent; content; format

Sec. 3. Not later than November 1 of each year, the state board, assisted by the office of management and budget and school corporation officials, shall submit a report to the state superintendent, the governor, and the general assembly concerning the following:

(1) Consolidated purchasing arrangements used by multiple school corporations, through educational service centers, and throughout Indiana.

(2) Shared services arrangements used by multiple school corporations, through educational service centers, and in Indiana as a whole.

(3) The efforts of school corporations to explore cooperatives, common management, or consolidations.

The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

As added by P.L.2-2007, SEC.240.

IC 20-42.5-3-4

Analysis of school corporation's expenses by state board; trend line data; reporting results of analysis; format

Sec. 4. (a) The state board, assisted by the office of management and budget, the division of finance of the department, and school corporation officials, shall analyze each school corporation's expenses for the 2004-2005 and 2005-2006 school years to determine how much each school corporation spent, from whatever source, directly or indirectly, on the following categories of expenditures:

(1) Student academic achievement expenditures.

(2) Student instructional support expenditures.

(3) Overhead and operational expenditures.

(4) Nonoperational expenditures.

The state board shall determine the types of expenses that are included in each category set forth in subdivisions (1) through (4). The sum of all expenditures under subdivisions (1) through (4) by a school corporation must equal the total amount of expenditures by the school corporation for the year being analyzed.

(b) The state board's analysis under subsection (a) may include relevant trend line data for school years before the 2004-2005 school year.

(c) Not later than June 30, 2007, the state board shall report the results of the analysis under subsection (a) to the state superintendent, the governor, and the general assembly. The report to the general assembly must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

As added by P.L.2-2007, SEC.240.

IC 20-42.5-3-5

Progress analysis; recognition of improvement; consultation assistance for school corporations; school corporation's annual performance report; contents; format

Sec. 5. (a) For each school year using the 2005-2006 school year as a baseline:

(1) the office of management and budget shall analyze and report to the state board, the governor, and the general assembly concerning the progress or lack of progress of each school corporation, of all school corporations in each educational service center's area, and in Indiana as a whole in improving the ratio of student instructional expenditures to all other expenditures for the previous school year;

(2) the state board shall recognize publicly each school corporation and educational service center that has an improved ratio of student instructional expenditures to all other expenditures during the previous school year;

(3) the office of management and budget and the division of finance of the department shall be available to consult with and provide technical assistance to each school corporation that did not have an improved ratio of student instructional expenditures

to all other expenditures during the previous school year; and

(4) each school corporation shall report to the public in the school corporation's annual performance report and to the members of the general assembly whose districts include the school corporation:

(A) the percentage of resources spent by the school corporation during the previous school year on each category of expenditures set forth in section 4 of this chapter and whether the school corporation met the goals established for the previous school year under section 6 of this chapter;

(B) the trend line for each category of expenditures set forth in section 4 of this chapter for the school corporation during the previous school year;

(C) whether the school corporation did or did not make progress in improving the ratio of student instructional expenditures to all other expenditures during the previous school year; and

(D) the goals established under section 6 of this chapter for the current school year.

(b) The reports to the general assembly under subsection (a)(1) and to individual members of the general assembly under subsection (a)(4) must be submitted to the executive director of the legislative services agency in an electronic format under IC 5-14-6.

As added by P.L.2-2007, SEC.240.

IC 20-42.5-3-6

Categories of expenditures; goals; school corporation recognition

Sec. 6. (a) Beginning with the 2007-2008 school year, each governing body shall establish goals for each category of expenditures set forth in section 4 of this chapter that will increase the school corporation's allocation of taxpayer resources directly to student instruction and learning, in light of the unique circumstances present in the school corporation.

(b) The state board shall recognize and reward the school corporations that meet the goals described in subsection (a).

As added by P.L.2-2007, SEC.240.

IC 20-42.5-4

Chapter 4. Emergency Measures to Maintain Instruction and Learning Programs

IC 20-42.5-4-1

Duty to preserve instructional programs

Sec. 1. A school corporation shall take the actions necessary and desirable to preserve and protect instructional programs, including class sizes, curriculum, or program offerings.

As added by P.L.109-2010, SEC.5.

IC 20-43

ARTICLE 43. STATE TUITION SUPPORT

IC 20-43-1

Chapter 1. General Provisions

IC 20-43-1-1

Expiration

Sec. 1. This article expires January 1, 2014.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.232; P.L.182-2009(ss), SEC.323; P.L.229-2011, SEC.199.

IC 20-43-1-2

Application of definitions

Sec. 2. The definitions in this chapter apply throughout this article.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-3 Version a

"Academic honors diploma award"

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 3. "Academic honors diploma award" refers to the amount determined under IC 20-43-10-2.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-3 Version b

"Honors diploma award"

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 3. "Honors diploma award" refers to the amount determined under IC 20-43-10-2.

As added by P.L.2-2006, SEC.166. Amended by P.L.229-2011, SEC.200.

IC 20-43-1-4

"Adjusted ADM"

Sec. 4. "Adjusted ADM" refers to the amount determined under IC 20-43-4-7.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-5

Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-43-1-6

"ADM"

Sec. 6. "ADM" refers to average daily membership determined under IC 20-43-4-2.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-7
"ADM of the previous year"

Sec. 7. "ADM of the previous year" means the initial computed ADM for the school year ending in the preceding calendar year.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-8
"Basic tuition support"

Sec. 8. "Basic tuition support" means the part of a school corporation's state tuition support for basic programs determined under IC 20-43-6-3.

As added by P.L.2-2006, SEC.166. Amended by P.L.182-2009(ss), SEC.324.

IC 20-43-1-8.5
"Child find"

Revisor's Note: IC 20-43-1-8.5(b), as amended by P.L.229-2011, SEC.201, states that IC 20-43-1-8.5 takes effect July 1, 2011 (rather than January 1, 2011).

Sec. 8.5. (a) "Child find" means activities conducted by the school corporation to locate, identify, and evaluate all students at least three (3) years of age, but less than twenty-two (22) years of age, who are in need of special education and related services, regardless of the severity of their disabilities, including but not limited to students who attend a nonpublic school within the school corporation's boundaries.

(b) Notwithstanding the effective date in HEA 1341-2011, SECTION 1, this section takes effect July 1, 2011 (rather than January 1, 2011).

As added by P.L.72-2011, SEC.1. Amended by P.L.229-2011, SEC.201.

IC 20-43-1-9
"Complexity index"

Sec. 9. "Complexity index" refers to the complexity index determined under IC 20-43-5-3.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-10
"Current ADM"

Sec. 10. "Current ADM" means the initial computed ADM for the school year ending in the calendar year.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-11
"Eligible pupil"

Sec. 11. "Eligible pupil" refers to an individual who qualifies as an eligible pupil under IC 20-43-4-1.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-12 Version a
"Excise tax revenue"

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 12. "Excise tax revenue" refers to the amount determined under IC 20-43-3-2.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-12 Version b
Repealed

(*Repealed by P.L.229-2011, SEC.276.)*

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 20-43-1-13
"Foundation amount"

Sec. 13. "Foundation amount" refers to the amount determined under IC 20-43-5-4.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-14
"Full-time equivalency"

Sec. 14. "Full-time equivalency" refers to the amount determined under IC 20-43-4-6.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-15
Repealed

(*Repealed by P.L.234-2007, SEC.269.)*

IC 20-43-1-16
Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-43-1-17 Version a
"Maximum permissible tuition support levy"

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 17. "Maximum permissible tuition support levy" refers to the maximum permissible tuition support levy that a school corporation was permitted to impose under IC 20-45-3-11 (before its repeal).

As added by P.L.2-2006, SEC.166. Amended by P.L.146-2008, SEC.480.

IC 20-43-1-17 Version b
Repealed

(*Repealed by P.L.229-2011, SEC.276.)*

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 20-43-1-18
"Maximum state distribution"

Sec. 18. "Maximum state distribution" refers to the amount determined under IC 20-43-2-2.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-18.5
"Parentally placed nonpublic school students with disabilities"

Revisor's Note: IC 20-43-1-18.5(b), as amended by P.L.229-2011, SEC.202, states that IC 20-43-1-18.5 takes effect July 1, 2011 (rather than January 1, 2011).

Sec. 18.5. (a) "Parentally placed nonpublic school students with disabilities" means students with disabilities who are enrolled by their parents in nonpublic schools or facilities, including religious schools or facilities, that are day schools or residential schools providing elementary or secondary education as determined under Indiana law. For students at least three (3) years of age and less than six (6) years of age, nonpublic schools are schools that meet the definition of an elementary school in 511 IAC 7-32-33.

(b) Notwithstanding the effective date in HEA 1341-2011, SECTION 2, this section takes effect July 1, 2011 (rather than January 1, 2011).

As added by P.L.72-2011, SEC.2. Amended by P.L.229-2011, SEC.202.

IC 20-43-1-19
"Previous year revenue"

Sec. 19. "Previous year revenue" refers to the amount determined under IC 20-43-3-4.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-20
"Preceding year revenue foundation amount"

Sec. 20. "Previous year revenue foundation amount" refers to the amount determined under IC 20-43-5-5.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-21
"Primetime distribution"

Sec. 21. "Primetime distribution" refers to the amount determined under IC 20-43-9-6.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-21.5 Version a
"Restoration grant"

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 21.5. "Restoration grant" refers to a grant under IC 20-43-12.

As added by P.L.182-2009(ss), SEC.326.

IC 20-43-1-21.5 Version b
Repealed
(*Repealed by P.L.229-2011, SEC.276.)*
Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 20-43-1-22
"Primetime program"
Sec. 22. "Primetime program" refers to the program established under IC 20-43-9-1.
As added by P.L.2-2006, SEC.166.

IC 20-43-1-23
"School corporation"
Sec. 23. "School corporation" means the following:
(1) Any local public school corporation established under Indiana law.
(2) Except as otherwise indicated in this article, a charter school.
As added by P.L.2-2006, SEC.166.

IC 20-43-1-24
"Special education grant"
Sec. 24. "Special education grant" refers to the amount determined under IC 20-43-7-6.
As added by P.L.2-2006, SEC.166.

IC 20-43-1-25 Version a
"State tuition support"
Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.
Sec. 25. "State tuition support" means the amount of state funds to be distributed to:
(1) a school corporation other than a virtual charter school in any calendar year under this article for all grants, distributions, and awards described in IC 20-43-2-3; and
(2) a virtual charter school in any calendar year under IC 20-24-7-13.
As added by P.L.2-2006, SEC.166. Amended by P.L.182-2009(ss), SEC.325.

IC 20-43-1-25 Version b
"State tuition support"
Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.
Sec. 25. "State tuition support" means the amount of state funds to be distributed to:
(1) a school corporation other than a virtual charter school in any calendar year under this article for all grants, distributions, and awards described in IC 20-43-2-3; and

(2) a virtual charter school in any calendar year under IC 20-43-6-3.

As added by P.L.2-2006, SEC.166. Amended by P.L.182-2009(ss), SEC.325; P.L.229-2011, SEC.203.

IC 20-43-1-26

Repealed

(*Repealed by P.L.234-2007, SEC.269.)*

IC 20-43-1-27

Repealed

(*Repealed by P.L.182-2009(ss), SEC.466.)*

IC 20-43-1-28

"Transition to foundation amount"

Sec. 28. "Transition to foundation amount" refers to the amount determined under IC 20-43-5-6.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-29

"Transition to foundation revenue"

Sec. 29. "Transition to foundation revenue" refers to the amount determined under IC 20-43-5-7.

As added by P.L.2-2006, SEC.166.

IC 20-43-1-29.3

Transition to foundation revenue per adjusted ADM

Sec. 29.3. "Transition to foundation revenue per adjusted ADM" refers to the amount determined under IC 20-43-5-9.

As added by P.L.234-2007, SEC.234.

IC 20-43-1-30

Career and technical education grant

Sec. 30. "Career and technical education grant" refers to the amount determined under IC 20-43-8-9 as adjusted under IC 20-43-8-10.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.133.

IC 20-43-1-31

"Virtual charter school"

Sec. 31. "Virtual charter school" has the meaning set forth in IC 20-24-7-13.

As added by P.L.182-2009(ss), SEC.327.

IC 20-43-1-32 Version a

Statutory construction; fiscal year

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 32. For purposes of the calculation of state tuition support

under this article and for purposes of restoration grants, a school corporation's fiscal year is the calendar year.
As added by P.L.182-2009(ss), SEC.328.

IC 20-43-1-32 Version b
Repealed

(*Repealed by P.L.229-2011, SEC.276.)*

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 20-43-2

Chapter 2. Maximum State Distribution

IC 20-43-2-1

Distribution schedule; reversions

Sec. 1. The department shall distribute the amount appropriated by the general assembly for distribution as state tuition support in accordance with this article. If the appropriations for distribution as state tuition support are more than required under this article, any excess shall revert to the state general fund. The appropriations for state tuition support shall be made each calendar year under a schedule set by the budget agency and approved by the governor. However, the schedule must provide:

(1) for at least twelve (12) payments;

(2) that one (1) payment shall be made at least every forty (40) days; and

(3) the total of the payments in each calendar year must equal the amount required under this article.

As added by P.L.2-2006, SEC.166. Amended by P.L.146-2008, SEC.481.

IC 20-43-2-2

Maximum state distribution to school corporations

Sec. 2. The maximum state distribution for a calendar year for all school corporations for the purposes described in section 3 of this chapter is:

(1) six billion two hundred forty-seven million eight hundred thousand dollars ($6,247,800,000) in 2011;

(2) six billion two hundred seventy-seven million eight hundred thousand dollars ($6,277,800,000) in 2012; and

(3) six billion three hundred thirty-nine million six hundred thousand dollars ($6,339,600,000) in 2013.

As added by P.L.2-2006, SEC.166. Amended by P.L.162-2006, SEC.42; P.L.234-2007, SEC.235; P.L.146-2008, SEC.482; P.L.182-2009(ss), SEC.329; P.L.229-2011, SEC.204.

IC 20-43-2-3 Version a

Reduction in state tuition support

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 3. If the total amount to be distributed:

(1) as basic tuition support;

(2) for academic honors diploma awards;

(3) for primetime distributions;

(4) for special education grants;

(5) for career and technical education grants;

(6) for restoration grants; and

(7) for small school grants;

for a particular year exceeds the maximum state distribution for a calendar year, the amount to be distributed for state tuition support

under this article to each school corporation during each of the last six (6) months of the year shall be proportionately reduced so that the total reductions equal the amount of the excess.
As added by P.L.2-2006, SEC.166. Amended by P.L.162-2006, SEC.43; P.L.234-2007, SEC.134; P.L.234-2007, SEC.236; P.L.3-2008, SEC.122; P.L.182-2009(ss), SEC.330.

IC 20-43-2-3 Version b
Reduction in state tuition support

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 3. If the total amount to be distributed:

(1) as basic tuition support;
(2) for honors diploma awards;
(3) for primetime distributions;
(4) for special education grants; and
(5) for career and technical education grants;

for a particular year exceeds the maximum state distribution for a calendar year, the amount to be distributed for state tuition support under this article to each school corporation during each of the last six (6) months of the year shall be proportionately reduced so that the total reductions equal the amount of the excess.
As added by P.L.2-2006, SEC.166. Amended by P.L.162-2006, SEC.43; P.L.234-2007, SEC.134; P.L.234-2007, SEC.236; P.L.3-2008, SEC.122; P.L.182-2009(ss), SEC.330; P.L.229-2011, SEC.205.

IC 20-43-2-4
Calculation of reduction amount

Sec. 4. The amount of the reduction for a particular school corporation under section 3 of this chapter is equal to the total amount of the excess determined under section 3 of this chapter multiplied by a fraction. The numerator of the fraction is the amount of the distribution for state tuition support that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed for state tuition support to all school corporations if a reduction were not made under this section.
As added by P.L.2-2006, SEC.166.

IC 20-43-2-5
Year round school; adjusted distribution

Sec. 5. If a school corporation operates on a twelve (12) month school year program, as approved by the state superintendent, the distribution of state support for the program shall be made under an adjusted formula to be approved by the state superintendent. The adjustment formula shall grant to each school corporation operating an approved twelve (12) month school year an amount of money that must be on the same basis as the distribution for the regular support program, prorated per diem to reflect the extended school term.

As added by P.L.2-2006, SEC.166.

IC 20-43-2-6

Adult education; transfer to fund obligations

Sec. 6. (a) If money appropriated in a fiscal year by the general assembly for adult education is insufficient to fund the state adult education distribution formula provided in the rules adopted by the state board, the budget agency may transfer a sufficient amount of money from any excess in the state appropriation for state tuition support for the fiscal year to fund the state adult education distribution formula.

(b) Before the budget agency makes a transfer under this section, the budget agency shall refer the matter to the budget committee for an advisory recommendation.

As added by P.L.2-2006, SEC.166.

IC 20-43-2-7

Summer school education; transfer to fund obligations

Sec. 7. (a) If the money appropriated in a fiscal year by the general assembly for summer school education is insufficient to fund the state summer school distribution formula provided in the rules adopted by the state board to carry out IC 20-30-7-1, the budget agency may transfer a sufficient amount of money from any excess in the state appropriation for state tuition support for the fiscal year to fund the state summer school distribution formula.

(b) Before the budget agency makes a transfer under this section, the budget agency shall refer the matter to the budget committee for an advisory recommendation.

As added by P.L.2-2006, SEC.166.

IC 20-43-3

Chapter 3. General Computations; Amounts Used in State Tuition Support Calculations

IC 20-43-3-1

Rounding conventions

Sec. 1. If a computation under this article results in a fraction and a rounding rule is not specified, the fraction shall be rounded as follows:

(1) All calculations related to the complexity index shall be computed by rounding to the nearest ten thousandth (0.0001).

(2) All tuition support distributions shall be computed by rounding the levy or tuition support distribution to the nearest dollar ($1) amount.

(3) The fraction calculated in IC 20-43-2-4 shall be computed by rounding to the nearest one millionth (0.000001).

(4) If a calculation is not covered by subdivision (1), (2), or (3), the result of the calculation shall be rounded to the nearest one hundredth (0.01).

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.237; P.L.146-2008, SEC.483.

IC 20-43-3-2 Version a

Calculation; excise tax revenue

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 2. (a) This subsection does not apply to a charter school. A school corporation's excise tax revenue is the sum of the:

(1) financial institution excise tax revenue (IC 6-5.5);

(2) motor vehicle excise taxes (IC 6-6-5);

(3) commercial vehicle excise taxes (IC 6-6-5.5);

(4) boat excise tax (IC 6-6-11); and

(5) aircraft excise tax (IC 6-6-6.5);

the school corporation received for deposit in the school corporation's general fund in a calendar year or would have received for deposit in the school corporation's general fund in a calendar year if the settlement of property taxes first due and payable in the calendar year had been made on the schedule required under IC 6-1.1-27-1.

(b) A charter school's excise tax revenue for a calendar year is zero (0).

As added by P.L.2-2006, SEC.166.

IC 20-43-3-2 Version b

Repealed

(*Repealed by P.L.229-2011, SEC.276.)*

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 20-43-3-3

Repealed

(*Repealed by P.L.1-2010, SEC.156.)*

IC 20-43-3-4 Version a

Calculation; previous year revenue

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 4. (a) This subsection applies to calendar year 2009. A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the sum of the following:

(A) The school corporation's basic tuition support for the year that precedes the current year.

(B) The school corporation's maximum permissible tuition support levy for calendar year 2008.

(C) The school corporation's excise tax revenue for calendar year 2007.

STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school corporation's state tuition support under any combination of subsection (c), subsection (d), IC 20-10.1-2-1 (before its repeal), or IC 20-30-2-4.

(b) This subsection applies to calendar years 2010 and 2011. A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the sum of the following:

(A) The school corporation's basic tuition support for the year that precedes the current year.

(B) For calendar year 2010, the amount of education stabilization funds received by the school corporation in calendar year 2009 under Section 14002(a) of the federal American Recovery and Reinvestment Act of 2009 (ARRA).

(C) The amount of the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.

STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school corporation's state tuition support under any combination of subsection (c) or IC 20-30-2-4.

(c) A school corporation's previous year revenue must be reduced if:

(1) the school corporation's state tuition support for special education or career and technical education is reduced as a result of a complaint being filed with the department after December 31, 1988, because the school program overstated the number of children enrolled in special education programs or career and technical education programs; and

(2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in state tuition support for special education and career and technical education because of the overstatement.

(d) This section applies only to 2009. A school corporation's previous year revenue must be reduced if an existing elementary or secondary school located in the school corporation converts to a charter school under IC 20-24-11. The amount of the reduction equals the product of:

(1) the sum of the amounts distributed to the conversion charter school under IC 20-24-7-3(c) and IC 20-24-7-3(d) (as effective December 31, 2008); multiplied by

(2) two (2).

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.135; P.L.234-2007, SEC.238; P.L.3-2008, SEC.123; P.L.146-2008, SEC.485; P.L.182-2009(ss), SEC.331.

IC 20-43-3-4 Version b

Calculation; previous year revenue

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 4. (a) A school corporation's previous year revenue equals the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the sum of the following:

(A) The school corporation's basic tuition support actually received for the year that precedes the current year.

(B) For 2012, the restoration grant (IC 20-43-12 (repealed)) actually received for 2011.

(C) For 2012, the small school grant (IC 20-43-12.2 (repealed)) actually received for 2011.

STEP TWO: Subtract from the STEP ONE result an amount equal to the reduction in the school corporation's state tuition support under any combination of subsection (b) or IC 20-30-2-4.

(b) A school corporation's previous year revenue must be reduced if:

(1) the school corporation's state tuition support for special education or career and technical education is reduced as a result of a complaint being filed with the department after December 31, 1988, because the school program overstated the number of children enrolled in special education programs or career and technical education programs; and

(2) the school corporation's previous year revenue has not been reduced under this subsection more than one (1) time because of a given overstatement.

The amount of the reduction equals the amount the school corporation would have received in state tuition support for special education and career and technical education because of the overstatement.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007,

SEC.135; P.L.234-2007, SEC.238; P.L.3-2008, SEC.123; P.L.146-2008, SEC.485; P.L.182-2009(ss), SEC.331; P.L.229-2011, SEC.206.

IC 20-43-3-5
Repealed
(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-43-3-6
Repealed
(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-43-4

Chapter 4. Determination of Pupil Enrollment; ADM; Adjusted ADM

IC 20-43-4-1

Determination; eligible pupils

Sec. 1. (a) An individual is an eligible pupil if the individual is a pupil enrolled in a school corporation and:

(1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;

(2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under IC 20-26-11 because the pupil is:

(A) transferred for education to another school corporation; or

(B) placed in an out-of-state institution or facility by or with the consent of the department of child services;

(3) the pupil is enrolled in a school corporation as a transfer student under IC 20-26-11-6 or entitled to be counted for ADM purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;

(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under IC 20-26-11; or

(5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility or child care facility where the pupil was placed:

(i) by or with the consent of the department of child services;

(ii) by a court order;

(iii) by a child placing agency licensed by the department of child services;

(iv) by a parent or guardian under IC 20-26-11-8; or

(v) by or with the consent of the department under IC 20-35-6-2.

(b) For purposes of a career and technical education grant, an eligible pupil includes a student enrolled in a charter school.

As added by P.L.2-2006, SEC.166. Amended by P.L.159-2007, SEC.4; P.L.234-2007, SEC.136; P.L.3-2008, SEC.124; P.L.146-2008, SEC.487.

IC 20-43-4-2

Determination; ADM

Sec. 2. A school corporation's ADM is the number of eligible pupils enrolled in:

(1) the school corporation; or

(2) a transferee corporation;

on a day to be fixed annually by the state board and as subsequently adjusted not later than January 30 under the rules adopted by the state board.
As added by P.L.2-2006, SEC.166.

IC 20-43-4-3
Fixing day to determine ADM
Sec. 3. The initial day of the ADM count must fall within the first thirty (30) days of the school year. However, if extreme patterns of:
(1) student in-migration;
(2) illness;
(3) natural disaster; or
(4) other unusual conditions in a particular school corporation's enrollment;
on either the day fixed by the state board or on the subsequent adjustment date, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the state board may designate another day for determining the school corporation's enrollment.
As added by P.L.2-2006, SEC.166.

IC 20-43-4-4
Adjusted count; children with disabilities
Sec. 4. The state board shall monitor changes that occur after the fall ADM count in the number of students enrolled in programs for children with disabilities. The state board shall:
(1) before December 2 of that same year; and
(2) before April 2 of the following calendar year;
make an adjusted count of students enrolled in programs for children with disabilities. The state superintendent shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count.
As added by P.L.2-2006, SEC.166.

IC 20-43-4-5
Counting kindergarten pupils
Sec. 5. In determining ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. If a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils.
As added by P.L.2-2006, SEC.166.

IC 20-43-4-6
Determination; full-time equivalency basis
Sec. 6. (a) In determining ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis if the pupil:
(1) is enrolled in a public school and a nonpublic school;

(2) has legal settlement in a school corporation; and

(3) receives instructional services from the school corporation.

(b) For purposes of this section, full-time equivalency is calculated as follows:

STEP ONE: Determine the result of:

(A) the number of days instructional services will be provided to the pupil, not to exceed one hundred eighty (180); divided by

(B) one hundred eighty (180).

STEP TWO: Determine the result of:

(A) the pupil's public school instructional time (as defined in IC 20-30-2-1); divided by

(B) the actual public school regular instructional day (as defined in IC 20-30-2-2).

STEP THREE: Determine the result of:

(A) the STEP ONE result; multiplied by

(B) the STEP TWO result.

STEP FOUR: Determine the lesser of one (1) or the result of:

(A) the STEP THREE result; multiplied by

(B) one and five hundredths (1.05).

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.239.

IC 20-43-4-7 Version a

Determination; adjusted ADM

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 7. (a) This subsection does not apply to a charter school. When calculating adjusted ADM for 2010 distributions, this subsection, as effective after December 31, 2009, shall be used to calculate the adjusted ADM for the previous year rather than the calculation used to calculate adjusted ADM for 2009 distributions. For purposes of this article, a school corporation's "adjusted ADM" for the current year is the result determined under the following formula:

STEP ONE: Determine the sum of the following:

(A) The school corporation's ADM for the year preceding the current year by two (2) years divided by three (3).

(B) The school corporation's ADM for the year preceding the current year by one (1) year divided by three (3).

(C) The school corporation's ADM for the current year divided by three (3).

STEP TWO: Determine the school corporation's ADM for the current year.

STEP THREE: Determine the greater of the following:

(A) The STEP ONE result.

(B) The STEP TWO result.

(b) A charter school's adjusted ADM for purposes of this article is the charter school's current ADM.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007,

SEC.240; P.L.182-2009(ss), SEC.332.

IC 20-43-4-7 Version b
Determination; adjusted ADM

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 7. When calculating adjusted ADM for 2012 distributions, this section, as effective after December 31, 2011, shall be used to calculate the adjusted ADM for the previous year rather than the calculation used to calculate adjusted ADM for 2011 distributions. For purposes of this article, a school corporation's "adjusted ADM" for the current year is the school corporation's current ADM.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.240; P.L.182-2009(ss), SEC.332; P.L.229-2011, SEC.207.

IC 20-43-4-8
ADM; dual enrollment in state educational institution and school corporation

Sec. 8. A student who participates in:

(1) a postsecondary enrollment program under IC 21-43-4 is considered a student enrolled in the school corporation where the student has legal settlement for the purposes of computing ADM;

(2) a double up for college program under IC 21-43-5 is considered a student enrolled in the school corporation where the student has legal settlement for the purposes of computing ADM;

(3) a high school fast track to college program under IC 21-43-6 shall be counted in the ADM of the school corporation where the student has legal settlement if the student would be counted in the ADM of the school corporation had the student enrolled in the school corporation; or

(4) a high school fast track to college program under IC 21-43-7 shall be counted in the ADM of the school corporation where the student has legal settlement if the student would be counted in the ADM of the school corporation had the student enrolled in the school corporation.

As added by P.L.2-2007, SEC.241. Amended by P.L.234-2007, SEC.63.

IC 20-43-5

Chapter 5. Determination of Complexity Index and Transition to Foundation Revenue Per ADM

IC 20-43-5-1

Application

Sec. 1. A school corporation's transition to foundation revenue per adjusted ADM for a calendar year is the amount determined under section 9 of this chapter.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.241.

IC 20-43-5-2

Components; transition to foundation revenue per adjusted ADM

Sec. 2. The following amounts must be determined under this chapter to calculate a school corporation's transition to foundation revenue per adjusted ADM for a calendar year:

(1) The school corporation's complexity index for the calendar year under section 3 of this chapter.

(2) The school corporation's foundation amount for the calendar year under section 4 of this chapter.

(3) The school corporation's previous year revenue foundation amount for the calendar year under section 5 of this chapter.

(4) The school corporation's transition to foundation amount for the calendar year under section 6 of this chapter.

(5) The school corporation's transition to foundation revenue for the calendar year under section 7 of this chapter.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.242.

IC 20-43-5-3 Version a

Calculation; complexity index

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 3. A school corporation's complexity index is determined under the following formula:

STEP ONE: Determine the greater of zero (0) or the result of the following:

(1) Determine the percentage of the school corporation's students who were eligible for free or reduced price lunches in the school year ending in the later of:

(A) 2007 for purposes of determining the complexity index in 2009, and 2009 for the purposes of determining the complexity index in 2010 and 2011; or

(B) the first year of operation of the school corporation.

(2) Determine the quotient of:

(A) in 2009:

(i) two thousand four hundred dollars ($2,400); divided by

(ii) four thousand eight hundred twenty-five dollars

($4,825);
(B) in 2010:
(i) two thousand two hundred sixty-three dollars ($2,263); divided by
(ii) four thousand five hundred fifty dollars ($4,550); and
(C) in 2011:
(i) two thousand two hundred forty-one dollars ($2,241); divided by
(ii) four thousand five hundred five dollars ($4,505).
(3) Determine the product of:
(A) the subdivision (1) amount; multiplied by
(B) the subdivision (2) amount.
STEP TWO: Determine the result of one (1) plus the STEP ONE result.
STEP THREE: This STEP applies if the STEP TWO result is equal to or greater than at least one and twenty-five hundredths (1.25). Determine the result of the following:
(1) Subtract one and twenty-five hundredths (1.25) from the STEP TWO result.
(2) Determine the result of:
(A) the STEP TWO result; plus
(B) the subdivision (1) result.
The data to be used in making the calculations under STEP ONE must be the data collected in the annual pupil enrollment count by the department.
As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.243; P.L.3-2008, SEC.125; P.L.182-2009(ss), SEC.333.

IC 20-43-5-3 Version b
Calculation; complexity index
Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.
Sec. 3. A school corporation's complexity index is determined under the following formula:
STEP ONE: Determine the greater of zero (0) or the result of the following:
(1) Determine the percentage of the school corporation's students who were eligible for free or reduced price lunches in the school year ending in the later of:
(A) 2011 for the purposes of determining the complexity index in 2012 and 2013; or
(B) the first year of operation of the school corporation.
(2) Determine the quotient of:
(A) in 2012:
(i) two thousand one hundred twenty-nine dollars ($2,129); divided by
(ii) four thousand two hundred eighty dollars ($4,280); and
(B) in 2013:

(i) two thousand one hundred ninety dollars ($2,190); divided by

(ii) four thousand four hundred five dollars ($4,405).

(3) Determine the product of:

(A) the subdivision (1) amount; multiplied by

(B) the subdivision (2) amount.

STEP TWO: Determine the result of one (1) plus the STEP ONE result.

STEP THREE: This STEP applies if the STEP TWO result in 2012 is equal to or greater than at least one and twenty-eight hundredths (1.28) and applies if the STEP TWO result in 2013 is at least one and thirty-one hundredths (1.31). Determine the result of the following:

(1) In 2012, subtract one and twenty-eight hundredths (1.28) and in 2013, subtract one and thirty-one hundredths (1.31) from the STEP TWO result.

(2) Determine the result of:

(A) the STEP TWO result; plus

(B) the subdivision (1) result.

The data to be used in making the calculations under STEP ONE must be the data collected in the annual pupil enrollment count by the department.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.243; P.L.3-2008, SEC.125; P.L.182-2009(ss), SEC.333; P.L.229-2011, SEC.208.

IC 20-43-5-4 Version a

Calculation; foundation amount

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 4. A school corporation's foundation amount for a calendar year is the result determined under STEP TWO of the following formula:

STEP ONE: The STEP ONE amount is:

(A) in 2009, four thousand eight hundred twenty-five dollars ($4,825);

(B) in 2010, four thousand five hundred fifty dollars ($4,550); and

(C) in 2011, four thousand five hundred five dollars ($4,505).

STEP TWO: Multiply the STEP ONE amount by the school corporation's complexity index.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.244; P.L.182-2009(ss), SEC.334.

IC 20-43-5-4 Version b

Calculation; foundation amount

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 4. A school corporation's foundation amount for a calendar

year is the result determined under STEP THREE of the following formula:

STEP ONE: The STEP ONE amount is:

(A) in 2012, four thousand two hundred eighty dollars ($4,280); and

(B) in 2013, four thousand four hundred five dollars ($4,405).

STEP TWO: Multiply the STEP ONE amount by the school corporation's complexity index.

STEP THREE: Determine the sum of the STEP TWO amount and the following:

(A) Zero dollars ($0), if the school corporation's current ADM is less than five hundred (500).

(B) One hundred fifty dollars ($150), if the school corporation's current ADM is at least five hundred (500) and is not more than one thousand (1,000).

(C) The result of one hundred fifty thousand dollars ($150,000) divided by the school corporation's current ADM, if the school corporation's current ADM is more than one thousand (1,000).

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.244; P.L.182-2009(ss), SEC.334; P.L.229-2011, SEC.209.

IC 20-43-5-5

Calculation; previous year foundation amount

Sec. 5. A school corporation's previous year revenue foundation amount for a calendar year is equal to the result of:

(1) the school corporation's previous year revenue; divided by

(2) the school corporation's adjusted ADM for the previous year.

As added by P.L.2-2006, SEC.166. Amended by P.L.182-2009(ss), SEC.335.

IC 20-43-5-6 Version a

Calculation; transition to foundation amount

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 6. (a) A school corporation's transition to foundation amount for a calendar year is equal to the result determined under STEP THREE of the following formula:

STEP ONE: Determine the difference of:

(A) the school corporation's foundation amount; minus

(B) the school corporation's previous year revenue foundation amount.

STEP TWO: Divide the STEP ONE result by:

(A) three (3) in 2009;

(B) two (2) in 2010; and

(C) one (1) in 2011.

STEP THREE: A school corporation's STEP THREE amount is the following:

(A) For a charter school located outside Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP THREE amount is the quotient of:

(i) the school corporation's transition to foundation revenue for the calendar year where the charter school is located; divided by

(ii) the school corporation's current ADM.

(B) For a charter school located in Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP THREE amount is the weighted average of the transition to foundation revenue for the school corporations where the students counted in the current ADM of the charter school have legal settlement, as determined under item (iv) of the following formula:

(i) Determine the transition to foundation revenue for each school corporation where a student counted in the current ADM of the charter school has legal settlement.

(ii) For each school corporation identified in item (i), divide the item (i) amount by the school corporation's current ADM.

(iii) For each school corporation identified in item (i), multiply the item (ii) amount by the number of students counted in the current ADM of the charter school that have legal settlement in the particular school corporation.

(iv) Determine the sum of the item (iii) amounts for the charter school.

(C) The STEP THREE amount for a school corporation that is not a charter school described in clause (A) or (B) is the following:

(i) The school corporation's foundation amount for the calendar year if the STEP ONE amount is at least negative one hundred fifty dollars (-$150) and not more than fifty dollars ($50).

(ii) The sum of the school corporation's previous year revenue foundation amount and the greater of the school corporation's STEP TWO amount or fifty dollars ($50), if the school corporation's STEP ONE amount is greater than fifty dollars ($50).

(iii) The amount determined under subsection (b), if the school corporation's STEP ONE amount is less than negative one hundred fifty dollars (-$150).

(b) For the purposes of STEP THREE (C)(iii) in subsection (a), determine the result of:

(1) the school corporation's previous year revenue foundation amount; minus

(2) the greater of:

(A) one hundred fifty dollars ($150); or

(B) the result of:

(i) the absolute value of the STEP ONE amount; divided by

(ii) nine (9) in 2010, and eight (8) in 2011.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.245; P.L.182-2009(ss), SEC.336.

IC 20-43-5-6 Version b

Calculation; transition to foundation amount

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 6. (a) A school corporation's transition to foundation amount for a calendar year is equal to the result determined under STEP TWO of the following formula:

STEP ONE: Determine the difference of:

(A) the school corporation's foundation amount; minus

(B) the lesser of:

(i) the school corporation's previous year revenue foundation amount; or

(ii) the result of the school corporation's foundation amount multiplied by one and two-tenths (1.2).

STEP TWO: A school corporation's STEP TWO amount is the following:

(A) For a charter school located outside Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP TWO amount is the quotient of:

(i) the school corporation's transition to foundation revenue for the calendar year where the charter school is located; divided by

(ii) the school corporation's current ADM.

(B) For a charter school located in Marion County that has previous year revenue that is not greater than zero (0), the charter school's STEP TWO amount is the weighted average of the transition to foundation revenue for the school corporations where the students counted in the current ADM of the charter school have legal settlement, as determined under item (iv) of the following formula:

(i) Determine the transition to foundation revenue for each school corporation where a student counted in the current ADM of the charter school has legal settlement.

(ii) For each school corporation identified in item (i), divide the item (i) amount by the school corporation's current ADM.

(iii) For each school corporation identified in item (i), multiply the item (ii) amount by the number of students counted in the current ADM of the charter school that have legal settlement in the particular school corporation.

(iv) Determine the sum of the item (iii) amounts for the charter school.

(C) The STEP TWO amount for a school corporation that is not a charter school described in clause (A) or (B) is the following:

(i) The school corporation's foundation amount for the

calendar year if the STEP ONE amount is zero (0) or greater.

(ii) The amount determined under subsection (b), if the school corporation's STEP ONE amount is less than zero (0).

(b) For the purposes of STEP TWO (C)(ii) in subsection (a), determine the result of:

(1) the result determined for the school corporation under STEP ONE (B) of subsection (a); minus

(2) the result of:

(A) the absolute value of the STEP ONE amount; divided by

(B) seven (7) in 2012 and six (6) in 2013.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.245; P.L.182-2009(ss), SEC.336; P.L.229-2011, SEC.210.

IC 20-43-5-7 Version a

Calculation; transition to foundation revenue

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 7. A school corporation's transition to foundation revenue for a calendar year is equal to the product of:

(1) the school corporation's transition to foundation amount for the calendar year; multiplied by

(2) the school corporation's:

(A) current ADM, if the current ADM for the school corporation is less than one hundred (100); and

(B) current adjusted ADM, if clause (A) does not apply.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.246; P.L.3-2008, SEC.126; P.L.182-2009(ss), SEC.337.

IC 20-43-5-7 Version b

Calculation; transition to foundation revenue

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 7. A school corporation's transition to foundation revenue for a calendar year is equal to the product of:

(1) the school corporation's transition to foundation amount for the calendar year; multiplied by

(2) the school corporation's current ADM.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.246; P.L.3-2008, SEC.126; P.L.182-2009(ss), SEC.337; P.L.229-2011, SEC.211.

IC 20-43-5-8

Repealed

(*Repealed by P.L.234-2007, SEC.269.)*

IC 20-43-5-9

Calculation; transition to foundation revenue per adjusted ADM

Sec. 9. A school corporation's transition to foundation revenue per

adjusted ADM for a calendar year is the quotient of:

(1) the school corporation's transition to foundation revenue for the calendar year; divided by

(2) the school corporation's current adjusted ADM.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.247.

IC 20-43-6

Chapter 6. Calculation of Basic Tuition Support Distribution

IC 20-43-6-1

Application; distribution restricted by appropriation

Sec. 1. Subject to the amount appropriated by the general assembly for state tuition support and IC 20-43-2, the amount that a school corporation is entitled to receive in basic tuition support for a year is the amount determined in section 3 of this chapter.

As added by P.L.2-2006, SEC.166. Amended by P.L.182-2009(ss), SEC.338.

IC 20-43-6-2

Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-43-6-3 Version a

Calculation; basic tuition support

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 3. (a) A school corporation's basic tuition support for a year is the amount determined under the applicable provision of this section.

(b) This subsection applies to a school corporation that has transition to foundation revenue per adjusted ADM for a year that is not equal to the foundation amount for the year. The school corporation's basic tuition support for a year is equal to the school corporation's transition to foundation revenue for the year.

(c) This subsection applies to a school corporation that has transition to foundation revenue per adjusted ADM for a year that is equal to the foundation amount for the year. The school corporation's basic tuition support for a year is the sum of the following:

(1) The foundation amount for the year multiplied by the school corporation's adjusted ADM.

(2) The amount of the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.

(d) This subsection applies to students of a virtual charter school who are participating in a program under IC 20-24-7-13. A virtual charter school's basic tuition support for a year for those students is the amount determined under IC 20-24-7-13.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.249; P.L.146-2008, SEC.488; P.L.182-2009(ss), SEC.339; P.L.91-2011, SEC.29.

IC 20-43-6-3 Version b

Calculation; basic tuition support

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 3. (a) A school corporation's basic tuition support for a year is the amount determined under the applicable provision of this section.

(b) The school corporation's basic tuition support for a year is equal to the school corporation's transition to foundation revenue for the year.

(c) This subsection applies to students of a virtual charter school. A virtual charter school's basic tuition support for a year for those students is the amount determined under IC 20-24-7-13.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.249; P.L.146-2008, SEC.488; P.L.182-2009(ss), SEC.339; P.L.91-2011, SEC.29; P.L.229-2011, SEC.212.

IC 20-43-6-4
Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-43-6-5
Repealed

(*Repealed by P.L.182-2009(ss), SEC.466.)*

IC 20-43-6-6
Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-43-7

Chapter 7. Special Education Grants

IC 20-43-7-0.5

Application; exception

Effective 1-1-2012.

Sec. 0.5. This chapter applies to a virtual charter school.

As added by P.L.229-2011, SEC.213.

IC 20-43-7-1

Count of special education students for grant

Sec. 1. In addition to the amount a school corporation is entitled to receive in basic tuition support, each school corporation is entitled to receive a grant for special education programs. The amount of the special education grant is based on the count of eligible pupils enrolled in special education programs on December 1 of the preceding year in:

(1) the school corporation; or

(2) a transferee corporation.

As added by P.L.2-2006, SEC.166.

IC 20-43-7-2

Severe disability categories

Sec. 2. (a) In a school corporation's nonduplicated count of pupils in programs for severe disabilities, the school corporation shall count each pupil served in any one (1) of the following programs:

(1) Autism.

(2) Dual sensory impairment.

(3) Emotional handicap, full time.

(4) Hearing impairment.

(5) Severe mental handicap.

(6) Multiple handicap.

(7) Orthopedic impairment.

(8) Traumatic brain injury.

(9) Visual impairment.

(b) A pupil may be counted in only one (1) of the programs in this section even if the pupil is served in more than one (1) program.

(c) A pupil may not be included in the nonduplicated count in this section and in the nonduplicated count of pupils in programs for mild or moderate disabilities in section 3 of this chapter.

As added by P.L.2-2006, SEC.166.

IC 20-43-7-3

Mild and moderate disability program categories

Sec. 3. (a) In a school corporation's nonduplicated count of pupils in programs for mild and moderate disabilities, the school corporation shall count each pupil served in any one (1) of the following programs:

(1) Emotional handicap, all other.

(2) Learning disability.

(3) Mild mental handicap.
(4) Moderate mental handicap.
(5) Other health impairment.

(b) A pupil may be counted in only one (1) of the programs in this section even if the pupil is served in more than one (1) program.

(c) A pupil may not be included in the nonduplicated count in this section and in the nonduplicated count of pupils in programs for severe disabilities in section 2 of this chapter.

As added by P.L.2-2006, SEC.166.

IC 20-43-7-4

Communication disorder program categories

Sec. 4. In a school corporation's duplicated count of pupils in programs for communication disorders, the school corporation shall count each pupil served, even if the pupil is served in another special education program.

As added by P.L.2-2006, SEC.166.

IC 20-43-7-5

Homebound program category

Sec. 5. (a) In a school corporation's cumulative count of pupils in homebound programs, a school corporation shall count each pupil who received homebound instruction up to and including December 1 of the current year plus each pupil who received homebound instruction after December 1 of the prior school year.

(b) A school corporation may include a pupil in the school corporation's cumulative count of pupils in homebound programs even if the pupil also is included in the school corporation's:

(1) nonduplicated count of pupils in programs for severe disabilities;
(2) nonduplicated count of pupils in programs for mild and moderate disabilities; or
(3) duplicated count of pupils in programs for communication disorders.

As added by P.L.2-2006, SEC.166.

IC 20-43-7-6

Calculation; grant amount

Sec. 6. A school corporation's special education grant for a calendar year is equal to the sum of the following:

(1) The nonduplicated count of pupils in programs for severe disabilities multiplied by eight thousand three hundred fifty dollars ($8,350).
(2) The nonduplicated count of pupils in programs of mild and moderate disabilities multiplied by two thousand two hundred sixty-five dollars ($2,265).
(3) The duplicated count of pupils in programs for communication disorders multiplied by five hundred thirty-three dollars ($533).
(4) The cumulative count of pupils in homebound programs

multiplied by five hundred thirty-three dollars ($533).

(5) The nonduplicated count of pupils in special preschool education programs multiplied by two thousand seven hundred fifty dollars ($2,750).

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.252; P.L.182-2009(ss), SEC.340.

IC 20-43-7-7

Modification of full-time equivalency requirement

Sec. 7. Participation in a program is not required to the extent of full-time equivalency. The state board shall adopt rules that define the:

(1) nature and extent of participation; and

(2) type of program qualifying for approval.

A count may not be made on any program that has not been approved by the state board or to the extent that a pupil is not participating to the extent required by any rule of the state board.

As added by P.L.2-2006, SEC.166.

IC 20-43-7-8

Classification of new programs

Sec. 8. If a new special education program is created by rule of the state board or by the United States Department of Education, the state board shall determine whether the program shall be included in the list of programs for:

(1) severe disabilities; or

(2) mild and moderate disabilities.

As added by P.L.2-2006, SEC.166.

IC 20-43-7-9

Special education grants; use for students in nonpublic schools

Revisor's Note: IC 20-43-7-9(f), as amended by P.L.229-2011, SEC.214, states that IC 20-43-7-9 takes effect July 1, 2011 (rather than January 1, 2011.)

Sec. 9. (a) This section does not apply to a charter school.

(b) Each calendar year, a school corporation shall expend part of the school corporation's state special education grant on the provision of special education and related services to parentally placed nonpublic school students with disabilities. The school corporation shall, at a minimum, expend an amount from the state special education grant equal to the amount attributable to the number of parentally placed nonpublic school students with disabilities included in the school corporation's count conducted under section 1 of this chapter.

(c) In determining compliance with this section, a school corporation may include state special education grant expenditures on the following:

(1) Activities and services for which the school corporation may expend federal grants under Part B of the federal Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) Child find activities, including the cost of initial educational evaluations and reevaluations.

(d) A school corporation shall maintain sufficient and accurate records to demonstrate compliance with this section.

(e) The state board shall adopt rules to implement this section, including, but not limited to, annual reporting requirements, monitoring, and consequences for noncompliance. The consequences may include requiring expenditure of additional state funds in a subsequent year if the school fails to expend the requisite amount in a prior year that occurs after June 30, 2011.

(f) Notwithstanding the effective date in HEA 1341-2011, SECTION 3, this section takes effect July 1, 2011 (rather than January 1, 2011).

As added by P.L.72-2011, SEC.3. Amended by P.L.229-2011, SEC.214.

IC 20-43-8

Chapter 8. Career and Technical Education Grants

IC 20-43-8-0.5

Application; exception

Effective 1-1-2012.

Sec. 0.5. This chapter does not apply to a virtual charter school.

As added by P.L.229-2011, SEC.215.

IC 20-43-8-1

Date for determination of enrollment

Sec. 1. Pupil enrollment under this chapter shall be determined at the same time that a school corporation's ADM is determined.

As added by P.L.2-2006, SEC.166.

IC 20-43-8-2

Labor market demand report; average wage level report; department of workforce development

Sec. 2. (a) Before December 1 of each year, the department of workforce development shall provide the department with a report, to be used to determine career and technical education grant amounts in the second calendar year after the year in which the report is provided, listing whether the labor market demand for each generally recognized labor category is more than moderate, moderate, or less than moderate. In the report, the department of workforce development shall categorize each of the career and technical education programs using the following four (4) categories:

(1) Programs that address employment demand for individuals in labor market categories that are projected to need more than a moderate number of individuals.

(2) Programs that address employment demand for individuals in labor market categories that are projected to need a moderate number of individuals.

(3) Programs that address employment demand for individuals in labor market categories that are projected to need less than a moderate number of individuals.

(4) All programs not covered by the employment demand categories of subdivisions (1) through (3).

(b) Before December 1 of each year, the department of workforce development shall provide the department with a report, to be used to determine grant amounts that will be distributed under this chapter in the second calendar year after the year in which the report is provided, listing whether the average wage level for each generally recognized labor category for which career and technical education programs are offered is a high wage, a moderate wage, or a less than moderate wage.

(c) In preparing the labor market demand report under subsection (a) and the average wage level report under subsection (b), the department of workforce development shall, if possible, list the labor market demand and the average wage level for specific regions,

counties, and municipalities.

(d) If a new career and technical education program is created by rule of the state board, the department of workforce development shall determine the category in which the program should be included.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.137.

IC 20-43-8-3

Modification of full-time equivalency requirement

Sec. 3. (a) Participation in a program is not required to the extent of full-time equivalency.

(b) The state board shall adopt rules that further define the nature and extent of participation and the type of program qualifying for approval.

(c) A count may not be made on any program that has not been approved by the state board or to the extent that a pupil is not participating to the extent required by any rule of the state board.

As added by P.L.2-2006, SEC.166.

IC 20-43-8-4

Eligibility; additional grant

Sec. 4. In addition to the amount a school corporation is entitled to receive in basic tuition support, each school corporation is entitled to receive a grant for career and technical education programs.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.138.

IC 20-43-8-5

Enrollment count; programs addressing greater than moderate labor demand

Sec. 5. (a) In a school corporation's duplicated count of pupils in programs addressing employment demand for individuals in labor market categories that are projected to need more than a moderate number of individuals, the school corporation shall count each pupil enrolled in each of the programs.

(b) A pupil may be counted in more than one (1) of the programs if the pupil is enrolled in more than one (1) program at the time pupil enrollment is determined.

(c) A pupil may be included in the duplicated count in this section and in the duplicated count of pupils in programs addressing employment demand that is moderate or less than moderate.

As added by P.L.2-2006, SEC.166.

IC 20-43-8-6

Enrollment count; programs addressing moderate labor demand

Sec. 6. (a) In a school corporation's duplicated count of pupils in programs addressing employment demand for individuals in labor market categories that are projected to need a moderate number of individuals, the school corporation shall count each pupil enrolled in

each of the programs.

(b) A pupil may be counted in more than one (1) of the programs if the pupil is enrolled in more than one (1) program at the time pupil enrollment is determined.

(c) A pupil may be included in the duplicated count in this section and in the duplicated count of pupils in programs addressing employment demand that is more than or less than moderate.

As added by P.L.2-2006, SEC.166.

IC 20-43-8-7

Enrollment count; programs addressing less than moderate labor demand

Sec. 7. (a) In a school corporation's duplicated count of pupils in programs addressing employment demand for individuals in labor market categories that are projected to need less than a moderate number of individuals, the school corporation shall count each pupil enrolled in each of the programs.

(b) A pupil may be counted in more than one (1) of the programs if the pupil is enrolled in more than one (1) program at the time pupil enrollment is determined.

(c) A pupil may be included in the duplicated count in this section and in the duplicated count of pupils in programs addressing employment demand that is more than moderate or moderate.

As added by P.L.2-2006, SEC.166.

IC 20-43-8-8

Count; apprenticeship; cooperative education; other programs

Sec. 8. (a) A school corporation shall count each pupil enrolled in:

(1) each apprenticeship program;

(2) each cooperative education program; and

(3) any program not covered by sections 5 through 7 of this chapter.

(b) A pupil may be counted in more than one (1) of the programs if the pupil is enrolled in more than one (1) program at the time pupil enrollment is determined.

(c) A pupil may be included in the duplicated count in this section and in the duplicated count of pupils in programs addressing employment demand that is more than moderate, moderate, or less than moderate.

As added by P.L.2-2006, SEC.166.

IC 20-43-8-9

Calculation; grant amount

Sec. 9. A school corporation's career and technical education grant for a calendar year is the sum of the following amounts:

STEP ONE: For each career and technical education program provided by the school corporation:

(A) the number of credit hours of the program (either one (1) credit, two (2) credits, or three (3) credits); multiplied by

(B) the number of students enrolled in the program;

multiplied by

(C) the following applicable amount:

(i) Four hundred fifty dollars ($450), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(ii) Three hundred seventy-five dollars ($375), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(iii) Three hundred dollars ($300), in the case of a program described in section 5 of this chapter (more than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

(iv) Three hundred seventy-five dollars ($375), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(v) Three hundred dollars ($300), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(vi) Two hundred twenty-five dollars ($225), in the case of a program described in section 6 of this chapter (moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

(vii) Three hundred dollars ($300), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a high wage.

(viii) Two hundred twenty-five dollars ($225), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a moderate wage.

(ix) One hundred fifty dollars ($150), in the case of a program described in section 7 of this chapter (less than a moderate labor market need) for which the average wage level determined under section 2(b) of this chapter is a less than moderate wage.

STEP TWO: The number of pupils described in section 8 of this chapter (all other programs) multiplied by two hundred fifty dollars ($250).

STEP THREE: The number of pupils participating in a career

and technical education program in which pupils from multiple schools are served at a common location multiplied by one hundred fifty dollars ($150).

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.139.

IC 20-43-8-10

Appeal; classification of regional labor demand

Sec. 10. If a school corporation determines that the categories of career and technical education programs issued by the department of workforce development under section 2 of this chapter are not representative of the employment demand in the region surrounding the school corporation, the school corporation may petition the department of workforce development to recategorize for the school corporation the career and technical education programs offered by the school corporation according to the employment demand in the region surrounding the school corporation. The petition must include information supporting the school corporation's determination that the categories of career and technical education programs by the department of workforce development under section 2 of this chapter are not representative of the employment demand in the region surrounding the school corporation.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.140.

IC 20-43-9

Chapter 9. Primetime Program

IC 20-43-9-0.3

Status of rules relating to primetime program adopted before January 1, 1994

Sec. 0.3. A rule adopted by the state board before January 1, 1994, concerning the primetime program under IC 21-1-29 (before its repeal by P.L.278-1993(ss), SECTION 16), after December 31, 1993, is valid, effective, and considered to be a rule of the state board concerning the primetime program under IC 21-1-30 (as added by P.L.38-1994 and before its repeal, now codified at IC 20-43-9), until the state board adopts a rule under IC 4-22-2 that:

(1) supersedes in whole or in part the rule adopted under IC 21-1-29; or

(2) repeals the rule adopted under IC 21-1-29.

As added by P.L.220-2011, SEC.338.

IC 20-43-9-0.5

Application; exception

Effective 1-1-2012.

Sec. 0.5. This chapter does not apply to a virtual charter school.

As added by P.L.229-2011, SEC.216.

IC 20-43-9-1

Purpose

Sec. 1. The primetime program is established to provide money to encourage school corporations to lower the pupil/teacher ratio in kindergarten through grade 3.

As added by P.L.2-2006, SEC.166.

IC 20-43-9-2

Restriction of use of grant

Sec. 2. The amount received under this chapter shall be devoted to reducing class size in kindergarten through grade 3.

As added by P.L.2-2006, SEC.166.

IC 20-43-9-3

Administration

Sec. 3. The primetime program shall be administered by the state board.

As added by P.L.2-2006, SEC.166.

IC 20-43-9-4

Staff cost; guaranteed primetime amount; count; licensed teachers; instructional aides

Sec. 4. For purposes of computation under this chapter, the following shall be used:

(1) The staff cost amount for a school corporation is seventy-four thousand five hundred dollars ($74,500).

(2) The guaranteed primetime amount for a school corporation is the primetime allocation, before any penalty is assessed under this chapter, that the school corporation would have received under this chapter for the 1999 calendar year or the first year of participation in the program, whichever is later.

(3) The following apply to determine whether amounts received under this chapter have been devoted to reducing class size in kindergarten through grade 3 as required by section 2 of this chapter:

(A) Except as permitted under section 8 of this chapter, only a licensed teacher who is an actual classroom teacher in a regular instructional program is counted as a teacher.

(B) If a school corporation is granted approval under section 8 of this chapter, the school corporation may include as one-third (1/3) of a teacher each classroom instructional aide who meets qualifications and performs duties prescribed by the state board.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.253; P.L.182-2009(ss), SEC.341.

IC 20-43-9-5

Eligibility; implementation of primetime program

Sec. 5. In order to receive a distribution under this chapter, a school corporation must implement the primetime program in the following order:

(1) Grade 1.

(2) Grade 2.

(3) Grade 3 or kindergarten.

(4) The grade not chosen under subdivision (3).

As added by P.L.2-2006, SEC.166.

IC 20-43-9-6 Version a

Calculation; grant amount

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 6. A school corporation's primetime distribution for a calendar year under this chapter is the amount determined by the following formula:

STEP ONE: Determine the applicable target pupil/teacher ratio for the school corporation as follows:

(A) If the school corporation's complexity index is less than one and one-tenth (1.1), the school corporation's target pupil/teacher ratio is eighteen to one (18:1).

(B) If the school corporation's complexity index is at least one and one-tenth (1.1) but less than one and two-tenths (1.2), the school corporation's target pupil/teacher ratio is fifteen (15) plus the result determined in item (iii) to one (1):

(i) Determine the result of one and two-tenths (1.2) minus the school corporation's complexity index.

(ii) Determine the item (i) result divided by one-tenth

(0.1).

(iii) Determine the item (ii) result multiplied by three (3).

(C) If the school corporation's complexity index is at least one and two-tenths (1.2), the school corporation's target pupil/teacher ratio is fifteen to one (15:1).

STEP TWO: Determine the result of:

(A) the ADM of the school corporation in kindergarten through grade 3 for the current school year; divided by

(B) the school corporation's applicable target pupil/teacher ratio, as determined in STEP ONE.

STEP THREE: Determine the result of:

(A) the basic tuition support for the year multiplied by seventy-five hundredths (0.75); divided by

(B) the school corporation's total ADM.

STEP FOUR: Determine the result of:

(A) the STEP THREE result; multiplied by

(B) the ADM of the school corporation in kindergarten through grade 3 for the current school year.

STEP FIVE: Determine the result of:

(A) the STEP FOUR result; divided by

(B) the staff cost amount.

STEP SIX: Determine the greater of zero (0) or the result of:

(A) the STEP TWO amount; minus

(B) the STEP FIVE amount.

STEP SEVEN: Determine the result of:

(A) the STEP SIX amount; multiplied by

(B) the staff cost amount.

STEP EIGHT: Determine the greater of the STEP SEVEN amount or the school corporation's guaranteed primetime amount.

STEP NINE: A school corporation's amount under this STEP is the following:

(A) If the amount the school corporation received under this chapter in the previous calendar year is greater than zero (0), the amount under this STEP is the lesser of:

(i) the STEP EIGHT amount; or

(ii) the amount the school corporation received under this chapter for the previous calendar year multiplied by one hundred seven and one-half percent (107.5%).

(B) If the amount the school corporation received under this chapter in the previous calendar year is not greater than zero (0), the amount under this STEP is the STEP EIGHT amount.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.254; P.L.182-2009(ss), SEC.342.

IC 20-43-9-6 Version b

Calculation; grant amount

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 6. A school corporation's primetime distribution for a calendar year under this chapter is the amount determined by the following formula:

STEP ONE: Determine the applicable target pupil/teacher ratio for the school corporation as follows:

(A) If the school corporation's complexity index is less than one and one-tenth (1.1), the school corporation's target pupil/teacher ratio is eighteen to one (18:1).

(B) If the school corporation's complexity index is at least one and one-tenth (1.1) but less than one and three-tenths (1.3), the school corporation's target pupil/teacher ratio is fifteen (15) plus the result determined in item (iii) to one (1):

(i) Determine the result of one and three-tenths (1.3) minus the school corporation's complexity index.

(ii) Determine the item (i) result divided by two-tenths (0.2).

(iii) Determine the item (ii) result multiplied by three (3).

(C) If the school corporation's complexity index is at least one and three-tenths (1.3), the school corporation's target pupil/teacher ratio is fifteen to one (15:1).

STEP TWO: Determine the result of:

(A) the ADM of the school corporation in kindergarten through grade 3 for the current school year; divided by

(B) the school corporation's applicable target pupil/teacher ratio, as determined in STEP ONE.

STEP THREE: Determine the result of:

(A) the basic tuition support for the year multiplied by seventy-five hundredths (0.75); divided by

(B) the school corporation's ADM.

STEP FOUR: Determine the result of:

(A) the STEP THREE result; multiplied by

(B) the ADM of the school corporation in kindergarten through grade 3 for the current school year.

STEP FIVE: Determine the result of:

(A) the STEP FOUR result; divided by

(B) the staff cost amount.

STEP SIX: Determine the greater of zero (0) or the result of:

(A) the STEP TWO amount; minus

(B) the STEP FIVE amount.

STEP SEVEN: Determine the result of:

(A) the STEP SIX amount; multiplied by

(B) the staff cost amount.

STEP EIGHT: Determine the greater of the STEP SEVEN amount or:

(A) for 2012, fifty percent (50%) of the school corporation's guaranteed primetime amount; or

(B) for 2013, zero (0).

STEP NINE: A school corporation's amount under this STEP is the following:

(A) If the amount the school corporation received under this

chapter in the previous calendar year is greater than zero (0), the amount under this STEP is the lesser of:

(i) the STEP EIGHT amount; or

(ii) the amount the school corporation received under this chapter for the previous calendar year multiplied by one hundred seven and one-half percent (107.5%).

(B) If the amount the school corporation received under this chapter in the previous calendar year is not greater than zero (0), the amount under this STEP is the STEP EIGHT amount.

As added by P.L.2-2006, SEC.166. Amended by P.L.234-2007, SEC.254; P.L.182-2009(ss), SEC.342; P.L.229-2011, SEC.217.

IC 20-43-9-7

Report; class size

Sec. 7. A school corporation shall compile class size data for kindergarten through grade 3 and report the data to the department for purposes of maintaining compliance with this chapter.

As added by P.L.2-2006, SEC.166.

IC 20-43-9-8

Conditions; counting instructional aides

Sec. 8. (a) The state board shall approve the counting of classroom instructional aides as teachers under this chapter if the school corporation can substantiate each year that providing adequate classroom space for the attainment of the school corporation's target pupil/teacher ratio creates an unreasonable hardship for that school corporation.

(b) If a school corporation qualifies under subsection (a) for classroom instructional aides, the school corporation shall present to the state board a plan concerning that school corporation's instructional aides program.

As added by P.L.2-2006, SEC.166.

IC 20-43-9-9

Application

Sec. 9. School corporations shall apply for money under this chapter:

(1) on a form prescribed; and

(2) on or before the date designated;

by the state board.

As added by P.L.2-2006, SEC.166.

IC 20-43-9-10

Evaluation of program

Sec. 10. The state board shall evaluate the effectiveness of the primetime program and shall monitor compliance by school corporations with this chapter.

As added by P.L.2-2006, SEC.166.

IC 20-43-9-11

Rules

Sec. 11. The state board shall adopt rules under IC 4-22-2 to implement this chapter.

As added by P.L.2-2006, SEC.166.

IC 20-43-9-12

Adjustment of state primetime program distributions; schedule of adjustments

Sec. 12. (a) The department shall adjust distributions made to a school corporation, including a charter school, after May 13, 2005, to eliminate the difference between the state primetime distribution that the school corporation, including a charter school, received as a result of IC 21-1-30-3 (as amended by P.L.224-2003, before its repeal, now codified in this chapter), and the state primetime distribution to which the school corporation, including a charter school, is entitled to receive under IC 21-1-30-3 (as amended by P.L.246-2005, before its repeal, now codified in this chapter).

(b) The adjustments required under this section shall be made on the schedule determined by the department of education.

As added by P.L.220-2011, SEC.339.

IC 20-43-10

Chapter 10. Other Tuition Support Grants

IC 20-43-10-0.5

Application; exception

Effective 1-1-2012.

Sec. 0.5. This chapter does not apply to a virtual charter school.

As added by P.L.229-2011, SEC.218.

IC 20-43-10-1

Additional grants

Sec. 1. In addition to a basic tuition support distribution, a school corporation is eligible for the grants provided under this chapter.

As added by P.L.2-2006, SEC.166.

IC 20-43-10-2 Version a

Academic honors diploma award

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 2. (a) A school corporation's academic honors diploma award for a calendar year is the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the number of the school corporation's eligible pupils who successfully completed an academic honors diploma program in the school year ending in the previous calendar year.

STEP TWO: Multiply the STEP ONE amount by nine hundred dollars ($900).

(b) An amount received by a school corporation as an honors diploma award may be used only for:

(1) any:

(A) staff training;

(B) program development;

(C) equipment and supply expenditures; or

(D) other expenses;

directly related to the school corporation's academic honors diploma program; and

(2) the school corporation's program for high ability students.

(c) A governing body that does not comply with this section for a school year is not eligible to receive an academic honors diploma award for the following school year.

As added by P.L.2-2006, SEC.166.

IC 20-43-10-2 Version b

Determination of award

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 2. (a) A school corporation's honors diploma award for a calendar year is the amount determined under STEP FOUR of the following formula:

STEP ONE: Determine the number of the school corporation's eligible pupils who successfully completed an academic honors diploma program in the school year ending in the previous calendar year.

STEP TWO: Determine the result of:

(A) the number of the school corporation's eligible pupils who successfully completed a Core 40 diploma with technical honors program in the school year ending in the previous calendar year; minus

(B) the number of eligible pupils who would otherwise be double counted under both clause (A) and STEP ONE.

STEP THREE: Determine the sum of the number of eligible students determined under STEP ONE and the number of eligible students determined under STEP TWO.

STEP FOUR: Multiply the STEP THREE amount by nine hundred dollars ($900).

(b) An amount received by a school corporation as an honors diploma award may be used only for:

(1) any:

(A) staff training;

(B) program development;

(C) equipment and supply expenditures; or

(D) other expenses;

directly related to the school corporation's honors diploma program; and

(2) the school corporation's program for high ability students.

(c) A governing body that does not comply with this section for a school year is not eligible to receive an honors diploma award for the following school year.

As added by P.L.2-2006, SEC.166. Amended by P.L.229-2011, SEC.219.

IC 20-43-11.5
Repealed

(*Repealed by P.L.182-2009(ss), SEC.464.*)

IC 20-43-12 Version a

Chapter 12. Restoration Grants

Note: This version of chapter effective until 1-1-2012. See also following repeal of this chapter, effective 1-1-2012.

IC 20-43-12-1 Version a

Authorization

Note: This version of section effective until 1-1-2012. See also following repeal of this chapter, effective 1-1-2012.

Sec. 1. A school corporation is entitled to a restoration grant.

As added by P.L.182-2009(ss), SEC.343.

IC 20-43-12-2 Version a

Calculation of grant

Note: This version of section effective until 1-1-2012. See also following repeal of this chapter, effective 1-1-2012.

Sec. 2. The amount of the restoration grant to which a school corporation is entitled in calendar year 2010 and calendar year 2011 is equal to the result determined under the following formula:

STEP ONE: Determine the school corporation's basic tuition support for the current year.

STEP TWO: Determine the amount of the school corporation's previous year revenue that applies to the determination of the school corporation's basic tuition support for the 2010 calendar year.

STEP THREE: Determine the sum of:

(A) the STEP TWO amount divided by the school corporation's 2009 ADM; plus

(B) twenty-five dollars ($25) for 2010 and seventy-five dollars ($75) for 2011.

STEP FOUR: Determine the result of:

(A) the school corporation's STEP THREE amount; multiplied by

(B) the school corporation's ADM for the current year.

STEP FIVE: Determine the sum of:

(A) the STEP TWO amount divided by the school corporation's 2009 ADM; minus

(B) twenty-five dollars ($25) for 2010 and seventy-five dollars ($75) for 2011.

STEP SIX: Determine the result of:

(A) the school corporation's STEP FIVE amount; multiplied by

(B) the school corporation's ADM for the current year.

STEP SEVEN: Determine the lesser of:

(A) the STEP FOUR amount; or

(B) the STEP TWO amount.

STEP EIGHT: Determine the greater of:

(A) the STEP SEVEN amount; or

(B) the STEP SIX amount.

STEP NINE: Determine the greater of zero (0) or the result of:

(A) the STEP EIGHT amount; minus
(B) the STEP ONE amount.
STEP TEN: Determine the sum of the current year basic tuition support plus the STEP NINE amount.
STEP ELEVEN: Determine the result of the following:
(A) For 2010, divide the STEP TEN amount by the STEP TWO amount.
(B) For 2011, divide:
(i) the STEP TEN amount; by
(ii) the sum of the prior year basic tuition support plus the prior year STEP NINE amount.
STEP TWELVE: Determine the greater of:
(A) zero (0); or
(B) the result of:
(i) ninety-seven hundredths (0.97); minus
(ii) the STEP ELEVEN amount.
STEP THIRTEEN: Determine the lesser of:
(A) two hundred twenty dollars ($220) for 2010 and three hundred fifty dollars ($350) for 2011; or
(B) the result of:
(i) the STEP TWELVE amount multiplied by nine thousand five hundred (9,500), in 2010; and
(ii) the STEP TWELVE amount multiplied by twelve thousand (12,000), in 2011.
STEP FOURTEEN: Determine the product of:
(A) the STEP THIRTEEN amount; multiplied by
(B) the school corporation's current ADM.
STEP FIFTEEN: Determine the sum of:
(A) the STEP NINE amount; plus
(B) the STEP FOURTEEN amount.

As added by P.L.182-2009(ss), SEC.343. As amended by P.L.109-2010, SEC.6.

IC 20-43-12 Version b
Repealed

(Repealed by P.L.229-2011, SEC.276.)

Note: This repeal of chapter effective 1-1-2012. See also preceding version of this chapter, effective until 1-1-2012.

IC 20-43-12.2 Version a

Chapter 12.2. Small School Grants

Note: This version of chapter effective until 1-1-2012. See also following repeal of this chapter, effective 1-1-2012.

IC 20-43-12.2-1 Version a

Authorization

Note: This version of section effective until 1-1-2012. See also following repeal of this chapter, effective 1-1-2012.

Sec. 1. A school corporation is entitled to a small school grant as provided in this chapter. This chapter does not apply to a charter school.

As added by P.L.182-2009(ss), SEC.344.

IC 20-43-12.2-2 Version a

Calculation of grant

Note: This version of section effective until 1-1-2012. See also following repeal of this chapter, effective 1-1-2012.

Sec. 2. The amount of the small school grant to which a school corporation is entitled in a year is equal to:

(1) the lesser of:

(A) one hundred ninety-two dollars ($192); or

(B) one dollar ($1) multiplied by the result of:

(i) one thousand seven hundred (1,700); minus

(ii) the school corporation's current ADM; multiplied by the school corporation's current ADM, if the school corporation's current ADM is less than one thousand seven hundred (1,700) and the school corporation's complexity index is greater than one and two-tenths (1.2);

(2) the lesser of:

(A) ninety-one dollars ($91); or

(B) one dollar ($1) multiplied by the result of:

(i) one thousand seven hundred (1,700); minus

(ii) the school corporation's current ADM; multiplied by the school corporation's current ADM, if the school corporation's current ADM is less than one thousand seven hundred (1,700) and the school corporation's complexity index is greater than one and one-tenth (1.1) and not greater than one and two-tenths (1.2); and

(3) zero (0), if subdivisions (1) and (2) do not apply.

As added by P.L.182-2009(ss), SEC.344.

IC 20-43-12.2 Version b

Chapter 12.2. Repealed

Note: This repeal of chapter effective 1-1-2012. See also preceding sections of this chapter, effective until 1-1-2012.

IC 20-44

ARTICLE 44. PROPERTY TAX LEVIES; GENERAL PROVISIONS

IC 20-44-1

Chapter 1. Taxable Property

IC 20-44-1-1

Determination; taxable property

Sec. 1. (a) This section applies in:

(1) the formulation of a budget by the proper legal officers of a school corporation;

(2) estimating the probable amount of tax revenue that the school corporation will collect on taxable property within the school corporation's jurisdiction for and during the year for which the budget is formulated and for which appropriations will be made; and

(3) calculating the tax levy to be made for the ensuing year.

(b) The officers shall:

(1) consider the average percentage of actual tax collections, including delinquencies, from the taxable property during the past three (3) years not exceeding one hundred per cent (100%); and

(2) estimate the probable amount of tax revenue by the use of the average percentage.

As added by P.L.2-2006, SEC.167.

IC 20-44-1-2

Exclusion; property; bankrupt taxpayer

Sec. 2. IC 6-1.1-1-3(b) applies to funds and levies described in IC 6-1.1-1-3(b).

As added by P.L.2-2006, SEC.167.

IC 20-44-2

Chapter 2. General Levy Powers

IC 20-44-2-1

Application

Sec. 1. This chapter applies to each school corporation.

As added by P.L.2-2006, SEC.167.

IC 20-44-2-2

General levy powers

Sec. 2. Each governing body may annually levy the amount of taxes that:

(1) in the judgment of the governing body; and

(2) after being made a matter of record in the minutes;

should be levied to produce income sufficient to conduct and carry on the public schools committed to the governing body.

As added by P.L.2-2006, SEC.167.

IC 20-44-2-3

Duty; rate necessary to pay obligations

Sec. 3. The governing body shall annually levy a rate that will produce a sum sufficient to meet all payments of principal and interest as they mature in the year for which the levy is made on the:

(1) bonds;

(2) notes; or

(3) other obligations;

of the school corporation.

As added by P.L.2-2006, SEC.167.

IC 20-44-2-4

Levy; emergency loans

Sec. 4. A school corporation may impose a levy for a fund, as permitted in IC 20-48-1-7, to repay an emergency loan to the fund.

As added by P.L.2-2006, SEC.167.

IC 20-44-2-5

Levy; joint schools

Sec. 5. The school trustee or board of school trustees of Indiana may levy taxes in maintaining a joint school established with a school corporation in an adjacent state under IC 20-23-11 as are otherwise provided by law for maintaining the public schools in Indiana.

As added by P.L.2-2006, SEC.167.

IC 20-44-2-6

Application of statutory limits

Sec. 6. The power of the governing body in making tax levies shall be exercised within existing statutory limits. The levies are subject to the review required by law.

As added by P.L.2-2006, SEC.167.

IC 20-44-3

Chapter 3. Application of Levy Excess to Reduce Property Taxes

IC 20-44-3-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to a levy excess fund established under IC 20-40-10-2.

As added by P.L.2-2006, SEC.167. Amended by P.L.1-2007, SEC.153.

IC 20-44-3-2

"Levy excess" defined; limitation

Sec. 2. As used in this chapter, "levy excess" means that part of the property tax levy actually collected by a school corporation for taxes first due and payable during a particular calendar year that exceeds the school corporation's total levy, as approved by the department of local government finance under IC 6-1.1-17, for those property taxes. The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are collected.

As added by P.L.2-2006, SEC.167. Amended by P.L.154-2006, SEC.68.

IC 20-44-3-3

Validity; levy excess

Sec. 3. A school corporation's levy excess is valid.

As added by P.L.2-2006, SEC.167. Amended by P.L.146-2008, SEC.491.

IC 20-44-3-4

Required deposit of levy excess; levy excess fund

Sec. 4. Except as provided in section 9 of this chapter, a school corporation shall deposit its levy excess in a fund to be known as the school corporation's levy excess fund.

As added by P.L.2-2006, SEC.167.

IC 20-44-3-5

Inclusion of balance in budget

Sec. 5. The department of local government finance shall require a school corporation to include the amount in the school corporation's fund in the school corporation's budget fixed under IC 6-1.1-17.

As added by P.L.2-2006, SEC.167.

IC 20-44-3-6

Expenditure after appropriation; reduction of maximum levy

Sec. 6. Except as provided in section 7 of this chapter, a school corporation may not spend money in its fund until the expenditure of the money has been included in a budget that has been approved by

the department of local government finance under IC 6-1.1-17. For purposes of fixing its budget and for purposes of the property tax levy limits fixed by law, a school corporation shall treat the money in its fund that the department of local government finance permits the school corporation to spend during a particular calendar year as part of the school corporation's property tax levy for that same calendar year.
As added by P.L.2-2006, SEC.167.

IC 20-44-3-7
Transfer between funds
Sec. 7. A school corporation may transfer money from its fund to its other funds to reimburse those funds for amounts withheld from the school corporation as a result of refunds paid under IC 6-1.1-26.
As added by P.L.2-2006, SEC.167.

IC 20-44-3-8
Uses
Sec. 8. Subject to the limitations imposed by this chapter, a school corporation may use money in its fund for any lawful purpose for which money in any of its other funds may be used.
As added by P.L.2-2006, SEC.167.

IC 20-44-3-9
Minimum balance
Sec. 9. If the amount that would be deposited in the fund of a school corporation for a particular calendar year is less than one hundred dollars ($100), no money shall be deposited in the fund of the school corporation for that year.
As added by P.L.2-2006, SEC.167.

IC 20-45

ARTICLE 45. GENERAL FUND LEVIES

IC 20-45-1

Chapter 1. Definitions

IC 20-45-1-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2006, SEC.168.

IC 20-45-1-2

Repealed

(*Repealed by P.L.182-2009(ss), SEC.466.)*

IC 20-45-1-3

Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-4

Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-5

Repealed

(*Repealed by P.L.182-2009(ss), SEC.463.)*

IC 20-45-1-6

Repealed

(*Repealed by P.L.182-2009(ss), SEC.466.)*

IC 20-45-1-7

Repealed

(*Repealed by P.L.146-2008, SEC.807; P.L.146-2008, SEC.810.)*

IC 20-45-1-8

Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-9

Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-10

Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-11

Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-12
Repealed
(*Repealed by P.L.182-2009(ss), SEC.466.)*

IC 20-45-1-13
Repealed
(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-14
Repealed
(*Repealed by P.L.234-2007, SEC.269.)*

IC 20-45-1-15
Repealed
(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-16
Repealed
(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-17
Repealed
(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-18
Repealed
(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-19
Repealed
(*Repealed by P.L.234-2007, SEC.269.)*

IC 20-45-1-20
Repealed
(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-21
Repealed
(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-1-21.3
Repealed
(*Repealed by P.L.182-2009(ss), SEC.466.)*

IC 20-45-1-21.5
Repealed
(*Repealed by P.L.182-2009(ss), SEC.466.)*

IC 20-45-1-21.7
Repealed
(*Repealed by P.L.182-2009(ss), SEC.466.)*

IC 20-45-1-22
Repealed
(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-2
Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-3
Repealed

(*Repealed by P.L.146-2008, SEC.807.)*

IC 20-45-4
Repealed

(*Repealed by P.L.146-2008, SEC.810.)*

IC 20-45-5
Repealed

(*Repealed by P.L.146-2008, SEC.810.)*

IC 20-45-6
Repealed

(*Repealed by P.L.146-2008, SEC.810.)*

IC 20-45-7

Chapter 7. Supplemental County Levy; Lake County

IC 20-45-7-1

Application

Sec. 1. This chapter applies only to Lake County.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-2

Policy

Sec. 2. The following is declared to be the policy of this chapter:

(1) That in certain areas in Indiana there exists a condition created by the shift in population from urban centers to outlying areas that has created administrative and financial problems in the maintenance and operation of school systems in these areas, resulting in maladjustment of taxable wealth in these areas for levying taxes for the operation of the schools.

(2) That improvement in the administrative and financial structures of the qualified school corporations existing in these outlying areas to the urban centers is essential for the following:

(A) The establishment and maintenance of a general uniform and efficient system of public schools to provide a more equalized educational opportunity for public school pupils.

(B) The achievement of greater equity in school tax rates among the inhabitants of the various existing qualified school corporations in these areas.

(C) The provision for more use of the public funds expended for the support of the public school system.

(3) That existing statutes with respect to the granting of financial assistance on a countywide basis, allowing a more favorable use of the taxable wealth of the county for the support of the various school districts within the county, are inadequate to effectuate the need for this improvement in those areas.

(4) That modification in the present statutory provisions pertaining to the levying of tax rates for school purposes for the areas that qualify within the definitions in this chapter is essential to carry out the purposes of IC 20-23-4, and to that end it is the intent of the general assembly, by this chapter, to make provision for a more satisfactory use of the taxable wealth of counties that qualify under this chapter for the promotion, betterment, and improvement of their educational systems.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-3

"ADA"

Sec. 3. As used in this chapter, "ADA" means, as to any qualified school corporation, the average number of pupils in daily attendance in the qualified school corporation, determined in accordance with the rules established by the state board. If territory is transferred from one (1) school corporation to another after April 4, 1973, under

IC 20-4-4 (before its repeal), IC 20-3-14 (before its repeal), IC 20-23-5, or IC 20-25-5, ADA ratio shall be interpreted as though the pupils in the territory had been transferred in the school year ending in 1973.
As added by P.L.2-2006, SEC.168.

IC 20-45-7-4
"ADA ratio"
Sec. 4. As used in this chapter, "ADA ratio" means, as to any qualified school corporation, the quotient resulting from a division of that qualified school corporation's current ADA by that qualified school corporation's ADA for the school year ending in 1973. However, in any case in which the quotient is less than one (1), the ADA ratio for the qualified school corporation is one (1). If territory is transferred from one (1) school corporation to another after April 4, 1973, under IC 20-4-4 (before its repeal), IC 20-3-14 (before its repeal), IC 20-23-5, or IC 20-25-5, ADA ratio shall be interpreted as though the pupils in the territory had been transferred in the school year ending in 1973.
As added by P.L.2-2006, SEC.168.

IC 20-45-7-5
"Assessed value"
Sec. 5. As used in this chapter, "assessed valuation" of any qualified school corporation means the net assessed value of its real and taxable personal property adjusted by a percentage factor. For each qualified school corporation, this factor shall be the most recent adjustment factor computed by the department of local government finance under IC 6-1.1-34.
As added by P.L.2-2006, SEC.168.

IC 20-45-7-6
"County auditor"
Sec. 6. As used in this chapter, "county auditor" refers to the county auditor of a qualified county.
As added by P.L.2-2006, SEC.168.

IC 20-45-7-7
"County council"
Sec. 7. As used in this chapter, "county council" refers to the county council of a qualified county.
As added by P.L.2-2006, SEC.168.

IC 20-45-7-8
"County treasurer"
Sec. 8. As used in this chapter, "county treasurer" refers to the county treasurer of a qualified county.
As added by P.L.2-2006, SEC.168.

IC 20-45-7-9

"Current ADA"

Sec. 9. As used in this chapter, "current ADA" means the most recently determined ADA for the qualified school corporation in question. If territory is transferred from one (1) school corporation to another after April 4, 1973, under IC 20-4-4 (before its repeal), IC 20-3-14 (before its repeal), IC 20-23-5, or IC 20-25-5, current ADA ratio shall be interpreted as though the pupils in the territory had been transferred in the school year ending in 1973.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-10

"Eligible pupil"

Sec. 10. As used in this chapter,"eligible pupil" has the meaning set forth in IC 20-43-1-11.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-11

"Entitlement"

Sec. 11. As used in this chapter, "entitlement" of a qualified school corporation is that part of the fund:

(1) to which any qualified school corporation is entitled for any calendar year; and

(2) on the basis of which the tax is set under this chapter.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-12

"Fund"

Sec. 12. As used in this chapter, "fund" refers to the county school distribution fund:

(1) into which the receipts from the tax must be credited; and

(2) from which distributions to qualified school corporations must be charged.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-13

"Qualified county"

Sec. 13. As used in this chapter, "qualified county" means Lake County.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-14

"Qualified school corporation"

Sec. 14. As used in this chapter, "qualified school corporation" means any school corporation that has under its jurisdiction any territory located in the qualified county.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-15

"Tax"

Sec. 15. As used in this chapter, "tax" refers to the county

supplemental school financing property tax to be levied by the county council under this chapter.
As added by P.L.2-2006, SEC.168.

IC 20-45-7-16
Duty; levy of countywide tax

Sec. 16. Each calendar year, the county council shall impose a tax on the real and personal property subject to taxation by the county under this chapter.
As added by P.L.2-2006, SEC.168.

IC 20-45-7-17
Adoption procedure

Sec. 17. The tax shall be imposed at the same time the county council adopts the qualified county's budget, tax levy, and tax rate for the next calendar year under IC 6-1.1-17.
As added by P.L.2-2006, SEC.168.

IC 20-45-7-18
Calculation; tax rate

Sec. 18. The county council shall set a rate for the tax that will produce the total amount of the entitlements of the qualified school corporations for the next calendar year. However, the amount of the tax levy may not be greater than the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the total dollar amount of that tax levy for 1972, payable in calendar year 1973, assuming one hundred percent (100%) tax collection.

STEP TWO: Multiply the STEP ONE amount by the ADA ratio.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-19
Certification; information needed to set tax rate

Sec. 19. Before July 11 of each year, the state superintendent shall certify to the county auditor:

(1) the consolidated ADA ratio of the qualified school corporations;

(2) the number of pupils in ADM of each qualified school corporation for the immediately preceding school year; and

(3) an estimate of these statistics for the succeeding school year.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-20
County auditor certification; tax rate

Sec. 20. (a) The county auditor shall compute the amount of the tax to be levied each year. Before August 2, the county auditor shall certify the amount to the county council.

(b) The tax rate shall be advertised and fixed by the county council in the same manner as other property tax rates. The tax rate

shall be subject to all applicable law relating to review by the county board of tax adjustment and the department of local government finance.

(c) The department of local government finance shall certify the tax rate at the time it certifies the other county tax rates.

(d) The department of local government finance shall raise or lower the tax rate to the tax rate provided in this chapter, regardless of whether the certified tax rate is below or above the tax rate advertised by the county.

As added by P.L.2-2006, SEC.168. Amended by P.L.224-2007, SEC.114; P.L.146-2008, SEC.492.

IC 20-45-7-21

Tax subject to maximum county levy limit

Sec. 21. The maximum levy limit that the county may levy for a particular year equals the maximum levy limit otherwise prescribed for the county for that year by IC 6-1.1-18.5. The amount levied for that year under the tax is included within the maximum levy limit.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-22

Collection

Sec. 22. The county officials charged with the duty of collecting and receiving receipts from county taxes shall collect and receive the tax in the same manner as other county taxes.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-23

Treasurer; deposits; county school distribution fund

Sec. 23. The county treasurer shall deposit the money collected from the tax in a county school distribution fund.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-24

Effect of distribution of excise taxes

Sec. 24. For purposes of allocating distributions of tax revenues collected under IC 6-5.5, IC 6-6-5, IC 6-6-5.5, or IC 6-6-6.5, the tax shall be treated as if it were property taxes imposed by a separate taxing unit. The appropriate part of those distributions shall be deposited in the fund.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-25

Distribution of tax collections to school corporations

Sec. 25. The county auditor and the county treasurer shall distribute the money credited to the fund during a calendar year to the qualified school corporations based on their entitlements for the year, adjusted as provided in this chapter.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-26

Calculation; school corporation's distribution

Sec. 26. The entitlement of each qualified school corporation from the fund for each calendar year is the greater of:

(1) the amount of its entitlement for calendar year 2000 from the tax levied under this chapter; or

(2) an amount equal to twenty-seven dollars and fifty cents ($27.50) times its ADM.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-27

Correction of errors

Sec. 27. (a) If the tax rate is incorrect because of an error in calculating its amount, including a mistake in the amount of assessment, the error shall be expeditiously corrected within the next two (2) years by decreasing or increasing the rate of the tax set during those two (2) years.

(b) If the entitlement received by a qualified school corporation in any calendar year is more or less than its entitlement on account of an error in calculation, the amount of entitlement of a qualified school corporation shall be similarly adjusted within the next two (2) calendar years.

(c) If the money credited to the fund during any year is more or less than the total entitlements of the qualified school corporations for the calendar year, except for a greater or lesser receipt incident due to an error in calculating an entitlement or its correction, the county auditor shall increase or reduce each qualified school corporation's entitlement by the same percentage.

(d) The entire balance of the fund for each calendar year shall be distributed.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-28

Distribution by warrant; schedule

Sec. 28. The county auditor shall issue a warrant to the county treasurer for the distributions from the fund to the qualified school corporations in the amounts to which they are entitled under this chapter. The distributions shall be made at the same time as other property tax levies in each semiannual tax settlement period. A qualified school corporation has the right to obtain advance draws.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-29

Deposit of distribution; general fund

Sec. 29. Receipts from the fund shall be credited by each qualified school corporation to its general fund. The budgets of each qualified school corporation shall reflect the anticipated receipts from the tax. Appropriations shall be made from the general fund by the qualified school corporations as other appropriations are made either in the annual budgets or by additional appropriations.

As added by P.L.2-2006, SEC.168.

IC 20-45-7-30

Certifications; additional information

Sec. 30. The department of local government finance and the state superintendent shall make certifications of any information in their possession, or any other certifications required by this chapter that will facilitate its execution.

As added by P.L.2-2006, SEC.168.

IC 20-45-8

Chapter 8. Supplemental County Levy; Dearborn County

IC 20-45-8-1

Application

Sec. 1. This chapter applies only to Dearborn County. This chapter applies to an area outside Dearborn County to the extent that the area is part of a qualified school corporation.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-2

Policy

Sec. 2. The following is declared to be the policy of this chapter:

(1) That in certain areas in Indiana there exists a condition created by the large concentration of taxable property in a single township away from outlying areas that has created administrative and financial problems in the maintenance and operation of school systems in those areas, resulting in maladjustment of taxable wealth in such areas for levying taxes for the operation of the schools.

(2) That improvement in the administrative and financial structures of the qualified school corporations existing on March 12, 1965, in those outlying areas is essential for:

(A) the establishment and maintenance of a general uniform and efficient system of public schools to provide a more equalized educational opportunity for public school pupils;

(B) the achievement of greater equity in school tax rates among the inhabitants of the various qualified school corporations existing on March 12, 1965, in these areas; and

(C) the provision for more use of the public funds expended for the support of the public school systems.

(3) That statutes existing on March 12, 1965, with respect to the granting of financial assistance on a countywide school basis, allowing a more favorable use of the taxable wealth of the county for the support of the various school districts within or attached to the county, are inadequate to effectuate the need for this improvement in those areas described in this chapter.

(4) That modification in the statutory provisions existing on March 12, 1965, pertaining to the levying of tax rates for school purposes for those areas that qualify within the definitions in this chapter is essential to carry out the purposes of IC 20-23-4, and the tax levied under this chapter shall be considered a county tax within the meaning of IC 20-23-4, and to that end it is the intent of the general assembly, by this chapter, to make provision for a more satisfactory use of the taxable wealth of counties that qualify under this chapter for the promotion, betterment, and improvement of their educational systems.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-3

"Assessed valuation"

Sec. 3. As used in this chapter, "assessed valuation" of any qualified school corporation means the net assessed value of its real and taxable personal property adjusted by a percentage factor. This factor shall be computed by the department of local government finance on a townshipwide basis for each township in the qualified county and areas assigned to the qualified county for school purposes in the same manner that the department of local government finance computes a factor for the various counties of the state under IC 6-1.1-34. In determining the assessed valuation of any qualified school corporation, the factor for any township shall be applied to the assessed valuation of the real and taxable personal property of each qualified school corporation lying within the township and school areas attached to the township.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-4

"Board of county commissioners"

Sec. 4. As used in this chapter, "board of county commissioners" refers to the board of county commissioners of a qualified county.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-5

"County auditor"

Sec. 5. As used in this chapter, "county auditor" means the county auditor of a qualified county.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-6

"Fund"

Sec. 6. As used in this chapter, "fund" means the county school distribution fund:

(1) into which the receipts from the tax must be credited; and

(2) from which distribution to a qualified school corporation must be charged.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-7

"Entitlement"

Sec. 7. As used in this chapter, "entitlement" of a qualified school corporation is that part of the fund:

(1) to which a qualified school corporation is entitled for any calendar year; and

(2) on the basis of which the tax is set under this chapter.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-8

"Paying qualified school corporation"

Sec. 8. As used in this chapter, "paying qualified school corporation" means any qualified school corporation in which the tax

collected on the assessed valuation of the qualified school corporation exceeds the amount of the entitlement payable to the qualified school corporation under this chapter.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-9
"Qualified county"
Sec. 9. As used in this chapter, "qualified county" refers to Dearborn County. The term includes any area attached to Dearborn County for school purposes.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-10
"Qualified school corporation"
Sec. 10. As used in this chapter, "qualified school corporation" means a school corporation that has under its jurisdiction any territory that is located in the qualified county.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-11
"Receiving qualified school corporation"
Sec. 11. As used in this chapter, "receiving qualified school corporation" means any qualified school corporation receiving an entitlement under this chapter that exceeds the amount of the tax collected on the assessed valuation of the qualified school corporation.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-12
"Tax"
Sec. 12. As used in this chapter, "tax" means the county supplemental school financing property tax to be levied by the board of county commissioners of a qualifying county under this chapter.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-13
"Total school tax rate"
Sec. 13. "Total school tax rate" means the sum of the property tax rates levied for all school purposes.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-14
Establishment of fund
Sec. 14. A county school distribution fund is established in a qualified county.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-15
Appropriation
Sec. 15. There shall be appropriated from the fund to qualified

school corporations, in the manner provided in this chapter, sufficient amounts of money to achieve the purposes of this chapter.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-16
Duty; levy of countywide tax

Sec. 16. (a) The board of county commissioners shall levy a county supplemental school financing tax at a rate that is sufficient to annually provide adequate funds to carry out the purposes of this chapter. The various officials and employees of the qualified county and the qualified school corporations charged with the duty of levying, collecting, and receiving other property tax funds for county or school purposes, or both, shall take the appropriate and respective steps as otherwise required by law for the levying, collecting, and receiving of property taxes in order to levy, collect, and receive the tax.

(b) The receipts from the tax shall be credited into the fund and paid from the fund by the county auditor to the qualified school corporations.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-17
Levy in contiguous area of adjacent county

Sec. 17. If the area of a qualified school corporation extends into an adjoining county, the tax rate fixed by the board of county commissioners shall control for the levying and assessment of the tax in the area extending into the adjoining county. The board of county commissioners and other county officials of the adjoining county shall take all appropriate and necessary action as otherwise required by law for:

(1) the levying, collecting, and receiving of the county supplemental school financing taxes; and
(2) the payment of the taxes into the fund;

for distribution under this chapter.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-18
Certification; information needed to calculate levy

Sec. 18. (a) Before July 11 of each year, the state superintendent shall deliver to the county auditor a certified statement of the ADM in grades 1 through 12 residing in each qualified school corporation for the immediately preceding school year.

(b) Upon the receipt of the information, the county auditor shall compute the amount to be distributed to each of the qualified school corporations from the receipts of the tax levy, based on the formula set forth in this chapter.

(c) The county auditor shall annually issue a warrant to the county treasurer ordering the payment to the respective qualified school corporations the various amounts in the fund at each semiannual tax settlement period during the year in which the tax has been collected.

(d) The qualified school corporations and the proper officials and employees of the qualified school corporations shall receive the receipts distributed by the county treasurer in the same manner as other tax receipts are received.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-19
Use
Sec. 19. The receipts from the tax are available to a qualified school corporation for any purpose or purposes for which school expenditures are authorized by law. The purpose or purposes for which the receipts from the tax are used rests within the discretion of the administrative officer or governing board of each qualified school corporation. The budgets of the qualified school corporations must reflect the anticipated receipts from the tax. Appropriations shall be made of the receipts from the tax as other appropriations are made.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-20
Application of other laws
Sec. 20. The tax levy is subject to all laws concerning review by the county board of tax adjustment and the department of local government finance.
As added by P.L.2-2006, SEC.168. Amended by P.L.224-2007, SEC.115; P.L.146-2008, SEC.493.

IC 20-45-8-21
Eligibility for distribution; required minimum levy
Sec. 21. To qualify to receive any of the receipts of a tax levy, a qualified school corporation must levy against the assessed valuation of the qualified school corporation a total school tax rate sufficient to generate an amount equal to the amount of revenues deposited in the fund in calendar year 1979.
As added by P.L.2-2006, SEC.168.

IC 20-45-8-22
Calculation; tax levy
Sec. 22. (a) The amount to be raised by the tax shall be determined in any calendar year by the county auditor and certified to by the board of county commissioners before the time for making the county budgets in the year.

(b) The amount is the total of the entitlements of all qualified school corporations.

(c) The entitlement of each qualified school corporation calculated in a calendar year is an amount equal to the result determined under STEP TWO of the following formula:

STEP ONE: Calculate the quotient of:

(A) the total amount deposited in the fund in calendar year 1979 or the first year in which a deposit was made, whichever is later; divided by

(B) the total ADM of the immediately preceding school year of qualified school corporations that received money from the fund in 1979.

STEP TWO: Calculate the product of:

(A) the STEP ONE result; multiplied by

(B) the ADM of the immediately preceding school year of the qualified school corporation that received money from the fund in 1979.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-23

Distribution; revenue in addition to other levies

Sec. 23. The entitlement of a receiving qualified school corporation may not have the effect of reducing the total school tax rate of the qualified school corporation below the total school tax rate prevailing in any paying qualified school corporation. Any entitlement payable under this chapter shall be reduced so as not to produce that effect. However, the entitlement of a receiving qualified school corporation that levies its maximum tuition support levy shall not be affected by the receiving qualified school corporation's tax rate.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-24

Duty; levy of countywide tax; amount

Sec. 24. (a) The board of county commissioners shall levy a tax rate on all the real and taxable personal property in the county that is sufficient to raise the total of the entitlements in the same manner as other county property tax rates are levied.

(b) If the board of county commissioners fails in any calendar year to levy the tax rate required by this chapter, the department of local government finance shall certify the amount of the tax levy to the county auditor. The certified rate shall be the tax for the calendar year. The tax shall be collected and received by the county treasurer in the same manner as other county property taxes are collected.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-25

Distribution to school corporations

Sec. 25. (a) The money received into the fund in any calendar year shall be paid to the qualified school corporations in accordance with their entitlements, determined in the immediately preceding calendar year, in the same manner as other tax distributions.

(b) A qualified school corporation has the same rights to advance payments of a distribution from the fund as the qualified school corporation's right to advance payments of other property taxes.

(c) If the tax receipts in the county school distribution fund in any calendar year are less than the total of the entitlements for any reason, on account of delinquencies in collection or otherwise, each entitlement shall be reduced in the same percentage so that the entire

fund is exhausted.

(d) If the tax receipts in any calendar year are more than the total of the entitlements because of the collection of delinquencies for prior years, each entitlement shall be increased in the same percentage so that the entire fund is exhausted.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-26

Budget

Sec. 26. In making its budget, each qualified school corporation shall take into account its anticipated receipts from the fund. The county auditor, before July 15 of each year, shall certify to each qualified school corporation the amount of its entitlement from the fund to be used in the preparation of its budget. Any qualified school corporation may also appropriate its entitlement by emergency appropriation in the same manner as any property tax receipt.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-27

Distribution; revenue in addition to state tuition support

Sec. 27. The tax provided by this chapter may not operate to diminish the amount of state tuition support or other aid given by the state.

As added by P.L.2-2006, SEC.168.

IC 20-45-8-28

Certification; other information

Sec. 28. The department of local government finance and the state superintendent shall make certifications of any information in their possession, or any other certifications required by this chapter that will facilitate this chapter's execution.

As added by P.L.2-2006, SEC.168.

IC 20-46

ARTICLE 46. LEVIES OTHER THAN GENERAL FUND LEVIES

IC 20-46-1

Chapter 1. Referendum Tax Levy

IC 20-46-1-1

"Base tax levy"

Sec. 1. As used in this chapter, "base tax levy" means the total dollar amount of the property tax levied by a school corporation for the school corporation's general fund for taxes collectible in 1973, assuming one hundred percent (100%) tax collection, as adjusted under IC 6-1.1-19-4.4(a)(4) (before its repeal), IC 6-1.1-19-4.5(c) (before its repeal), IC 6-1.1-19-6(b) (before its repeal), and IC 6-1.1-19-6(c) (before its repeal).

As added by P.L.2-2006, SEC.169.

IC 20-46-1-2

Repealed

(*Repealed by P.L.146-2008, SEC.810.)*

IC 20-46-1-3

"Fund"

Sec. 3. As used in this chapter, "fund" refers to the referendum tax levy fund.

As added by P.L.2-2006, SEC.169.

IC 20-46-1-4

"Levy"

Sec. 4. As used in this chapter, "levy" refers to the property tax levy imposed under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-1-5

"Referendum"

Sec. 5. As used in this chapter, "referendum" refers to a referendum under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-1-6

Power; levy

Sec. 6. A school corporation may impose a referendum tax levy for the school corporation's fund in the amount allowed under:

(1) section 7 of this chapter;

(2) sections 8 through 19 of this chapter; or

(3) both subdivisions (1) and (2).

As added by P.L.2-2006, SEC.169.

IC 20-46-1-7

Transfer of certain levies from general fund

Sec. 7. (a) This section applies to a school corporation that added an amount to the school corporation's base tax levy before 2002 as the result of the approval of an excessive tax levy by the majority of individuals voting in a referendum held in the area served by the school corporation under IC 6-1.1-19-4.5 (before its repeal).

(b) A school corporation may adopt a resolution before September 21, 2005, to transfer the power of the school corporation to levy the amount described in subsection (a) from the school corporation's general fund to the school corporation's fund. A school corporation that adopts a resolution under this section shall, as soon as practicable after adopting the resolution, send a certified copy of the resolution to the department of local government finance and the county auditor. A school corporation that adopts a resolution under this section may, for property taxes first due and payable after 2005, levy an additional amount for the fund that does not exceed the amount of the excessive tax levy added to the school corporation's base tax levy before 2002.

(c) The power of the school corporation to impose the levy transferred to the fund under this section expires December 31, 2012, unless:

(1) the school corporation adopts a resolution to reimpose or extend the levy; and

(2) the levy is approved, before January 1, 2013, by a majority of the individuals who vote in a referendum that is conducted in accordance with the requirements in this chapter.

As soon as practicable after adopting the resolution under subdivision (1), the school corporation shall send a certified copy of the resolution to the department of local government finance and the county auditor. However, if requested by the school corporation in the resolution adopted under subdivision (1), the question of reimposing or extending a levy transferred to the fund under this section may be combined with a question presented to the voters to reimpose or extend a levy initially imposed after 2001. A levy reimposed or extended under this subsection shall be treated for all purposes as a levy reimposed or extended under this chapter.

(d) The school corporation's levy under this section may not be considered in the determination of the school corporation's state tuition support distribution under IC 20-43 or the determination of any other property tax levy imposed by the school corporation.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.494; P.L.182-2009(ss), SEC.345; P.L.41-2010, SEC.5.

IC 20-46-1-8

Resolution for referendum levy; purposes of referendum levy

Sec. 8. (a) Subject to this chapter, the governing body of a school corporation may adopt a resolution to place a referendum under this chapter on the ballot for either of the following purposes:

(1) The governing body of the school corporation determines that it cannot, in a calendar year, carry out its public educational

duty unless it imposes a referendum tax levy under this chapter.

(2) The governing body of the school corporation determines that a referendum tax levy under this chapter should be imposed to replace property tax revenue that the school corporation will not receive because of the application of the credit under IC 6-1.1-20.6.

(b) The governing body of the school corporation shall certify a copy of the resolution to the department of local government finance, including (in the case of a resolution certified to the department of local government finance after April 30, 2011) the language for the question required by section 10 of this chapter. In the case of a resolution certified to the department of local government finance after April 30, 2011, the department shall review the language for compliance with section 10 of this chapter and either approve or reject the language. The department shall send its decision to the governing body of the school corporation not more than ten (10) days after the resolution is submitted to the department. If the language is approved, the governing body of the school corporation shall certify a copy of the resolution, including the language for the question and the department's approval, to:

(1) the county fiscal body (for informational purposes only); and

(2) the circuit court clerk;

of each county in which the school corporation is located.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.495; P.L.41-2010, SEC.6; P.L.198-2011, SEC.5.

IC 20-46-1-9

Referendum

Sec. 9. A referendum tax levy under this chapter may be put into effect only if a majority of the individuals who vote in a referendum that is conducted in accordance with this section and sections 10 through 19 of this chapter approves the appellant school corporation's making a levy for the ensuing calendar year.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.496.

IC 20-46-1-10

Form; referendum question

Sec. 10. The question to be submitted to the voters in the referendum must read as follows:

"For the __ (insert number) calendar year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed _____ (insert amount) cents ($0.__) (insert amount) on each one hundred dollars ($100) of assessed valuation and that is in addition to all other property tax levies imposed by the school corporation?".

As added by P.L.2-2006, SEC.169. Amended by P.L.113-2010, SEC.97.

IC 20-46-1-10.5
Distribution of levy approved in referendum

Sec. 10.5. (a) This section applies to taxes first due and payable in 2012 or a subsequent year.

(b) The county auditor shall distribute proceeds collected from an allocation area (as defined in IC 6-1.1-21.2-3) that are attributable to property taxes imposed after being approved by the voters in a referendum conducted after April 30, 2010, to the taxing unit for which the referendum was conducted.

(c) The amount to be distributed under subsection (b) shall be treated as part of the referendum levy for purposes of setting tax rates for property taxes imposed after being approved by the voters in a referendum conducted after April 30, 2010.

As added by P.L.203-2011, SEC.4.

IC 20-46-1-11
Maximum term of levy

Sec. 11. The voters in a referendum may not approve a levy that is imposed for more than seven (7) years. However, a levy may be reimposed or extended under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-1-12
Repealed

(*Repealed by P.L.198-2011, SEC.11.)*

IC 20-46-1-13
Circuit court clerk duties

Sec. 13. Each circuit court clerk shall, upon receiving the question certified by the governing body of a school corporation under this chapter, call a meeting of the county election board to make arrangements for the referendum.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.498; P.L.198-2011, SEC.6.

IC 20-46-1-14
Date of referendum

Sec. 14. (a) The referendum shall be held in the next primary election, general election, or municipal election in which all the registered voters who are residents of the appellant school corporation are entitled to vote after certification of the question under IC 3-10-9-3. The certification of the question must occur not later than noon:

(1) sixty (60) days before a primary election if the question is to be placed on the primary or municipal primary election ballot; or

(2) August 1 if the question is to be placed on the general or municipal election ballot.

However, if a primary election, general election, or municipal election will not be held during the first year in which the public

question is eligible to be placed on the ballot under this chapter and if the appellant school corporation requests the public question to be placed on the ballot at a special election, the public question shall be placed on the ballot at a special election to be held on the first Tuesday after the first Monday in May or November of the year. The certification must occur not later than noon sixty (60) days before a special election to be held in May (if the special election is to be held in May) or noon on August 1 (if the special election is to be held in November).

(b) If the referendum is not conducted at a primary election, general election, or municipal election, the appellant school corporation in which the referendum is to be held shall pay all the costs of holding the referendum.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.499; P.L.113-2010, SEC.98.

IC 20-46-1-15

Duties; county election board

Sec. 15. Each county election board shall cause:

(1) the question certified to the circuit court clerk by the governing body of a school corporation to be placed on the ballot in the form prescribed by IC 3-10-9-4; and

(2) an adequate supply of ballots and voting equipment to be delivered to the precinct election board of each precinct in which the referendum is to be held.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.500; P.L.198-2011, SEC.7.

IC 20-46-1-16

Qualified voters

Sec. 16. The individuals entitled to vote in the referendum are all of the registered voters resident in the appellant school corporation.

As added by P.L.2-2006, SEC.169.

IC 20-46-1-17

Conduct of election

Sec. 17. Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum and shall certify those two (2) totals to the county election board of each county in which the referendum is held. The circuit court clerk of each county shall, immediately after the votes cast in the referendum have been counted, certify the results of the referendum to the department of local government finance. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question:

(1) the department of local government finance shall promptly notify the school corporation that the school corporation is authorized to collect, for the calendar year that next follows the calendar year in which the referendum is held, a levy not greater than the amount approved in the referendum;

(2) the levy may be imposed for the number of calendar years

approved by the voters following the referendum for the school corporation in which the referendum is held; and

(3) the school corporation shall establish a fund under IC 20-40-3-1.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.501; P.L.198-2011, SEC.8.

IC 20-46-1-18

Levy; additional to other levies

Sec. 18. A school corporation's levy may not be considered in the determination of the school corporation's state tuition support distribution under IC 20-43 or the determination of any other property tax levy imposed by the school corporation.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.502; P.L.1-2009, SEC.126.

IC 20-46-1-19

Rejection of voters; waiting period

Sec. 19. If a majority of the persons who voted in the referendum did not vote "yes" on the referendum question:

(1) the school corporation may not make any levy for its referendum tax levy fund; and

(2) another referendum under this section may not be held for one (1) year after the date of the referendum.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.503.

IC 20-46-1-19.5

Limitations on successive referenda

Sec. 19.5. (a) If a referendum is approved by the voters in a school corporation under this chapter in a calendar year, another referendum may not be placed on the ballot in the school corporation under this chapter in the following calendar year.

(b) Notwithstanding any other provision of this chapter and in addition to the restriction specified in subsection (a), if a school corporation imposes in a calendar year a referendum levy approved in a referendum under this chapter, the school corporation may not simultaneously impose in that calendar year more than one (1) additional referendum levy approved in a subsequent referendum under this chapter.

As added by P.L.198-2011, SEC.9.

IC 20-46-1-20

Restrictions on promoting a position on a referendum

Sec. 20. (a) Except as otherwise provided in this section, during the period beginning with the adoption of a resolution by the governing body of a school corporation to place a referendum under this chapter on the ballot and continuing through the day on which the referendum is submitted to the voters, the school corporation may not promote a position on the referendum by doing any of the

following:

(1) Using facilities or equipment, including mail and messaging systems, owned by the school corporation to promote a position on the referendum, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the school corporation.

(2) Making an expenditure of money from a fund controlled by the school corporation to promote a position on the referendum.

(3) Using an employee to promote a position on the referendum during the employee's normal working hours or paid overtime, or otherwise compelling an employee to promote a position on the referendum at any time. However, if a person described in subsection (d) is advocating for or against a position on the referendum or discussing the referendum as authorized under subsection (d), an employee of the school corporation may assist the person in presenting information on the referendum, if requested to do so by the person described in subsection (d).

(4) Promoting a position on the referendum by:

(A) using students to transport written materials to their residences or in any way involving students in a school organized promotion of a position;

(B) including a statement within another communication sent to the students' residences; or

(C) initiating discussion of the referendum at a meeting between a teacher and parents of a student regarding the student's performance or behavior at school. However, if the parents initiate a discussion of the referendum at the meeting, the teacher may acknowledge the issue and direct the parents to a source of factual information on the referendum.

However, this section does not prohibit an official or employee of the school corporation from carrying out duties with respect to a referendum that are part of the normal and regular conduct of the official's or employee's office or agency, including the furnishing of factual information regarding the referendum in response to inquiries from any person.

(b) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes the referendum.

(c) This subsection does not apply to:

(1) a personal expenditure to promote a position on a local public question by an employee of a school corporation whose employment is governed by a collective bargaining contract or an employment contract; or

(2) an expenditure to promote a position on a local public question by a person or an organization that has a contract or an arrangement (whether formal or informal) with the school corporation solely for the use of the school corporation's facilities.

A person or an organization that has a contract or arrangement

(whether formal or informal) with a school corporation to provide goods or services to the school corporation may not spend any money to promote a position on the petition or remonstrance. A person or an organization that violates this subsection commits a Class A infraction.

(d) Notwithstanding any other law, an elected or appointed school board member or a school corporation superintendent, school corporation assistant superintendent, or chief school business official of a school corporation may at any time:

(1) personally advocate for or against a position on a referendum; or

(2) discuss the referendum with any individual, group, or organization or personally advocate for or against a position on a referendum before any individual, group, or organization;

so long as it is not done by using public funds. Advocacy or discussion allowed under this subsection is not considered a use of public funds. However, this subsection does not authorize or apply to advocacy or discussion by a school board member, superintendent, assistant superintendent, or school business official to or with students that occurs during the regular school day.

(e) A student may use school equipment or facilities to report or editorialize about a local public question as part of the news coverage of the referendum by a student newspaper or broadcast.

As added by P.L.198-2011, SEC.10.

IC 20-46-2
Repealed

(*Repealed by P.L.146-2008, SEC.809.)*

IC 20-46-3

Chapter 3. Racial Balance Levy

IC 20-46-3-1

Application

Sec. 1. This chapter applies to a school corporation that:

(1) is located in Allen County;

(2) is a party to a lawsuit alleging that its schools are segregated in violation of the Constitution of the United States or federal law;

(3) desires to improve or maintain racial balance among two (2) or more schools within the school corporation, regardless of the school corporation's basis for desiring to improve or maintain racial balance; and

(4) has a minority student enrollment that comprises at least ten percent (10%) of its total student enrollment, using the most recent enrollment data available to the school corporation.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to a racial balance fund.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-3

"Levy"

Sec. 3. As used in this chapter, "levy" refers to a levy imposed under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-4

"Minority student"

Sec. 4. As used in this chapter, "minority student" means a student who is black, Spanish American, Asian American, or American Indian.

As added by P.L.2-2006, SEC.169.

IC 20-46-3-5

Appeal

Sec. 5. A school corporation may petition the department of local government finance to impose a property tax to raise revenue for the purposes of the fund. However, before a school corporation may impose a property tax under this chapter, the school corporation must file a petition with the department of local government finance under IC 6-1.1-19. The petition must be filed before June 1 of the year preceding the first year the school corporation desires to impose the property tax and must include the following:

(1) The name of the school corporation.

(2) A settlement agreement among the parties to a desegregation

lawsuit that includes the program that will improve or maintain racial balance in the school corporation.

(3) The proposed levy.

(4) Any other item required by the department of local government finance.

As added by P.L.2-2006, SEC.169. Amended by P.L.182-2009(ss), SEC.346.

IC 20-46-3-6

Recommendation; tax control board

Sec. 6. Subject to IC 6-1.1-18.5-9.9, the department of local government finance may allow a school corporation to establish a levy. The amount of the levy shall be determined each year and the levy may not exceed the lesser of the following:

(1) The revenue derived from a tax rate of eight and thirty-three hundredths cents ($0.0833) for each one hundred dollars ($100) of assessed valuation within the school corporation.

(2) The revenue derived from a tax rate equal to the difference between the maximum rate allowed for the school corporation's capital projects fund under IC 20-46-6 minus the actual capital projects fund rate that will be in effect for the school corporation for a particular year.

As added by P.L.2-2006, SEC.169. Amended by P.L.182-2009(ss), SEC.347.

IC 20-46-3-7

Review; approval; department of local government finance

Sec. 7. The department of local government finance shall review the petition of the school corporation and:

(1) disapprove the petition if the petition does not comply with this section;

(2) approve the petition; or

(3) approve the petition with modifications.

As added by P.L.2-2006, SEC.169. Amended by P.L.182-2009(ss), SEC.348.

IC 20-46-3-8

Repealed

(*Repealed by P.L.146-2008, SEC.810.)*

IC 20-46-3-9

Deposit of proceeds; fund

Sec. 9. Money received from a levy shall be deposited in the school corporation's fund.

As added by P.L.2-2006, SEC.169.

IC 20-46-4

Chapter 4. School Transportation Levy

IC 20-46-4-1

"Costs attributable to transportation"

Sec. 1. As used in this chapter, "costs attributable to transportation" has the meaning set forth in IC 20-40-6-1.

As added by P.L.2-2006, SEC.169.

IC 20-46-4-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the school transportation fund.

As added by P.L.2-2006, SEC.169.

IC 20-46-4-3

"Last state transportation distribution"

Sec. 3. As used in this chapter, "last state transportation distribution" means the total amount of state funding received by a school corporation for transportation costs:

(1) under IC 21-3-3.1-1 through IC 21-3-3.1-3 (before their repeal) after June 30, 2003, and before July 1, 2004; and

(2) for special education and vocational programs under IC 21-3-3.1-4 (before its repeal) after June 30, 2003, and before July 1, 2004;

multiplied by two (2).

As added by P.L.2-2006, SEC.169.

IC 20-46-4-4

"Levy"

Sec. 4. As used in this chapter, "levy" refers to a levy under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-4-5

Powers; levy

Sec. 5. Each school corporation may levy for the calendar year a property tax for the fund sufficient to pay all operating costs attributable to transportation.

As added by P.L.2-2006, SEC.169.

IC 20-46-4-6

Maximum levy

Sec. 6. (a) The levy imposed for an assessment date before January 16, 2011, may not exceed the maximum permissible levy permitted under this section as this section was effective on January 1, 2011.

(b) The levy imposed for an assessment date after January 15, 2011, may not exceed the amount determined by multiplying:

(1) the school corporation's maximum permissible levy for the

fund for the previous year under this chapter, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year); by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

As added by P.L.2-2006, SEC.169. Amended by P.L.234-2007, SEC.263; P.L.124-2011, SEC.2.

IC 20-46-4-7

Levy procedures

Sec. 7. The tax rate and levy for the fund shall be established as a part of the annual budget for the calendar year in accordance with IC 6-1.1-17.

As added by P.L.2-2006, SEC.169.

IC 20-46-4-8

Use of surplus revenue

Sec. 8. If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.

As added by P.L.2-2006, SEC.169.

IC 20-46-4-9

Repealed

(*Repealed by P.L.146-2008, SEC.810.)*

IC 20-46-4-10

Appeal; increased fuel or other costs; increase in maximum levy

Sec. 10. (a) A school corporation may appeal to the department of local government finance under IC 6-1.1-19 to increase the maximum levy permitted for the school corporation's fund. To be granted an increase by the department of local government finance, the school corporation must establish that the increase is necessary because of a transportation operating cost increase of at least ten percent (10%) over the preceding year as a result of at least one (1) of the following:

(1) A fuel expense increase.

(2) A significant increase in the number of students enrolled in the school corporation that need transportation or a significant increase in the mileage traveled by the school corporation's buses compared with the previous year.

(3) A significant increase in the number of students enrolled in special education who need transportation or a significant increase in the mileage traveled by the school corporation's buses due to students enrolled in special education as compared with the previous year.

(4) Increased transportation operating costs due to compliance with a court ordered desegregation plan.

(5) The closure of a school building within the school corporation that results in a significant increase in the distances that students must be transported to attend another school building.

In addition, before the department of local government finance may grant a maximum levy increase, the school corporation must establish that the school corporation will be unable to provide transportation services without an increase. The department of local government finance may grant a maximum operating costs levy increase that is less than the increase requested by the school corporation.

(b) If the department of local government finance determines that a permanent increase in the maximum permissible levy is necessary, the maximum levy after the increase granted under this section becomes the school corporation's maximum permissible levy under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-5

Chapter 5. School Bus Replacement Levy

IC 20-46-5-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to the school bus replacement fund.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-2

"Levy"

Sec. 2. As used in this chapter, "levy" refers to a levy imposed under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-3

"Plan"

Sec. 3. As used in this chapter, "plan" refers to a school bus acquisition plan adopted or amended under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-4

Authority to impose levy; limits

Sec. 4. Each school corporation may levy for a calendar year a property tax for the fund in accordance with the school bus acquisition plan adopted under this chapter. The levy imposed for the March 1, 2011, and January 15, 2012, assessment dates may not exceed the amount approved by the department of local government finance under section 5 of this chapter and IC 6-1.1-17. In setting the levy for the March 1, 2011, and January 15, 2012, assessment dates, the department of local government finance shall evaluate whether the levy proposed by a school corporation exceeds the reasonable needs of the school corporation to carry out the purposes of the fund and approve a levy that does not exceed the reasonable needs of the school corporation to carry out the purposes of this chapter. In making its determination, the department of local government finance may consider whether a school corporation has in a previous year transferred money from the fund to the school corporation's rainy day fund or a fund other than the school bus replacement fund. A levy imposed for an assessment date after January 15, 2012, may not exceed an amount determined by multiplying:

(1) the school corporation's maximum permissible levy determined under this section for the previous year, after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year (regardless of whether the school corporation imposed the entire amount of the maximum permissible levy in the immediately preceding year); by

(2) the assessed value growth quotient determined under IC 6-1.1-18.5-2.

As added by P.L.2-2006, SEC.169. Amended by P.L.172-2011, SEC.123.

IC 20-46-5-5
Levy procedures

Sec. 5. The levy tax rate and the levy shall be established as a part of the annual budget for the calendar year in accordance with IC 6-1.1-17.

As added by P.L.2-2006, SEC.169.

IC 20-46-5-6
Repealed

(*Repealed by P.L.1-2010, SEC.156.)*

IC 20-46-5-6.1
Plan; school corporation outside South Bend

Sec. 6.1. (a) This section does not apply to a school corporation that elects to adopt a budget under IC 6-1.1-17-5.6, unless a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of the school corporation is in effect.

(b) Before a governing body may collect property taxes for the fund in a particular calendar year, the governing body must, after January 1 and not later than November 1 of the immediately preceding year:

(1) conduct a public hearing on; and

(2) pass a resolution to adopt;

a plan.

As added by P.L.182-2009(ss), SEC.349. Amended by P.L.111-2010, SEC.3; P.L.172-2011, SEC.124.

IC 20-46-5-7
Plan; school corporation in South Bend

Sec. 7. (a) This section applies only to a school corporation that elects to adopt a budget under IC 6-1.1-17-5.6.

(b) This section does not apply to the school corporation if a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of the school corporation is in effect.

(c) Before the governing body of the school corporation may collect property taxes for the fund in a particular calendar year, the governing body must, after January 1 and on or before February 1 of the immediately preceding year:

(1) conduct a public hearing on; and

(2) pass a resolution to adopt;

a plan.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.505; P.L.182-2009(ss), SEC.350; P.L.111-2010, SEC.4.

IC 20-46-5-8
Form; plan

Sec. 8. (a) The department of local government finance shall

prescribe the format of the plan.

(b) A plan must apply to at least the twelve (12) budget years immediately following the year the plan is adopted.

(c) A plan must at least include the following:

(1) An estimate for each year to which it applies of the nature and amount of proposed expenditures from the fund.

(2) A presumption that the minimum useful life of a school bus is not less than twelve (12) years.

(3) An identification of:

(A) the source of all revenue to be dedicated to the proposed expenditures in the upcoming budget year; and

(B) the amount of property taxes to be collected in that year and the unexpended balance to be retained in the fund for expenditures proposed for a later year.

(4) If the school corporation is seeking to:

(A) acquire; or

(B) contract for transportation services that will provide;

additional school buses or school buses with a larger seating capacity as compared with the number and type of school buses from the prior school year, evidence of a demand for increased transportation services within the school corporation. Clause (B) does not apply if contracted transportation services are not paid from the fund.

(5) If the school corporation is seeking to:

(A) replace an existing school bus earlier than twelve (12) years after the existing school bus was originally acquired; or

(B) require a contractor to replace a school bus;

evidence that the need exists for the replacement of the school bus. Clause (B) does not apply if contracted transportation services are not paid from the fund.

(6) Evidence that the school corporation that seeks to acquire additional school buses under this section is acquiring or contracting for the school buses only for the purposes specified in subdivision (4) or for replacement purposes.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.506.

IC 20-46-5-9

Review of plan; department of local government finance

Sec. 9. After reviewing the plan, the department of local government finance shall certify its approval, disapproval, or modification of the plan to the governing body and the county auditor of the county. The action of the department of local government finance with respect to the plan is final.

As added by P.L.2-2006, SEC.169. Amended by P.L.182-2009(ss), SEC.351.

IC 20-46-5-10

Plan; amendments

Sec. 10. (a) A governing body may amend a plan. When an amendment to a plan is required, the governing body must:

(1) declare the nature of and the need for the amendment; and

(2) show cause as to why the original plan no longer meets the needs of the school corporation.

(b) The governing body must then conduct a public hearing on and pass a resolution to adopt the amendment to the plan.

(c) The plan, as proposed to be amended, must comply with the requirements for a plan under section 8 of this chapter.

(d) An amendment to the plan is not subject to the deadlines for adoption described in section 6.1 or 7 of this chapter. However, the amendment to the plan must be submitted to the department of local government finance for its consideration and is subject to approval, disapproval, or modification in accordance with the procedures for adopting a plan set forth in this chapter.

As added by P.L.2-2006, SEC.169. Amended by P.L.182-2009(ss), SEC.352.

IC 20-46-5-11

Notice publication requirements

Sec. 11. If a public hearing is scheduled under this chapter, the governing body shall publish a notice of the public hearing and the proposed plan or amendment to the plan in accordance with IC 5-3-1-2(b).

As added by P.L.2-2006, SEC.169. Amended by P.L.1-2007, SEC.154.

IC 20-46-5-12

Limitation; reduction of levy; lease agreement with Indiana bond bank

Sec. 12. (a) If:

(1) a school corporation enters into a lease agreement with the Indiana bond bank for the lease of one (1) or more school buses under IC 5-1.5-4-1(a)(5);

(2) the lease agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under section 9 of this chapter; and

(3) in the first full fiscal year after the effective date of the lease agreement, there would otherwise be a reduction in the levy in an amount equal to the difference between the total purchase price of the bus or buses and the total rental payment due under the lease agreement;

the levy in that fiscal year may not be reduced by the amount of the reduction.

(b) Any or all of the amount of that part of the levy may, on or before the end of the year of its collection, be:

(1) retained in the fund;

(2) transferred to the school transportation fund established under IC 20-40-6-4; or

(3) transferred to the capital projects fund established under IC 20-40-8-6.

As added by P.L.234-2007, SEC.264.

IC 20-46-6

Chapter 6. Capital Projects Levy

IC 20-46-6-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to the capital projects fund.

As added by P.L.2-2006, SEC.169.

IC 20-46-6-2

"Levy"

Sec. 2. As used in this chapter, "levy" refers to a levy imposed under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-6-3

"Plan"

Sec. 3. As used in this chapter, "plan" refers to a plan adopted or amended under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-6-4

"Qualified utility and insurance costs"

Sec. 4. As used in this chapter, "qualified utility and insurance costs" refers to costs described in IC 20-40-8-19.

As added by P.L.2-2006, SEC.169.

IC 20-46-6-5

Governing body may impose property tax rate; amount; advertisement

Sec. 5. Subject to IC 6-1.1-18-12 and IC 6-1.1-18.5-9.9, to provide for the fund, the governing body may, for each year in which a plan is in effect, impose a property tax rate that does not exceed forty-one and sixty-seven hundredths cents ($0.4167) on each one hundred dollars ($100) of assessed valuation of the school corporation. The actual rate imposed by the governing body must be advertised in the same manner as other property tax rates.

As added by P.L.2-2006, SEC.169. Amended by P.L.154-2006, SEC.69.

IC 20-46-6-6

Additional levy; qualified utility and insurance costs

Sec. 6. (a) This section applies only for a calendar year for which IC 20-40-8-19 permits a school corporation to pay qualified utility and insurance costs from the fund.

(b) For a year in which a school corporation uses money from the school corporation's fund to pay for qualified utility and insurance costs, the school corporation may impose a property tax rate that exceeds the rate described in section 5 of this chapter. The amount by which the property tax rate may exceed the rate described in

section 5 of this chapter equals the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the school corporation's qualified utility and insurance costs for the calendar year.

STEP TWO: Determine the quotient of:

(A) the STEP ONE amount; divided by

(B) the school corporation's assessed valuation for the year.

STEP THREE: Determine the product of:

(A) the STEP TWO amount; multiplied by

(B) one hundred (100).

As added by P.L.2-2006, SEC.169.

IC 20-46-6-7

Additional levy; advance from educational technology program

Sec. 7. A school corporation receiving an advancement for an educational technology program may annually impose a levy for the fund as provided in IC 20-49-4-22.

As added by P.L.2-2006, SEC.169.

IC 20-46-6-8

Repealed

(*Repealed by P.L.1-2010, SEC.156.)*

IC 20-46-6-8.1

Plan; school corporation outside South Bend

Sec. 8.1. (a) This section does not apply to a school corporation that elects to adopt a budget under IC 6-1.1-17-5.6, unless a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of the school corporation is in effect.

(b) Before a governing body may collect property taxes for a capital projects fund in a particular year, the governing body must:

(1) after January 1; and

(2) not later than November 1;

of the immediately preceding year, hold a public hearing on a proposed or amended plan and pass a resolution to adopt the proposed or amended plan.

As added by P.L.182-2009(ss), SEC.353. Amended by P.L.111-2010, SEC.5; P.L.172-2011, SEC.125.

IC 20-46-6-9

Plan; school corporation in South Bend

Sec. 9. (a) This section applies only to a school corporation that elects to adopt a budget under IC 6-1.1-17-5.6. However, this section does not apply to the school corporation if a resolution adopted under IC 6-1.1-17-5.6(d) by the governing body of the school corporation is in effect.

(b) Before the governing body of the school corporation may collect property taxes for a fund in a particular year, the governing body must:

(1) after January 1; and

(2) before February 2;

of the immediately preceding year, hold a public hearing on a proposed or amended plan and pass a resolution to adopt the proposed or amended plan.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.508; P.L.182-2009(ss), SEC.354; P.L.111-2010, SEC.6.

IC 20-46-6-10

Form of plan

Sec. 10. (a) The department of local government finance shall prescribe the format of the plan.

(b) A plan must:

(1) apply to at least the three (3) years immediately following the year the plan is adopted;

(2) estimate for each year to which the plan applies the nature and amount of proposed expenditures from the fund; and

(3) estimate:

(A) the source of all revenue to be dedicated to the proposed expenditures in the upcoming calendar year; and

(B) the amount of property taxes to be collected in the upcoming calendar year and retained in the fund for expenditures proposed for a later year.

As added by P.L.2-2006, SEC.169.

IC 20-46-6-11

Publication of proposed plan or plan amendment

Sec. 11. If a hearing is scheduled for a plan, the governing body shall publish the proposed plan and a notice of the hearing in accordance with IC 5-3-1-2(b).

As added by P.L.2-2006, SEC.169.

IC 20-46-6-12

Notice publication requirements

Sec. 12. A governing body shall publish a notice of the adoption or amendment of a plan in accordance with IC 5-3-1-2(b). This publication must be made not later than twenty (20) days after the county auditor posts and publishes the notice of the school corporation's tax rate for the ensuing calendar year.

As added by P.L.2-2006, SEC.169.

IC 20-46-6-13

Remonstrance

Sec. 13. (a) In the first year that a plan is proposed, ten (10) or more taxpayers that will be affected by the adopted plan may file a petition with the county auditor of a county in which the school corporation is located not later than ten (10) days after the publication under section 12 of this chapter. The petition must set forth the taxpayers' objections to the proposed plan.

(b) After the first year a plan is proposed, ten (10) or more taxpayers that will be affected by the adopted plan may file a petition

with the county auditor of a county in which the school corporation is located not later than ten (10) days after the publication under section 12 of this chapter. The petition must set forth the taxpayers' objections to any item in the proposed plan or amendment to the plan that does not concern a construction project that had previously been included in a plan.

(c) The county auditor shall immediately certify a petition filed under this section to the department of local government finance.

As added by P.L.2-2006, SEC.169.

IC 20-46-6-14

Hearing

Sec. 14. (a) The department of local government finance shall within a reasonable time fix a date for a hearing on a petition filed under section 13 of this chapter. The hearing shall be held in a county in which the school corporation is located.

(b) The department of local government finance shall notify:

(1) the governing body; and

(2) the first ten (10) taxpayers whose names appear on the petition;

at least five (5) days before the date fixed for the hearing.

As added by P.L.2-2006, SEC.169.

IC 20-46-6-15

Review; approval; department of local government finance

Sec. 15. After a hearing on the petition under section 14 of this chapter, the department of local government finance shall certify its approval, disapproval, or modification of the plan to the governing body and the county auditor of the county.

As added by P.L.2-2006, SEC.169. Amended by P.L.182-2009(ss), SEC.355.

IC 20-46-6-16

Appeal; judicial review

Sec. 16. A governing body may petition for judicial review of the final determination of the department of local government finance under section 15 of this chapter. The petition must be filed in the tax court not more than forty-five (45) days after the department of local government finance certifies its action under section 15 of this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-6-17

Plan; amendment

Sec. 17. (a) A governing body may amend a plan to:

(1) provide money for the purposes of the fund; or

(2) supplement money accumulated in the fund for the purposes of the fund.

(b) Subject to any notice and hearing requirements, a school corporation may amend a plan to include expenditures under

IC 20-40-8-19.
As added by P.L.2-2006, SEC.169.

IC 20-46-6-18
Public hearing on amendment not related to emergency

Sec. 18. (a) This section applies to an amendment to a plan that is required by a reason other than an emergency.

(b) The governing body must hold a public hearing on the proposed amendment. At the hearing, the governing body must declare the nature of and the need for the amendment and pass a resolution to adopt the amendment to the plan.

(c) The plan, as proposed to be amended, must comply with the requirements for a plan under section 10 of this chapter. The governing body must publish the proposed amendment to the plan and notice of the hearing in accordance with IC 5-3-1-2(b).

(d) An amendment to the plan:

(1) is not subject to the deadline for adoption described in section 8.1 or 9 of this chapter;

(2) must be submitted to the department of local government finance for its consideration; and

(3) is subject to approval, disapproval, or modification in accordance with the procedures for adopting a plan.

As added by P.L.2-2006, SEC.169. Amended by P.L.182-2009(ss), SEC.356.

IC 20-46-6-19
Procedures; amendment related to emergency

Sec. 19. (a) This section applies to an amendment to a plan that is required by reason of an emergency that results in costs that exceed the amount accumulated in the fund for repair, replacement, or site acquisition that is necessitated by an emergency.

(b) The governing body is not required to comply with section 18 of this chapter.

(c) The governing body must immediately apply to the department of local government finance for a determination that an emergency exists. If the department of local government finance determines that an emergency exists, the governing body may adopt a resolution to amend the plan.

(d) An amendment to the plan is not subject to the deadline and the procedures for adoption described in section 8.1 or 9 of this chapter. However, the amendment is subject to modification by the department of local government finance.

As added by P.L.2-2006, SEC.169. Amended by P.L.182-2009(ss), SEC.357.

IC 20-46-6-20
Allowable plan provisions; use of money raised for a different purpose; borrowing from other funds

Sec. 20. An amendment adopted under section 18 or 19 of this chapter, may require any of the following:

(1) The payment of eligible costs from:

(A) money accumulated in the fund for other purposes; or

(B) money to be borrowed from other funds of the school corporation or from a financial institution.

(2) An increase in the property tax rate for the fund to restore money to the fund or to pay principal and interest on a loan. Any increase to the property tax rate for the fund is effective for property taxes first due and payable for the year next certified by the department of local government finance under IC 6-1.1-17-16. However, the property tax rate may not exceed the maximum rate established under section 5 of this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-7

Chapter 7. Debt Service Levy

IC 20-46-7-1

"Fund"

Sec. 1. As used in this chapter, "fund" refers to the debt service fund.

As added by P.L.2-2006, SEC.169.

IC 20-46-7-2

"Levy"

Sec. 2. As used in this chapter, "levy" refers to a levy imposed under this chapter.

As added by P.L.2-2006, SEC.169.

IC 20-46-7-3

"Obligation"

Sec. 3. As used in this chapter, "obligation" refers to any obligation that is permitted or required by law to be paid from the fund under IC 20-40-9 or another law.

As added by P.L.2-2006, SEC.169.

IC 20-46-7-4

Duty; levy

Sec. 4. The governing body of each school corporation shall establish a levy in every calendar year sufficient to pay all obligations.

As added by P.L.2-2006, SEC.169.

IC 20-46-7-5

Conditions; levy in excess of advertised levy

Sec. 5. If the advertised levy is insufficient to produce revenue to meet all obligations for any calendar year, the department of local government finance may establish a levy greater than advertised if necessary to meet the school corporation's obligations.

As added by P.L.2-2006, SEC.169.

IC 20-46-7-6

Levy; advance from state

Sec. 6. An amount equal to deductions made or to be made in the current year for the payment of principal and interest on an advancement from any state fund (including the common school fund and the veterans memorial school construction fund) may be included in a levy and appropriated and paid to the general fund.

As added by P.L.2-2006, SEC.169.

IC 20-46-7-7

Levy; advance; common school fund

Sec. 7. A school corporation receiving an advancement:

(1) under IC 20-49-2 may annually levy a tax for the fund as

provided in IC 20-49-2-16;

(2) for a school building construction program may annually levy a tax for the fund as provided in IC 20-49-4-21; or

(3) for an educational technology program may annually levy a tax for the fund as provided in IC 20-49-4-22.

As added by P.L.2-2006, SEC.169.

IC 20-46-7-8

Department of local government finance approval of school corporation indebtedness; exemption for school bus purchases or leases from the Indiana bond bank

Sec. 8. (a) This section does not apply to the following:

(1) Bonds or lease rental agreements for which a school corporation:

(A) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(B) in the case of bonds or lease rental agreements not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the bonds or lease rental agreement after June 30, 2008.

(2) Repayment from the debt service fund of loans made after June 30, 2008, for the purchase of school buses under IC 20-27-4-5.

(b) A school corporation must file a petition requesting approval from the department of local government finance to:

(1) incur bond indebtedness;

(2) enter into a lease rental agreement; or

(3) repay from the debt service fund loans made for the purchase of school buses under IC 20-27-4-5;

not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the school corporation demonstrates that a longer period is reasonable in light of the school corporation's facts and circumstances.

(c) A school corporation must obtain approval from the department of local government finance before the school corporation may:

(1) incur the indebtedness;

(2) enter into the lease agreement; or

(3) repay the school bus purchase loan.

(d) This restriction does not apply to property taxes that a school corporation levies to pay or fund bond or lease rental indebtedness created or incurred before July 1, 1974. In addition, this restriction does not apply to a lease agreement or a purchase agreement entered into between a school corporation and the Indiana bond bank for the lease or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease agreement or purchase agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under IC 21-2-11.5-3.1

(before its repeal) or IC 20-46-5.

(e) This section does not apply to school bus purchase loans made by a school corporation that will be repaid solely from the general fund of the school corporation.

As added by P.L.2-2006, SEC.169. Amended by P.L.192-2006, SEC.11; P.L.224-2007, SEC.116; P.L.146-2008, SEC.509.

IC 20-46-7-8.5

Review and approval by department of local government finance not required for certain bonds, leases, or other obligations

Sec. 8.5. (a) Notwithstanding any other provision, review by the department of local government finance and approval by the department of local government finance are not required before a school corporation may issue or enter into bonds, a lease, or any other obligation, if the school corporation:

(1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(2) in the case of bonds, leases, or other obligations not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the bonds, lease rental agreement, or other obligations after June 30, 2008.

(b) A school corporation is not required to obtain the approval of the department of local government finance before the school corporation may repay from the debt service fund any loans made after June 30, 2008, for the purchase of school buses under IC 20-27-4-5.

(c) This subsection applies after June 30, 2008. Notwithstanding any other provision, review by the department of local government finance and approval by the department of local government finance are not required before a school corporation may construct, alter, or repair a capital project.

As added by P.L.146-2008, SEC.510.

IC 20-46-7-9

Review by department of local government finance

Sec. 9. (a) This section applies only to an obligation subject to section 8 of this chapter. This section does not apply to bonded indebtedness or lease rental agreements for which a school corporation:

(1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(2) in the case of bonds or lease rental agreements not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the bonds or lease rental agreement after June 30, 2008.

(b) The department of local government finance may:

(1) approve;

(2) disapprove; or

(3) modify then approve;

a school corporation's proposed lease rental agreement, bond issue, or school bus purchase loan. Before the department of local government finance approves or disapproves a proposed lease rental agreement, bond issue, or school bus purchase loan, the department of local government finance may seek the recommendation of the tax control board.

(c) The department of local government finance shall render a decision not more than three (3) months after the date the department of local government finance receives a request for approval under section 8 of this chapter. However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department of local government finance sends notice of the extension to the executive officer of the school corporation.

As added by P.L.2-2006, SEC.169. Amended by P.L.224-2007, SEC.117; P.L.146-2008, SEC.511.

IC 20-46-7-10

Approval; required study of classroom space

Sec. 10. (a) This section applies only to an obligation described in section 8 of this chapter. This section does not apply to bonded indebtedness or lease rental agreements for which the school corporation:

(1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(2) in the case of bonds or lease rental agreements not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the bonds or lease rental agreement after June 30, 2008.

(b) The department of local government finance may not approve a school corporation's proposed lease rental agreement or bond issue to finance the construction of additional classrooms unless the school corporation first:

(1) establishes that additional classroom space is necessary; and

(2) conducts a feasibility study, holds public hearings, and hears public testimony on using a twelve (12) month school term (instead of the nine (9) month school term (as defined in IC 20-30-2-7)) rather than expanding classroom space.

(c) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department of local government finance enters its order under this section.

As added by P.L.2-2006, SEC.169. Amended by P.L.224-2007, SEC.118; P.L.146-2008, SEC.512.

IC 20-46-7-11

Approval; factors considered; no authority to review or approve financing

Sec. 11. (a) The department of local government finance in determining whether to approve or disapprove a school building construction project shall consider the following factors:

(1) The current and proposed square footage of school building space per student.

(2) Enrollment patterns within the school corporation.

(3) The age and condition of the current school facilities.

(4) The cost per square foot of the school building construction project.

(5) The effect that completion of the school building construction project would have on the school corporation's tax rate.

(6) Any other pertinent matter.

(b) The authority of the department of local government finance to determine whether to approve or disapprove a school building construction project does not after June 30, 2008, include the authority to review or approve the financing of the school building construction project.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.513; P.L.182-2009(ss), SEC.358.

IC 20-46-7-12

Maximum term of bonds

Sec. 12. (a) Except as provided by IC 5-1-14-10, the maximum term or repayment period for bonds issued by a school corporation for a school building construction project may not exceed twenty (20) years after the date of the issuance of the bonds.

(b) If a school corporation is an eligible school corporation under IC 5-1-5-2.5, the school corporation may extend the repayment period beyond the maximum repayment period that applied to the bond, loan, or lease at the time the obligation was incurred as provided by IC 5-1-5-2.5.

As added by P.L.2-2006, SEC.169. Amended by P.L.146-2008, SEC.514; P.L.229-2011, SEC.220.

IC 20-46-7-13

Annual review

Sec. 13. The department of local government finance shall annually conduct the review of debt service obligations (as defined in IC 20-48-1-11) required in IC 20-48-1-11.

As added by P.L.2-2006, SEC.169.

IC 20-46-7-14

Payments toward principal required on at least annual basis

Sec. 14. After May 15, 2007, the department of local government finance may not approve under section 9 of this chapter a school corporation's proposed:

(1) bond issue that does not provide for payments toward the

principal of the bonds on at least an annual basis in the amount determined under the rules or guidelines adopted by the department of local government finance;

(2) lease rental agreement that does not provide for repayments toward the present asset value of the lease at its inception on at least an annual basis in the amount determined under the rules or guidelines adopted by the department of local government finance; or

(3) debt service fund loan to purchase school buses that does not provide for payments toward the principal of the loan on at least an annual basis in the amount determined under the rules or guidelines adopted by the department of local government finance.

As added by P.L.224-2007, SEC.119.

IC 20-46-7-15

Use of savings resulting from refunding bonds

Sec. 15. (a) As used in this section, "debt service fund" includes the separate debt service fund for the payment of debt service on bonds used to implement solutions to a contractual retirement or severance liability.

(b) As used in this section, "eligible school corporation" has the meaning set forth in IC 5-1-5-2.5.

(c) As used in this section, "increment" refers to the annual increment computed under IC 5-1-5-2.5 with respect to bonds issued to retire or otherwise refund other bonds for each year that the bonds that are being retired or refunded would have been outstanding.

(d) A school corporation may make a request to continue to impose a debt service fund levy in the amount that the school corporation would have been able to impose to pay debt service on bonds that were retired or refunded by the issuance of refunding bonds. A school corporation must include in its request a copy of the ordinance adopted under IC 5-1-5-2.5.

(e) The department of local government finance shall grant the school corporation permission to continue to impose such a debt service fund levy if the department finds that the school corporation qualifies to issue refunding bonds under IC 5-1-5-2.5.

(f) An eligible school corporation that is granted permission to impose a debt service fund levy as described in this section may transfer the lesser of the amount of credits granted under IC 6-1.1-20.6 against the school corporation's combined levy for all the school corporation's funds or the amount of the increment from the debt service fund to:

(1) the capital projects fund;

(2) the transportation fund;

(3) the school bus replacement fund; or

(4) a combination of the funds in subdivisions (1) through (3).

As added by P.L.229-2011, SEC.221.

IC 20-47

ARTICLE 47. RELATED ENTITIES; HOLDING COMPANIES; LEASE AGREEMENTS

IC 20-47-1

Chapter 1. Public Foundations

IC 20-47-1-1

"Proceeds from riverboat gaming"

Sec. 1. As used in this chapter, "proceeds from riverboat gaming" means tax revenue received by a political subdivision under IC 4-33-12-6, IC 4-33-13, or an agreement to share a city's or county's part of the tax revenue.

As added by P.L.2-2006, SEC.170.

IC 20-47-1-2

"Public school endowment corporation"

Sec. 2. As used in this chapter, "public school endowment corporation" means a corporation that is:

(1) organized under the Indiana Nonprofit Corporation Act of 1991 (IC 23-17);

(2) organized exclusively for educational, charitable, and scientific purposes; and

(3) formed to provide educational resources to:

(A) a particular school corporation or school corporations; or

(B) the schools in a particular geographic area.

As added by P.L.2-2006, SEC.170.

IC 20-47-1-2.5

"Qualified foundation"

Sec. 2.5. As used in this chapter, "qualified foundation" means:

(1) a nonprofit charitable community foundation; or

(2) a public school endowment corporation.

As added by P.L.11-2008, SEC.1.

IC 20-47-1-3

Political subdivisions; donations of gaming revenues to public school endowment corporations

Sec. 3. (a) As used in this section, "gaming revenue" has the meaning set forth in IC 36-1-14-1(b).

(b) A political subdivision may donate gaming revenue to a public school endowment corporation under the following conditions:

(1) The public school endowment corporation retains all rights to the donation, including investment powers.

(2) The public school endowment corporation agrees to return the donation to the political subdivision if the corporation:

(A) loses the corporation's status as a public charitable organization;

(B) is liquidated; or

(C) violates any condition of the endowment set by the fiscal body of the political subdivision.

As added by P.L.2-2006, SEC.170. Amended by P.L.142-2009, SEC.29.

IC 20-47-1-4

Public school endowment corporation; distributions from principal and income

Sec. 4. A public school endowment corporation may distribute both principal and income.

As added by P.L.2-2006, SEC.170.

IC 20-47-1-5

School corporations; powers; donations to foundation

Sec. 5. (a) The governing body of a school corporation may donate the proceeds of a grant, a 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 an agreement to share revenue received by a political subdivision under IC 4-35-8.5, or other funds not generated from taxes levied by the school corporation, to a foundation under the following conditions:

(1) The foundation is a charitable nonprofit community foundation.

(2) The foundation retains all rights to the donation, including investment powers, except as provided in subdivision (3).

(3) The foundation agrees to do the following:

(A) Hold the donation as a permanent endowment.

(B) Distribute the income from the donation only to the school corporation as directed by resolution of the governing body of the school corporation.

(C) Return the donation to the general fund of the school corporation if the foundation:

(i) loses the foundation's status as a public charitable organization;

(ii) is liquidated; or

(iii) violates any condition of the endowment set by the governing body of the school corporation.

(b) A school corporation may use income received under this section from a community foundation only for purposes of the school corporation.

As added by P.L.2-2006, SEC.170. Amended by P.L.142-2009, SEC.30.

IC 20-47-1-6

School corporations; donating to qualified foundations

Sec. 6. (a) The governing body of a school corporation may annually donate an amount not to exceed twenty-five thousand dollars ($25,000) from the general fund of the school corporation to a qualified foundation under the following conditions:

(1) For every dollar that the school corporation donates to the

qualified foundation, a private individual or entity must donate at least one dollar ($1) to the qualified foundation:

(A) for the benefit of the school corporation; and

(B) for the purposes designated by the school corporation for the school corporation's donation.

(2) The qualified foundation retains all rights to the donation, including investment powers, except as provided in subdivision (3).

(3) The qualified foundation agrees to do the following:

(A) Distribute the principal and income from the donation only to the school corporation as directed by resolution of the governing body of the school corporation.

(B) Return the donation to the general fund of the school corporation if the qualified foundation:

(i) ceases to operate as a qualified foundation;

(ii) is liquidated; or

(iii) violates any condition of the endowment set by the governing body of the school corporation.

(C) Open the books of the qualified foundation for examination at the request of the state board of accounts to the extent necessary for the state board of accounts to determine the manner in which the school corporation's donation and any matching donations have been held or distributed.

(b) A school corporation may use distributions from a qualified foundation received under a resolution referred to in subsection (a)(3)(A) only for programs and activities that:

(1) enhance the quality of education; or

(2) extend learning opportunities;

for students of the school corporation.

(c) This section expires June 30, 2012.

As added by P.L.45-2007, SEC.1. Amended by P.L.11-2008, SEC.2.

IC 20-47-2

Chapter 2. Public Holding Companies

IC 20-47-2-1

Application

Sec. 1. This chapter does not apply to a:

(1) school corporation;

(2) joint school corporation; or

(3) consolidated school corporation;

the schools of which do not have a total enrollment of at least two hundred fifty (250) pupils.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-2

"Capital actually invested"

Sec. 2. As used in this chapter, "capital actually invested" includes the following amounts expended by a lessor corporation:

(1) Organization and incorporation expenses.

(2) Financing costs.

(3) Carrying charges.

(4) Legal fees.

(5) Architects' fees.

(6) Contractors' fees.

(7) Reasonable costs and expenses incidental thereto.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-3

"Lessor corporation"

Sec. 3. As used in this chapter, "lessor corporation" means a corporation described in section 6 of this chapter.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-4

"School building"

Sec. 4. As used in this chapter, "school building" means a building used as a part of or in connection with the operation of a school and includes the:

(1) site for the building;

(2) equipment for the building; and

(3) appurtenances to the building, such as heating facilities, water supply, sewage disposal, landscaping, walks, drives, and playgrounds.

However, the term does not include a building that is designed for and to be used exclusively for interschool athletic contests.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-5

Powers; lease of school building

Sec. 5. (a) Subject to subsection (b), a school corporation may lease a school building or buildings for the use of:

(1) the school corporation; or

(2) a joint or consolidated school district of which the school corporation is a part or to which it contributes;

for a term not to exceed thirty (30) years.

(b) A school corporation may not enter into a lease under this section unless:

(1) a petition for the lease signed by at least fifty (50) patrons of the school corporation has been filed with the governing body of the school corporation; and

(2) the governing body, after investigation, determines that a need exists for the school building and that the school corporation cannot provide the necessary funds to pay the cost or its proportionate share of the cost of the school building or buildings required to meet the present needs.

(c) If two (2) or more school corporations propose to jointly enter into a lease under this section, joint meetings of the governing bodies of the school corporations may be held, but action taken at a joint meeting is not binding on any of those school corporations unless approved by a majority of the governing body of those school corporations. A lease executed by two (2) or more school corporations as joint lessees must:

(1) set out the amount of the total lease rental to be paid by each lessee, which may be as agreed upon; and

(2) provide that:

(A) there is no right of occupancy by any lessee unless the total rental is paid as stipulated in the lease; and

(B) all rights of joint lessees under the lease are in proportion to the amount of lease rental paid by each lessee.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-6

Qualifications of lessor corporation; permissible interest; return of capital; recovery of expenses

Sec. 6. (a) A school corporation or corporations may enter into a lease under this chapter only with a corporation organized under Indiana law solely for the purpose of acquiring a site, erecting a suitable school building or buildings on that site, leasing the building or buildings to the school corporation or corporations, collecting the rentals under the lease, and applying the proceeds of the lease in the manner provided in this chapter.

(b) A lessor corporation described in subsection (a):

(1) must, except as provided in subdivision (2), act entirely without profit to the lessor corporation or its officers, directors, and stockholders;

(2) is entitled to the return of capital actually invested, plus interest or dividends on outstanding securities or loans, not to exceed five percent (5%) per annum and the cost of maintaining the lessor corporation's corporate existence and keeping its property free of encumbrance; and

(3) upon receipt of any amount of lease rentals exceeding the

amount described in subdivision (2), apply the excess funds to the redemption and cancellation of the lessor corporation's outstanding securities or loans as soon as may be done.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-7

Required terms of lease agreement

Sec. 7. (a) A lease entered into under this chapter must include the following provisions:

(1) An option for the school corporation or corporations to renew the lease for a further term on similar conditions.

(2) An option for the school corporation or corporations to purchase the property covered by the lease after six (6) years from the execution of the lease and before the expiration of the term of the lease, on the date or dates in each year as may be fixed in the lease. The purchase price:

(A) must be equal to the amount required to enable the lessor corporation owning the property to liquidate by paying all indebtedness, with accrued and unpaid interest, redeeming and retiring any stock at par, and paying the expenses and charges of liquidation; and

(B) may not exceed the capital actually invested in the property by the lessor corporation represented by outstanding securities or existing indebtedness, plus the cost of transferring the property and liquidating the lessor corporation.

(b) A lease entered into under this chapter may not provide or be construed to provide that a school corporation is under any obligation to purchase a leased school building or buildings, or under any obligation in respect to any creditors, shareholders, or other security holders of the lessor corporation.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-8

Lessor corporation; submission of preliminary plans

Sec. 8. (a) A lessor corporation proposing to build a school building or buildings must submit preliminary plans, specifications, and estimates for the building or buildings to the lessee or lessees before the execution of the lease. Final plans and specifications must be submitted to the state department of health, state fire marshal, and other agencies designated by law to pass on plans and specifications for school buildings. The final plans and specifications described in this subsection must be approved by the approving agencies in writing and by the lessee or lessees before the construction of the school building or school buildings.

(b) IC 4-21.5 does not apply to the formulation, issuance, or administrative review of an approval by an agency under subsection (a). However, IC 4-21.5 does apply to the judicial review and civil enforcement of an approval by an agency under subsection (a).

As added by P.L.2-2006, SEC.170.

IC 20-47-2-9

Permissible provisions of lease; payment of taxes; insurance

Sec. 9. A lease entered into under this chapter may provide that as part of the lease rental for the school building or buildings the lessee or lessees shall:

(1) pay all taxes and assessments levied against or on account of the leased property;

(2) maintain insurance on the leased property for the benefit of the lessor corporation; and

(3) assume all responsibilities for repair and alterations of the leased property during the term of the lease.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-10

Lease preceding acquisition of land

Sec. 10. A school corporation or corporations may, in anticipation of the acquisition of a site and the construction and erection of a school building or buildings, enter into a lease with a lessor corporation before the actual acquisition of the site and the construction and erection of the building or buildings. However, a lease entered into under this section may not provide for the payment of any lease rental by the lessee or lessees until the building or buildings are ready for occupancy, at which time the stipulated lease rental may begin. The contractor must furnish to the lessor corporation a bond satisfactory to the lessor corporation conditioned upon the final completion of the building or buildings within the period specified in the contract.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-11

Required public hearing; notice of lease terms

Sec. 11. (a) After the lessor corporation and the school corporation or corporations have agreed upon the terms and conditions of a lease proposed to be entered into under this chapter, and before the final execution of the lease, a notice shall be given by publication to all persons interested of a hearing or joint hearing to be held before the governing body or governing bodies of the school corporation or corporations authorized to approve the lease. The hearing must be not earlier than:

(1) ten (10) days after publication of the notice, if new construction is proposed; or

(2) thirty (30) days after publication of the notice, if improvement or expansion is proposed.

(b) The notice required by subsection (a) must:

(1) be published one (1) time in:

(A) a newspaper of general circulation printed in the English language in the school corporation;

(B) a newspaper described in clause (A) in each school corporation if the proposed lease is a joint lease; or

(C) if no such paper is published in the school corporation,

in any newspaper of general circulation published in the county;

(2) name the date, time, and place of the hearing; and

(3) set forth a brief summary of the principal terms of the lease agreed upon, including the:

(A) location of the property to be leased;

(B) name of the proposed lessor corporation;

(C) character of the property to be leased;

(D) rental to be paid; and

(E) number of years the lease is to be in effect.

The cost of publishing the notice shall be borne by the lessor corporation.

(c) The proposed lease, drawings, plans, specifications, and estimates for the school building or buildings must be available for inspection by the public during the ten (10) day or thirty (30) day period described in subsection (a) and at the hearing under section 12 of this chapter.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-12

Conduct of public hearing; lease authorization procedures

Sec. 12. (a) At the hearing, all interested persons have a right to be heard upon the necessity for the execution of the proposed lease and whether the rental to be paid to the lessor corporation under the proposed lease is a fair and reasonable rental for the proposed building. The hearing may be adjourned to a later date or dates.

(b) Within thirty (30) days following the termination of the hearing, the governing body or bodies of the school corporation or corporations may by a majority vote of all members of the governing body or bodies:

(1) authorize the execution of the proposed lease as originally agreed upon; or

(2) make modifications to the proposed lease that are agreed upon with the lessor corporation.

However, the lease rentals as set out in the published notice may not be increased in any modifications approved under subdivision (2).

As added by P.L.2-2006, SEC.170.

IC 20-47-2-13

Notice of signing of lease; appeal

Sec. 13. (a) If the execution of the lease as originally agreed upon or as modified by agreement is authorized by the governing body or bodies of the school corporation or corporations, the governing body shall give notice of the signing of the lease by publication one (1) time in:

(1) a newspaper of general circulation printed in the English language in the school corporation;

(2) a newspaper described in subdivision (1) in each school corporation if the proposed lease is a joint lease; or

(3) if no such newspaper is published in the school corporation,

in any newspaper of general circulation published in the county.

(b) This subsection does not apply to a lease for which a school corporation after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5, or, in the case of a lease not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the lease after June 30, 2008. Within thirty (30) days after the publication of notice under subsection (a), fifty (50) or more taxpayers in the school corporation or corporations who:

(1) will be affected by the proposed lease; and

(2) are of the opinion that:

(A) necessity does not exist for the execution of the lease; or

(B) the proposed rental provided for in the lease is not a fair and reasonable rental;

may file a petition in the office of the county auditor of the county in which the school corporation or corporations are located. The petition must set forth the taxpayers' objections to the lease and facts showing that the execution of the lease is unnecessary or unwise or that the lease rental is not fair and reasonable, as the case may be.

(c) Upon the filing of a petition under subsection (b), the county auditor shall immediately certify a copy of the petition, together with any other data that is necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and data, if any, the department of local government finance shall fix a time, date, and place for the hearing of the matter, which may not be less than five (5) nor more than thirty (30) days thereafter. The department of local government finance shall:

(1) conduct the hearing in the school corporation or corporations, or in the county where the school corporation or corporations are located; and

(2) give notice of the hearing to the members of the governing body or bodies of the school corporation or corporations and to the first fifty (50) taxpayers who signed the petition under subsection (b) by a letter signed by the commissioner or deputy commissioner of the department of local government finance and enclosed with full prepaid postage addressed to the taxpayer petitioners at their usual place of residence, at least five (5) days before the hearing.

The decision of the department of local government finance on the appeal, upon the necessity for the execution of the lease and as to whether the rental is fair and reasonable, is final.

As added by P.L.2-2006, SEC.170. Amended by P.L.146-2008, SEC.515.

IC 20-47-2-14

Limitation on time to file appeal

Sec. 14. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be instituted at any time later than:

(1) thirty (30) days after publication of notice of the execution of the lease by the governing body or bodies of the school corporation or corporations; or

(2) if an appeal is allowed under section 13 of this chapter and has been taken to the department of local government finance, thirty (30) days after the decision of the department of local government finance.

As added by P.L.2-2006, SEC.170. Amended by P.L.146-2008, SEC.516.

IC 20-47-2-15

Acquisition of land for building site; sale to lessor corporation

Sec. 15. The lessor corporation shall acquire, own, and hold in fee simple the land on which a school building or buildings are to be erected under this chapter. A school corporation that proposes to lease such a school building, either alone or jointly with another school corporation, and owns the land on which it desires that the building or buildings be erected may sell and transfer that land to the lessor corporation in fee simple, subject to the following conditions:

(1) Before the sale may take place, the governing body of the school corporation must file a petition with the circuit court of the county in which the school corporation is located, requesting the appointment of:

(A) one (1) disinterested freeholder of the school corporation as an appraiser; and

(B) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana to determine the fair market value of the land. One (1) of the appraisers described in clause (B) must reside not more than fifty (50) miles from the land.

(2) Upon their appointment, the three (3) appraisers shall proceed to fix the fair market value of the land and shall report the amount fixed to the circuit court within two (2) weeks after their appointment.

(3) The school corporation may sell the land to the lessor corporation for an amount not less than the amount fixed as the fair market value by the three (3) appraisers, which shall be paid in cash upon delivery of the deed by the school corporation to the lessor corporation. However, if the land was acquired by the school corporation within three (3) years immediately preceding the date of the filing of the petition with the circuit court, the land may not be sold for an amount less than the amount paid by the school corporation for the land.

As added by P.L.2-2006, SEC.170. Amended by P.L.113-2006, SEC.15.

IC 20-47-2-16

Lessor corporation; sale of bonds and securities; mortgage bonds

Sec. 16. (a) A corporation qualifying as a lessor corporation under this chapter may, in furtherance of its corporate purposes, issue and

sell stock, bonds, and other securities. Mortgage bonds issued by a lessor corporation that are a first lien on the leased property are legal and proper investments for state banks and trust companies, insurance companies, and fiduciaries. Bonds issued under this section may be callable upon notice in the manner provided in the mortgage indenture, at premiums up to five percent (5%) with accrued and unpaid interest.

(b) Stocks, bonds, and other securities issued by a lessor corporation shall be sold in the manner provided in IC 5-1-11. However, the notice of sale shall be published in the manner required for bonds of the county in which the school building is located.

(c) Shares of common stock issued by a lessor corporation are not required to be sold at a public sale. The price of the shares shall be determined by the lessor corporation, but the price of the shares may not exceed the lesser of:

(1) the necessary expense of incorporation, preparation of preliminary plans and specifications, and other preliminary expense necessary to the preparation of the proposed lease and publication of notice of the lease; or

(2) a sum equal to five percent (5%) of the proposed cost of the building or buildings.

(d) None of the costs of construction of the building, the purchase of the equipment for the building, or the incidental expenses in connection with the construction or purchase may be paid from stocks, bonds, or securities of the lessor corporation unless those stocks, bonds, or securities are sold at public sale as provided in this section.

(e) The approval of the securities commissioner is not required in connection with the issuance and sale of any stocks, bonds, or other securities of the lessor corporation.

(f) A part of the proceeds from stocks, bonds, or other securities sold at public sale may be used to reimburse the incorporators or any other person or persons who may have advanced funds for essential preliminary expenses as provided for in this section, with interest on the amount reimbursed not to exceed five percent (5%).

As added by P.L.2-2006, SEC.170.

IC 20-47-2-17

Refunding of outstanding bonds; appeal

Sec. 17. (a) As used in this section, "bonds" includes bonds, debentures, or other evidences of indebtedness.

(b) A lessor corporation having outstanding bonds that by their terms are redeemable before their maturities may issue bonds in the manner provided by section 16 of this chapter to refund the outstanding bonds. The refunding bonds may be issued in an amount not exceeding the sum of:

(1) the principal amount of the outstanding bonds;

(2) any premium required to be paid upon redemption of the outstanding bonds; and

(3) the estimated expenses to be incurred in connection with the

issuance of the refunding bonds.

(c) The sum of the net interest cost to the lessor corporation of the refunding bonds plus the premium required to be paid in connection with the redemption of the outstanding bonds and the estimated expenses to be incurred in connection with the issuance of the refunding bonds may not exceed the total interest that would have been payable by the lessor corporation on the bonds being refunded from the date of redemption to the maturity of the bonds being refunded. Net interest cost on the refunding bonds is the amount determined by computing the total interest on all the refunding bonds to their maturities and deducting from that amount the premium bid, if any.

(d) Refunding bonds issued under this section:

(1) are legal and proper investments;

(2) are exempt from taxation; and

(3) may be sold without registration with or approval of the securities division of the office of the secretary of state or securities commissioner;

in the same manner, under the same conditions, and subject to the same limitations as any other bonds issued by lessor corporations under section 16 of this chapter. However, no proceedings or actions by the lessee nor approval by any board, commission, or agency are required in connection with the refunding, and the refunding authorized in this section does not affect the obligation of the lessee to pay the lease rental under the lease of the building or buildings.

(e) An action to contest the validity of refunding bonds issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

(f) In connection with the issuance of refunding bonds, the lessee school corporation or school corporations may enter into an amendment to the lease with the lessor corporation providing for an extension of the time set forth in the lease before the option of the lessee or lessees to purchase may be exercised to a time agreed upon between the lessee school corporation or school corporations and the lessor corporation.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-18

Issuance of bonds; use of proceeds to refund outstanding bonds and make improvements; appeal

Sec. 18. (a) As used in this section, "bonds" means bonds, debentures, or other evidences of indebtedness.

(b) As used in this section, "improvement" or "improvements" means one (1) or more of the following:

(1) Construction of a school building.

(2) An addition to a school building owned by a lessor corporation or owned by the school corporation to which a lessor corporation has leased property under this chapter, and any remodeling incidental to that addition.

(3) Remodeling of or construction of appurtenances to a school

building owned by a lessor corporation.

(c) A lessor corporation having outstanding bonds that by their terms are redeemable before their maturities may issue bonds in the manner provided under section 16 of this chapter to refund the outstanding bonds and construction of improvements.

(d) Refunding and improvement bonds issued under this section:

(1) are legal and proper investments;

(2) are exempt from taxation; and

(3) may be sold without registration with or approval of the securities division of the office of the secretary of state or the securities commissioner;

in the same manner, under the same conditions, and subject to the same limitations as any other bonds issued by lessor corporations under section 16 of this chapter.

(e) In connection with the issuance of refunding and improvement bonds, the lessee school corporation or school corporations may enter into an amendment to the lease with the lessor corporation providing for:

(1) an extension of the time set forth in the lease before the option of the lessee or lessees to purchase may be exercised to a time agreed upon between the lessee school corporation or school corporations and the lessor corporation;

(2) an extension of the term of the lease, not to exceed ten (10) years, to include the improvements in the description of the leased property; and

(3) increased lease rental payments after the completion of the improvements.

(f) No proceedings or actions by the lessee nor approval by any board, commission, or agency are required in connection with a refunding under this section, and the refunding does not affect the obligation of the lessee to pay the lease rental under the lease of the building or buildings. However, all provisions, restrictions, and limitations of this chapter that are not inconsistent with this section, including the petition of school patrons, notice of hearing, hearing, notice of execution, and right to file an objecting petition, apply to an amendment of the lease increasing the lease rental payments as if the amendment were an original lease.

(g) An action to contest the validity of refunding and improvement bonds issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

As added by P.L.2-2006, SEC.170.

IC 20-47-2-19

Option to purchase; bonds to fund purchase

Sec. 19. A school corporation that decides to exercise an option to purchase a school building under this chapter may issue general obligation bonds to procure funds to pay the cost of acquisition. General obligation bonds issued under this section must be authorized, issued, and sold in the manner provided for the authorization, issuance, and sale of bonds by school corporations for

school building purposes.
As added by P.L.2-2006, SEC.170.

IC 20-47-2-20
Required levy; payment of obligations

Sec. 20. A school corporation that executes a lease under this chapter shall annually appropriate from its debt service fund or general fund an amount sufficient to pay the lease rental required under the lease. The appropriation is reviewable by other bodies vested by law with such authority to ascertain that the specified amount is sufficient to meet the lease rental required under the lease. The first specific appropriation shall be made at the first budget period following the date of the execution of the lease, and the first annual appropriation must be sufficient to pay the estimated amount of the first annual lease rental payment to be made under the lease. Thereafter, the annual appropriations provided for in this section shall be made, and payments shall be made from the debt service fund.
As added by P.L.2-2006, SEC.170.

IC 20-47-2-21
Exemption of lessor corporation property from taxes

Sec. 21. Property owned by a lessor corporation entering into a lease with a school corporation or corporations under this chapter, and all stock and other securities (including the interest or dividends) issued by a lessor corporation, are exempt from all state, county, and other taxes, except the financial institutions tax (IC 6-5.5) and inheritance taxes (IC 6-4.1).
As added by P.L.2-2006, SEC.170.

IC 20-47-2-22
Statutory construction; supplemental legislation; limitation of application of other laws

Sec. 22. This chapter shall be construed as being supplemental to all other laws covering the acquisition, use, and maintenance of school buildings by school corporations. However, as to school buildings constructed, acquired, leased, or purchased under this chapter, it is not necessary to comply with other laws concerning the acquisition, use, and maintenance of school buildings by school corporations except as specifically required in this chapter.
As added by P.L.2-2006, SEC.170.

IC 20-47-2-23
Termination of lease; disposition of surplus revenues

Sec. 23. (a) Upon the termination of a lease entered into under this chapter, the lessor corporation shall return to the school corporation any money held by the lessor corporation that exceeds the amount needed to retire bonds issued under this chapter and to dissolve the lessor corporation.

(b) A school corporation shall deposit the money received under

subsection (a) in its debt service fund or capital projects fund.
As added by P.L.2-2006, SEC.170.

IC 20-47-3

Chapter 3. Private Holding Companies

IC 20-47-3-1

Application

Sec. 1. This chapter does not apply to a charter school.

As added by P.L.2-2006, SEC.170.

IC 20-47-3-2

"School building"

Sec. 2. As used in this chapter, "school building" means a building used as part of or in connection with the operation of schools and includes the:

(1) site for the building;

(2) equipment for the building; and

(3) appurtenances to the building, such as heating facilities, water supply, sewage disposal, landscaping, walks, drives, and playgrounds.

However, the term does not include a building that is designed for and to be used exclusively for interschool athletic contests.

As added by P.L.2-2006, SEC.170.

IC 20-47-3-3

Powers; lease of school building; maximum term of lease; petition; required terms of joint lease involving more than one school corporation

Sec. 3. (a) Subject to subsection (b), a school corporation may lease a school building or buildings for the use of:

(1) the school corporation; or

(2) a joint or consolidated school district of which the school corporation is a part or to which it contributes;

for a term not to exceed fifty (50) years.

(b) A school corporation may not enter into a lease under this section unless:

(1) a petition for the lease signed by at least fifty (50) patrons of the school corporation has been filed with the governing body of the school corporation; and

(2) the governing body, after investigation, determines that a need exists for the school building.

(c) If two (2) or more school corporations propose to jointly enter into a lease under this section, joint meetings of the governing bodies of the school corporations may be held, but action taken at a joint meeting is not binding on any of those school corporations unless approved by a majority of the governing body of each of those school corporations. A lease executed by two (2) or more school corporations as joint lessees must:

(1) set out the amount of the total lease rental to be paid by each lessee, which may be as agreed upon; and

(2) provide that:

(A) there is no right of occupancy by any lessee unless the

total rental is paid as stipulated in the lease; and

(B) all rights of joint lessees under the lease are in proportion to the amount of lease rental paid by each lessee.

As added by P.L.2-2006, SEC.170.

IC 20-47-3-4

Qualifications of lessor corporation

Sec. 4. A school corporation or corporations may enter into a lease or lease with option to purchase under this chapter only with:

(1) a corporation organized under Indiana law or admitted to do business in Indiana; or

(2) a religious organization (or the organization's agent) that is exempt from federal income taxation under Section 501 of the Internal Revenue Code.

As added by P.L.2-2006, SEC.170.

IC 20-47-3-5

Required terms of lease agreement; option to purchase

Sec. 5. (a) Except as provided in subsections (d) and (e), a lease must provide that the school corporation or corporations have an option to:

(1) renew the lease for a further term on like conditions; and

(2) purchase the property covered by the lease;

with the terms and conditions of the purchase to be specified in the lease, subject to the approval of the department of local government finance.

(b) If the option to purchase the property covered by the lease is exercised, the school corporation or corporations, to procure funds to pay the purchase price, may issue and sell bonds under the provisions of the general statute governing the issue and sale of bonds of the school corporation or corporations. The purchase price may not be more than the purchase price set forth in the lease plus:

(1) two percent (2%) of the purchase price as prepayment penalty for purchase within the first five (5) years of the lease term; or

(2) one percent (1%) of the purchase price as prepayment penalty for purchase in the second five (5) years of the lease term;

and thereafter the purchase shall be without prepayment penalty.

(c) However:

(1) if the school corporation or corporations have not exercised an option to purchase the property covered by the lease at the expiration of the lease; and

(2) upon the full discharge and performance by the school corporation or corporations of their obligations under the lease;

the property covered by the lease becomes the absolute property of the school corporation or corporations, and the lessor corporation shall execute proper instruments conveying to the school corporation or corporations good and merchantable title to that property.

(d) The following provisions apply to a school corporation that is

located in Dubois County and enters into a lease with a religious organization or the organization's agent as authorized under section 4 of this chapter:

(1) The lease is not required to include on behalf of the school corporation an option to purchase the property covered by the lease.

(2) The lease must include an option to renew the lease.

(3) The property covered by the lease is not required to become the absolute property of the school corporation as provided in subsection (c).

(e) In the case of a lease for which a school corporation:

(1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(2) in the case of a lease not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the lease after June 30, 2008;

the terms and conditions of the purchase that are specified in the lease are not subject to the approval of the department of local government finance.

As added by P.L.2-2006, SEC.170. Amended by P.L.146-2008, SEC.517.

IC 20-47-3-6

Lessor corporation; submission of preliminary plans

Sec. 6. (a) A lessor corporation proposing to build a school building or buildings must submit preliminary plans, specifications, and estimates for the building or buildings to the lessee or lessees before the execution of the lease. Final plans and specifications must be submitted to the state department of health, state fire marshal, and other agencies designated by law to pass on plans and specifications for school buildings. The final plans and specifications must be approved by those agencies in writing and by the lessee or lessees before the construction of the school building or school buildings.

(b) IC 4-21.5 does not apply to the formulation, issuance, or administrative review of an approval by an agency under subsection (a). However, IC 4-21.5 does apply to the judicial review and civil enforcement of an approval by an agency under subsection (a).

As added by P.L.2-2006, SEC.170.

IC 20-47-3-7

Permissible provisions of lease; payment of taxes; insurance

Sec. 7. A lease entered into under this chapter may provide that as a part of the lease rental for the school building or buildings the lessee or lessees shall:

(1) pay all taxes and assessments levied against or on account of the leased property;

(2) maintain insurance on the leased property for the benefit of the lessor corporation; and

(3) assume all responsibilities for repair and alterations of the

leased property during the term of the lease.
As added by P.L.2-2006, SEC.170.

IC 20-47-3-8
Lease preceding acquisition of land

Sec. 8. (a) Except as provided in subsection (b), a school corporation or corporations may, in anticipation of the acquisition of a site and the construction and erection of a school building or buildings, and, subject to the approval of the department of local government finance, enter into a lease with a lessor corporation before the actual acquisition of the site and the construction and erection of the building or buildings. However, the lease entered into by the school corporation or school corporations may not provide for the payment of any lease rental by the lessee or lessees until the building or buildings are ready for occupancy, at which time the stipulated lease rental may begin. The lessor corporation shall furnish a bond to the approval of the lessee or lessees conditioned on the final completion of the building or buildings within a period not to exceed one (1) year from the date of the execution of the lease, unavoidable delays excepted.

(b) In the case of a lease for which a school corporation:

(1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(2) in the case of a lease not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the lease after June 30, 2008;

the approval of the department of local government finance is not required.
As added by P.L.2-2006, SEC.170. Amended by P.L.146-2008, SEC.518.

IC 20-47-3-9
Required public hearing; notice of lease terms

Sec. 9. (a) After the lessor corporation and the school corporation or corporations have agreed upon the terms and conditions of a lease proposed to be entered into under this chapter, and before the final execution of the lease, a notice shall be given by publication to all persons interested of a hearing or joint hearing to be held before the governing body or governing bodies of the school corporations authorized to approve the lease. The hearing must be not earlier than:

(1) ten (10) days afer publication of the notice, if new construction is proposed; or

(2) thirty (30) days after publication of the notice, if improvement or expansion is proposed.

(b) The notice required by subsection (a) must:

(1) be published one (1) time in:

(A) a newspaper of general circulation printed in the English language in the school corporation;

(B) a newspaper described in clause (A) in each school

corporation if the proposed lease is a joint lease; or

(C) if no such paper is published in the school corporation, in any newspaper of general circulation published in the county;

(2) name the date, time, and place of the hearing; and

(3) set forth a brief summary of the principal terms of the lease agreed upon, including the:

(A) location of the property to be leased;

(B) name of the proposed lessor corporation;

(C) character of the property to be leased;

(D) rental to be paid; and

(E) number of years the lease is to be in effect.

The cost of publication of the notice shall be paid by the lessor corporation.

(c) The proposed lease, drawings, plans, specifications, and estimates for the school building or buildings must be available for inspection by the public during the ten (10) day or thirty (30) day period described in subsection (a) and at the hearing under section 10 of this chapter.

As added by P.L.2-2006, SEC.170.

IC 20-47-3-10

Conduct of public hearing; lease authorization procedures

Sec. 10. (a) At the hearing, all interested persons have a right to be heard upon the necessity for the execution of the proposed lease and whether the rental to be paid to the lessor corporation under the proposed lease is a fair and reasonable rental for the proposed building. The hearing may be adjourned to a later date or dates.

(b) Not later than thirty (30) days following the termination of the hearing, the governing body or bodies of the school corporation or corporations may by a majority vote of all members of the governing body or bodies:

(1) authorize the execution of the lease as originally agreed upon; or

(2) make modifications to the proposed lease as agreed upon with the lessor corporation.

However, the lease rentals as set out in the published notice may not be increased.

As added by P.L.2-2006, SEC.170.

IC 20-47-3-11

Notice of signing of lease; appeal

Sec. 11. (a) If the execution of the lease as originally agreed upon or as modified by agreement is authorized by the governing body or bodies of the school corporation or corporations, the governing body shall give notice of the signing of the lease by publication one (1) time in:

(1) a newspaper of general circulation printed in the English language in the school corporation;

(2) a newspaper described in subdivision (1) in each school

corporation if the proposed lease is a joint lease; or

(3) if no such newspaper is published in the school corporation, in any newspaper of general circulation published in the county.

(b) This subsection does not apply to leases for which a school corporation after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5, or, in the case of leases not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the lease after June 30, 2008. Within thirty (30) days after the publication of notice under subsection (a), ten (10) or more taxpayers in the school corporation or corporations who:

(1) will be affected by the proposed lease; and

(2) are of the opinion that:

(A) no necessity exists for the execution of the lease; or

(B) the proposed rental provided for in the lease is not a fair and reasonable rental;

may file a petition in the office of the county auditor of the county in which the school corporation or corporations are located. The petition must set forth the taxpayers' objections to the lease and facts showing that the execution of the lease is unnecessary or unwise, or that the lease rental is not fair and reasonable, as the case may be.

(c) Upon the filing of a petition under subsection (b), the county auditor shall immediately certify a copy of the petition and any other data that is necessary to present the questions involved to the department of local government finance. Upon receipt of the certified petition and data, if any, the department of local government finance shall fix a date, time, and place for the hearing of the matter, which may not be less than five (5) nor more than thirty (30) days after receipt of the petition and data, if any. The department of local government finance shall:

(1) conduct the hearing in the school corporation or corporations or in the county where the school corporation or corporations are located; and

(2) give notice of the hearing to the members of the governing body or bodies of the school corporation or corporations and to the first ten (10) taxpayer petitioners upon the petition by a letter signed by the commissioner or deputy commissioner of the department of local government finance, and enclosed with full prepaid postage addressed to the taxpayer petitioners at their usual place of residence, at least five (5) days before the hearing.

The decision of the department of local government finance on the appeal, upon the necessity for the execution of the lease, and as to whether the rental is fair and reasonable, is final.

As added by P.L.2-2006, SEC.170. Amended by P.L.146-2008, SEC.519.

IC 20-47-3-12

Limitation on time to file appeal

Sec. 12. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be instituted at any time later than:

(1) thirty (30) days after publication of notice of the execution of the lease by the governing body or bodies of the school corporation or corporations; or

(2) if an appeal is allowed under section 11 of this chapter and has been taken to the department of local government finance, thirty (30) days after the decision of the department of local government finance.

As added by P.L.2-2006, SEC.170. Amended by P.L.146-2008, SEC.520.

IC 20-47-3-13

Acquisition of land for building site; sale to lessor corporation

Sec. 13. The lessor corporation shall acquire, own, and hold in fee simple the land on which a school building or buildings are to be erected under this chapter. A school corporation that proposes to lease a school building, either alone or jointly with another school corporation, and owns the land on which it desires to be erected the building or buildings may sell and transfer that land to the lessor corporation in fee simple, subject to the following conditions:

(1) Before the sale may take place, the governing body of the school corporation must file a petition with the circuit court of the county in which the school corporation is located, requesting the appointment of:

(A) one (1) disinterested freeholder of the school corporation as an appraiser; and

(B) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana to determine the fair market value of the land. One (1) of the appraisers described in clause (B) must reside not more than fifty (50) miles from the land.

(2) Upon appointment, the three (3) appraisers shall proceed to fix the fair market value of the land and shall report the amount fixed to the circuit court within two (2) weeks after the appointment.

(3) The school corporation may sell the land to the lessor corporation for an amount not less than the amount fixed by the three (3) appraisers as the fair market value, which shall be paid in cash upon delivery of the deed by the school corporation to the lessor corporation. However, if the land was acquired by the school corporation within three (3) years immediately preceding the date of the filing of the petition with the circuit court, the land may not be sold for an amount less than the amount paid by the school corporation for the land.

As added by P.L.2-2006, SEC.170. Amended by P.L.113-2006, SEC.16.

IC 20-47-3-14

Required levy; payment of obligations

Sec. 14. A school corporation that executes a lease under this chapter shall annually appropriate and pay out of the debt service fund an amount sufficient to pay the lease rental required under the lease. The appropriation and rate are reviewable by other bodies vested by law with the authority to determine that the levy is sufficient to raise the amount required to meet the rental required under the lease.

As added by P.L.2-2006, SEC.170.

IC 20-47-3-15

Exemption of lessor corporation property from taxes

Sec. 15. School buildings leased by a lessor corporation entering into a lease with a school corporation or corporations under this chapter are exempt from all state, county, and other taxes. However, the rental payments to a lessor corporation under the terms of such a lease are subject to all applicable taxes under Indiana law.

As added by P.L.2-2006, SEC.170.

IC 20-47-3-16

Statutory construction; supplemental legislation; limitation of application of other laws

Sec. 16. This chapter shall be construed as being supplemental to all other laws covering the acquisition, use, and maintenance of school buildings by school corporations. However, as to school buildings constructed or leased under this chapter, it is not necessary to comply with the provisions of other laws concerning the acquisition, use, and maintenance of school buildings by school corporations except as specifically required in this chapter.

As added by P.L.2-2006, SEC.170.

IC 20-47-3-17

Lessor corporation; sale of bonds and securities; mortgage bonds

Sec. 17. (a) A corporation qualifying as a lessor corporation under this chapter may issue and sell bonds and other securities. Mortgage bonds issued by a lessor corporation that are a first lien on the leased property are legal and proper investments for state banks and trust companies, insurance companies, and fiduciaries.

(b) Bonds and other securities issued by a lessor corporation under this section need not be sold under IC 5-1-11, and approval of the securities commissioner is not required in connection with the issuance and sale of the bonds.

As added by P.L.2-2006, SEC.170.

IC 20-47-3-18

Termination of lease; disposition of surplus revenues

Sec. 18. (a) Upon the termination of a lease entered into under this chapter, the lessor corporation shall return to the school corporation any money held by the lessor corporation that exceeds the amount needed to retire bonds issued under this chapter and to dissolve the

lessor corporation.

(b) A school corporation shall deposit the money received under subsection (a) in its debt service fund or its capital projects fund.

As added by P.L.2-2006, SEC.170.

IC 20-47-4

Chapter 4. Lease of Existing School Building

IC 20-47-4-1

Application

Sec. 1. This chapter applies to the lease by a school corporation of an existing school building or improved school building under IC 20-47-2 or IC 20-47-3.

As added by P.L.2-2006, SEC.170.

IC 20-47-4-2

"Existing school building"

Sec. 2. As used in this chapter, "existing school building":

(1) includes a:

(A) school building; or

(B) building that after acquisition will be used as a school building; and

(2) may include more than one (1) building.

The term does not include a portable or relocatable building or classroom.

As added by P.L.2-2006, SEC.170.

IC 20-47-4-3

"Improved school building"

Sec. 3. As used in this chapter, "improved school building" means an existing school building as improved, renovated, remodeled, or expanded by a lessor corporation.

As added by P.L.2-2006, SEC.170.

IC 20-47-4-4

"School building"

Sec. 4. As used in this chapter, "school building" has the meaning set forth in IC 20-47-2-4 or IC 20-47-3-2.

As added by P.L.2-2006, SEC.170.

IC 20-47-4-5

Powers; lessor corporation; acquisition and financing of existing or improved school building

Sec. 5. A lessor corporation qualified or formed to acquire a site, erect a school building on the site, and lease the school building to a school corporation under IC 20-47-2 or IC 20-47-3 may:

(1) be qualified or formed to acquire, improve, or expand an existing school building;

(2) acquire, improve, or expand an existing school building;

(3) finance an existing school building or improved school building; and

(4) lease an existing school building or improved school building to a school corporation under applicable law.

As added by P.L.2-2006, SEC.170.

IC 20-47-4-6

Powers; acquisition and financing of existing school building; compliance with other laws

Sec. 6. (a) A lessor corporation may acquire and finance an existing school building, other than as provided in section 5 of this chapter, and lease the existing school building to a school corporation. A school corporation shall comply with:

(1) IC 20-47-2 or IC 20-47-3;

(2) the petition and remonstrance provisions under IC 6-1.1-20 (if required); and

(3) the local public question provisions under IC 6-1.1-20 (if required).

(b) A lease made under this section may provide for the payment of lease rentals by the school corporation for the use of the existing school building.

(c) Lease rental payments made under the lease do not constitute a debt of the school corporation for purposes of the Constitution of the State of Indiana.

(d) A new school building may be substituted for the existing school building under the lease if the substitution was included in the notices given under IC 20-47-2, IC 20-47-3, and IC 6-1.1-20. A new school building must be substituted for the existing school building upon completion of the new school building.

As added by P.L.2-2006, SEC.170. Amended by P.L.146-2008, SEC.521.

IC 20-47-4-7

Limitation on payment of legal or other professional fee

Sec. 7. A school corporation may not pay a legal or other professional fee as the result of an exchange or a substitution under section 5 or 6 of this chapter.

As added by P.L.2-2006, SEC.170.

IC 20-47-4-8

Compliance with other laws

Sec. 8. (a) Except as provided in subsection (b), the lease or contract of lease of an existing school building or improved school building to a school corporation as authorized by this chapter must comply with all applicable terms of IC 20-47-2 or IC 20-47-3, including:

(1) the notice of hearing on the lease;

(2) public hearing;

(3) notice of execution of lease; and

(4) the submission of plans and specifications for the improvement or expansion of the existing school building for approval by the state agencies designated in IC 20-47-2 or IC 20-47-3 or otherwise required by law or rule.

(b) If a school corporation is occupying and using an existing school building during the renovation, remodeling, or expansion of the building, the lease or contract of lease may provide for the

payment of lease rental by the school corporation for the use of the building during renovation, remodeling, or expansion.
As added by P.L.2-2006, SEC.170.

IC 20-47-4-9
Sales price; compliance with other laws

Sec. 9. The sale price of an existing school building must be determined under the provisions of IC 20-47-2 or IC 20-47-3 relating to the sale of land to a lessor corporation. Except as provided in this section, IC 20-26-7 and any other law relating to the sale of the property of school corporations or other public property do not apply to the sale of an existing school building to a lessor corporation under this chapter.
As added by P.L.2-2006, SEC.170.

IC 20-47-4-10
Deposit of proceeds from sale

Sec. 10. A school corporation that sells an existing school building under section 6 of this chapter shall deposit the proceeds of the sale in the school corporation's capital projects fund and use the proceeds only for:

(1) new construction of school buildings;
(2) related site acquisition; and
(3) related site development.

However, any amount of the proceeds of the sale that are not used for a purpose described in subdivisions (1) through (3) within one (1) year after the school corporation receives the proceeds must be transferred to the school corporation's debt service fund.
As added by P.L.2-2006, SEC.170.

IC 20-47-5

Chapter 5. Payment of Rent by Annexed School Corporation

IC 20-47-5-1

Existing lease; obligation of annexing school corporation

Sec. 1. (a) If a school corporation has leased a building or buildings under IC 20-47-2 or IC 20-47-3 and a part of the territory of the school corporation is later annexed to or otherwise acquired by another school corporation, the school corporation acquiring the territory shall pay to the school corporation whose territory is acquired the part of each lease rental payment as specified in this chapter.

(b) Each payment of an acquiring school corporation described in subsection (a) must be in an amount that bears the same ratio to the lease rental payment coming due from the school corporation whose territory is acquired as the ratio of the net assessed valuation for tax purposes in the territory acquired bears to the net assessed valuation for tax purposes of all property in the school corporation whose territory is acquired, including the property acquired.

(c) In the case of an annexation occurring after an annexation described in subsections (a) and (b), the part of the lease rental payments to be paid by the acquiring school corporation must be increased by the same ratio as the ratio described in subsection (b). The payments must be made to the school corporation whose territory is acquired before the date when the lease rental payments become due and owing.

As added by P.L.2-2006, SEC.170.

IC 20-47-5-2

Property interest in lease; annexing school corporation; termination of obligations of annexed school corporation

Sec. 2. If a building or buildings that have been leased under IC 20-47-2 are located in the territory annexed or acquired, as described in section 1 of this chapter:

(1) the school corporation acquiring the territory:

(A) shall pay the full amount of the lease rental payments due after the territory is annexed or acquired in accordance with the terms of the lease; and

(B) succeeds to and possesses all the rights and is subject to the obligations of the lessee under the lease, including the right of occupancy and use of the building; and

(2) all rights and obligations of the lessee school corporation named in the lease terminate.

As added by P.L.2-2006, SEC.170.

IC 20-48

ARTICLE 48. BORROWING AND BONDS

IC 20-48-1

Chapter 1. Borrowing and Bonds

IC 20-48-1-1

Powers; issuance of bonds; improvement of real estate

Sec. 1. (a) As used in this section, "improvement of real estate" includes:

(1) construction, reconstruction, remodeling, alteration, or repair of buildings or additions to buildings;

(2) equipment related to activities specified in subdivision (1); and

(3) auxiliary facilities related to activities specified in subdivision (1), including facilities for:

(A) furnishing water, gas, and electricity;

(B) carrying and disposing of sewage and storm and surface water drainage;

(C) housing of school owned buses;

(D) landscaping of grounds; and

(E) construction of walks, drives, parking areas, playgrounds, or facilities for physical training.

(b) A school corporation is authorized to issue bonds to pay the:

(1) cost of acquisition and improvement of real estate for school purposes;

(2) funding of judgments;

(3) cost of the purchase of school buses; and

(4) incidental expenses incurred in connection with and on account of the issuance of the bonds.

As added by P.L.2-2006, SEC.171.

IC 20-48-1-2

Powers; issuance of bonds; retirement or severance liability

Sec. 2. (a) As used in this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after termination of the employment of the employees by the school corporation under an existing or previous employment agreement.

(b) This section applies to each school corporation that:

(1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or

(2) issued bonds under IC 20-5-4-1.7 (repealed):

(A) before April 14, 2003; or

(B) after April 13, 2003, if an order approving the issuance of the bonds was issued by the department of local government finance before April 14, 2003.

(c) In addition to the purposes set forth in section 1 of this chapter, a school corporation described in subsection (b) may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the

following conditions:

(1) The school corporation may issue bonds under this section only one (1) time.

(2) A school corporation described in subsection (b)(1) or (b)(2)(A) must issue the bonds before July 1, 2006.

(3) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's unfunded contractual liability for retirement or severance payments as it existed on June 30, 2001.

(4) The amount of the bonds that may be issued for the purpose described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 (before its repeal); or

(B) the remainder of:

(i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7 (before its repeal); minus

(ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7 (before its repeal);

for a school corporation that issued bonds under IC 20-5-4-1.7 (repealed) as described in subsection (b)(2).

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, and art association and historical society funds, as appropriate, in an amount equal to the property tax levy needed for the debt service under this section. The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(e) Bonds issued under this section are not subject to the petition and remonstrance process under IC 6-1.1-20 or to the limitations contained in IC 36-1-15.

As added by P.L.2-2006, SEC.171. Amended by P.L.1-2007, SEC.155; P.L.1-2010, SEC.83.

IC 20-48-1-2.5

Status of bonds issued under prior statute; debt service levies, property tax levies

Sec. 2.5. Notwithstanding the repeal of IC 20-5-4-1.7, as added by P.L.253-2001, the following provisions apply to bonds issued under IC 20-5-4-1.7, as added by P.L.253-2001, before December 31, 2004:

(1) The bonds remain valid and binding obligations of the school corporation that issued them, as if IC 20-5-4-1.7 had not

been repealed.

(2) Each year that a debt service levy is needed for the bonds, the school corporation that issued the bonds shall reduce its total property tax levy for the school corporation's other funds in an amount equal to the property tax levy needed for the debt service on the bonds.

As added by P.L.220-2011, SEC.340.

IC 20-48-1-3

Payment schedule; maximum term; designee of paying agent

Sec. 3. (a) Bonds authorized by this article and IC 20-26-1 through IC 20-26-5 must be payable in the amounts and at the times and places determined by the governing body.

(b) Bonds issued for the funding of judgments or for the purchase of school buses shall mature not more than five (5) years from the date of the bonds. Bonds issued for other purposes must mature not more than twenty-five (25) years from the date of the bonds.

(c) The governing body may provide that principal and interest of the bonds are payable at a bank in Indiana and may also be payable at the option of the holder at another bank designated by the governing body, either before or after the sale.

(d) The governing body may pay the fees of the bank paying agent and shall deposit with the paying agent, if any, within a reasonable period before the date that principal and interest become due sufficient money for the payment of the principal and interest on the due date.

As added by P.L.2-2006, SEC.171.

IC 20-48-1-4

Conditions of sale; par value; public sale; interest rate; approval required for certain bonds

Sec. 4. (a) Bonds issued by a school corporation must be sold at:

(1) not less than par value;

(2) public sale as provided by IC 5-1-11; and

(3) any rate or rates of interest determined by the bidding.

(b) This subsection does not apply to bonds for which a school corporation:

(1) after June 30, 2008, makes a preliminary determination as described in IC 6-1.1-20-3.1 or IC 6-1.1-20-3.5 or a decision as described in IC 6-1.1-20-5; or

(2) in the case of bonds not subject to IC 6-1.1-20-3.1, IC 6-1.1-20-3.5, or IC 6-1.1-20-5, adopts a resolution or ordinance authorizing the bonds after June 30, 2008.

If the net interest cost exceeds eight percent (8%) per year, the bonds must not be issued until the issuance is approved by the department of local government finance.

As added by P.L.2-2006, SEC.171. Amended by P.L.146-2008, SEC.522.

IC 20-48-1-5

Signatures; issuing party

Sec. 5. (a) Bonds shall be executed in the name and on behalf of the school corporation by the president and secretary of the governing body. One (1) of the signatures may be by facsimile imprinted on a bond instrument, but at least one (1) of the signatures shall be manually affixed. The secretary of the governing body shall cause the seal of the school corporation to be impressed or a facsimile of the seal printed on each bond. Interest coupons, if any, shall be executed by the facsimile signature of the treasurer of the governing body.

(b) If the president, secretary, or treasurer of the governing body ceases to be the president, secretary, or treasurer for any reason after the officer has executed bonds under this section but before the bonds have been delivered to the purchaser or purchasers of the bonds, the bonds are binding and valid obligations as if the officer were in office at the time of delivery. The treasurer of the governing body shall cause the bonds to be delivered to the purchaser or purchasers and shall receive payment for the bonds.

As added by P.L.2-2006, SEC.171.

IC 20-48-1-6

Required levy; payment of obligations

Sec. 6. (a) The governing body shall provide for the payment of principal and interest on bonds executed under section 5 of this chapter by levying annually a tax that is sufficient to pay the principal and interest as the bonds become due.

(b) The bodies charged with the review of budgets and tax levies shall review a levy for principal and interest described in subsection (a) to determine whether the levy is sufficient.

As added by P.L.2-2006, SEC.171.

IC 20-48-1-7

Emergency loans

Sec. 7. (a) This section applies if a governing body finds by written resolution that an emergency exists that requires the expenditure of money for a lawful corporate purpose that was not included in the school corporation's existing budget and tax levy.

(b) If a governing body makes a finding specified in subsection (a), the governing body may authorize making an emergency loan that may be evidenced by the issuance of the school corporation's note in the same manner and subject to the same procedure and restrictions as provided for the issuance of the school corporation's bonds, except as to purpose.

(c) If a governing body authorizes an emergency loan as specified in subsection (b), the governing body shall, at the time for making the next annual budget and tax levy for the school corporation, make a levy to the credit of the fund for which the expenditure is made sufficient to pay the loan and the interest on the loan. However, the interest on the loan may be paid from the debt service fund.

As added by P.L.2-2006, SEC.171.

IC 20-48-1-8

Bonds; emergency loans; compliance with other laws

Sec. 8. The provisions of all general statutes and rules relating to:

(1) filing petitions requesting the issuance of bonds and giving notice of the issuance of bonds;

(2) giving notice of determination to issue bonds;

(3) giving notice of a hearing on the appropriation of the proceeds of the bonds and the right of taxpayers to appear and be heard on the proposed appropriation; and

(4) the right of taxpayers and voters to remonstrate against or vote on, as applicable, the issuance of bonds;

apply to proceedings for the issuance of bonds and the making of an emergency loan under this article and IC 20-26-1 through IC 20-26-5. An action to contest the validity of the bonds or emergency loans may not be brought later than five (5) days after the acceptance of a bid for the sale of the bonds.

As added by P.L.2-2006, SEC.171. Amended by P.L.219-2007, SEC.99; P.L.146-2008, SEC.523.

IC 20-48-1-9

Anticipation warrants

Sec. 9. (a) If the governing body of a school corporation finds and declares that an emergency exists to borrow money with which to pay current expenses from a particular fund before the receipt of revenues from taxes levied or state tuition support distributions for the fund, the governing body may issue warrants in anticipation of the receipt of the revenues.

(b) The principal of warrants issued under subsection (a) is payable solely from the fund for which the taxes are levied or from the school corporation's general fund in the case of anticipated state tuition support distributions. However, the interest on the warrants may be paid from the debt service fund, from the fund for which the taxes are levied, or the general fund in the case of anticipated state tuition support distributions.

(c) The amount of principal of temporary loans maturing on or before June 30 for any fund may not exceed eighty percent (80%) of the amount of taxes and state tuition support distributions estimated to be collected or received for and distributed to the fund at the June settlement.

(d) The amount of principal of temporary loans maturing after June 30 and on or before December 31 may not exceed eighty percent (80%) of the amount of taxes and state tuition support distributions estimated to be collected or received for and distributed to the fund at the December settlement.

(e) The county auditor or the auditor's deputy shall determine the estimated amount of taxes and state tuition support distributions to be collected or received and distributed. The warrants evidencing a loan in anticipation of tax revenue or state tuition support distributions may not be delivered to the purchaser of the warrant and payment may not be made on the warrant before January 1 of the

year the loan is to be repaid. However, the proceedings necessary for the loan may be held and carried out before January 1 and before the approval. The loan may be made even though a part of the last preceding June or December settlement has not been received.

(f) Proceedings for the issuance and sale of warrants for more than one (1) fund may be combined. Separate warrants for each fund must be issued, and each warrant must state on the face of the warrant the fund from which the warrant's principal is payable. An action to contest the validity of a warrant may not be brought later than fifteen (15) days after the first publication of notice of sale.

(g) An issue of tax or state tuition support anticipation warrants may not be made if the total of all tax or state tuition support anticipation warrants exceeds twenty thousand dollars ($20,000) until the issuance is advertised for sale, bids are received, and an award is made by the governing body as required for the sale of bonds, except that the publication of notice of the sale is not necessary:

(1) outside the county; or

(2) more than ten (10) days before the date of sale.

As added by P.L.2-2006, SEC.171. Amended by P.L.146-2008, SEC.524.

IC 20-48-1-10

Temporary transfers among funds

Sec. 10. Temporary transfers of funds by a school corporation may be made as authorized under IC 36-1-8-4.

As added by P.L.2-2006, SEC.171.

IC 20-48-1-11

Annual review of obligations; department of local government finance; increase in levy to pay obligations; intercept of state distributions to pay obligations

Sec. 11. (a) As used in this section, "debt service obligations" refers to the principal and interest payable during a calendar year on a school corporation's general obligation bonds and lease rentals under IC 20-47-2 and IC 20-47-3.

(b) Before the end of each calendar year, the department of local government finance shall review the bond and lease rental levies, or any levies that replace bond and lease rental levies, of each school corporation that are payable in the next succeeding year and the appropriations from the levies from which the school corporation is to pay the amount, if any, of the school corporation's debt service obligations. If the levies and appropriations of the school corporation are not sufficient to pay the debt service obligations, the department of local government finance shall establish for each school corporation:

(1) bond or lease rental levies, or any levies that replace the bond and lease rental levies; and

(2) appropriations;

that are sufficient to pay the debt service obligations.

(c) Upon the failure of a school corporation to pay any of the school corporation's debt service obligations during a calendar year when due, the treasurer of state, upon being notified of the failure by a claimant, shall pay the unpaid debt service obligations that are due from the funds of the state only to the extent of the amounts appropriated by the general assembly for the calendar year for distribution to the school corporation from state funds, deducting the payment from the appropriated amounts. A deduction under this subsection must be made:

(1) first from all funds except state tuition support; and

(2) second from state tuition support.

(d) This section shall be interpreted liberally so that the state shall to the extent legally valid ensure that the debt service obligations of each school corporation are paid. However, this section does not create a debt of the state.

As added by P.L.2-2006, SEC.171. Amended by P.L.146-2008, SEC.525.

IC 20-48-1-12

Status of bonds issued under prior statute; debt service levies, property tax levies

Sec. 12. Notwithstanding the repeal of IC 20-5-4-1.5, the following provisions apply to bonds issued under IC 20-5-4-1.5, before December 2, 2000:

(1) The bonds remain valid and binding obligations of the school corporation that issued them, as if IC 20-5-4-1.5 had not been repealed.

(2) Each year that a debt service levy is needed for the bonds, the school corporation that issued the bonds shall reduce its total property tax levy for the school corporation's other funds in an amount equal to the property tax levy needed for the debt service on the bonds.

As added by P.L.220-2011, SEC.341.

IC 20-48-2

Chapter 2. Borrowing; School Towns and School Cities

IC 20-48-2-1

Application

Sec. 1. This chapter applies to any school city or school town.

As added by P.L.2-2006, SEC.171.

IC 20-48-2-2

Temporary loans

Sec. 2. (a) Subject to subsection (c), if the board of school trustees or other proper authority of a school town or school city finds that an emergency exists for borrowing money with which to meet current expenses of the schools of the school town or school city, the board of school trustees or other proper authority of the school town or school city may make temporary loans in anticipation of current revenues of the school town or school city to an amount not to exceed fifty percent (50%) of the amount of taxes actually levied and in the course of collection for the fiscal year in which the loans are made.

(b) For purposes of subsection (a), revenues are considered to be current and taxes are considered to have been actually levied and in the course of collection when the budget levy and rate have been finally approved by the department of local government finance.

(c) In second and third class school cities, a loan may not be made under this section for more than twenty thousand dollars ($20,000) unless:

(1) the letting of the loans has been advertised once each week for two (2) successive weeks in two (2) newspapers of general circulation published in the school city; and

(2) sealed bids have been submitted:

(A) at a regular meeting of the school board of the school city; and

(B) under the notices specified in subdivision (1);

stipulating the rate of interest to be charged by the bidder.

(d) School loans made under this section must be made with the bidder that submits:

(1) the lowest rate of interest; and

(2) with the bid an affidavit showing that collusion does not exist between the bidder and any other bidder for the loan.

As added by P.L.2-2006, SEC.171.

IC 20-48-2-3

Requirements; resolution

Sec. 3. (a) A temporary loan made under section 2 of this chapter must be authorized by a resolution of the board of school trustees or other proper authority:

(1) designating the:

(A) nature of the consideration;

(B) date, time, and place payable;

(C) rate of interest, not to exceed six percent (6%) per annum; and

(D) revenues in anticipation of which the temporary loan is made and out of which the temporary loan is payable; and

(2) appropriating and pledging a sufficient amount of current revenues of the school town or school city:

(A) in anticipation of which the temporary loan is made; and

(B) out of which the temporary loan is payable;

to the payment of the temporary loan.

A temporary loan must be evidenced by the time warrants of the school town or school city in terms designating the nature of the consideration, the date, time, and place payable, and the revenues in anticipation of which the temporary loan is issued and out of which the temporary loan is payable. Interest accruing on the warrants to date of maturity must be added to and included in the face value of the warrants.

(b) A school town or school city may issue the time warrants of the school corporation, in anticipation of current revenues of the school town or school city, directly to persons, firms, limited liability companies, and corporations in payment of approved services, materials, and supplies contracted for, purchased, performed, and delivered.

As added by P.L.2-2006, SEC.171.

IC 20-48-3

Chapter 3. Borrowing; Indianapolis Public Schools

IC 20-48-3-1

Application

Sec. 1. This chapter applies only to a school city to which IC 20-25 applies.

As added by P.L.2-2006, SEC.171.

IC 20-48-3-2

"Board"

Sec. 2. As used in this chapter, "board" has the meaning set forth in IC 20-25-2-5.

As added by P.L.2-2006, SEC.171.

IC 20-48-3-3

"School city"

Sec. 3. As used in this chapter, "school city" has the meaning set forth in IC 20-25-2-12.

As added by P.L.2-2006, SEC.171.

IC 20-48-3-4

Powers; bonds; real property; improvements to real property

Sec. 4. (a) The board may periodically, as the need arises, borrow money and issue school building bonds to supply the school city with funds:

(1) to buy real estate;

(2) to erect buildings for school or administrative purposes;

(3) to enlarge, remodel, and repair school buildings; or

(4) for one (1) or more of the purposes described in subdivisions (1) through (3).

The proceeds of the sale of bonds under this subsection may not be used for a purpose other than a purpose described in subdivisions (1) through (4).

(b) The board may periodically, as the need arises, issue school funding bonds to take up and retire the principal and accrued interest of any outstanding bonds of the school city. School funding bonds may be issued only if the board determines it is to the advantage of the school city to refund the outstanding bonds of the school city. A school funding bond may not be issued and the proceeds of a school funding bond may not be used for a purpose other than to refund or take up and discharge outstanding bonds of the school city. Any preexisting bonds for which the school city is liable under IC 20-25-4, this chapter, or a predecessor law are outstanding bonds of the school city under this subsection.

(c) Before school building bonds may be issued under subsection (a), the board shall, by a resolution entered into the record in the board's corporate minutes, demonstrate a particular need for the money and the inability of the school city to supply the money from any other applicable fund under the control of the board. Before

school funding bonds may be issued under subsection (b), the board shall, by a resolution entered into the record of the board's corporate minutes, provide a description of the bonds to be taken up, including the kind, date, date of maturity, and amount of the bonds.

(d) Bonds issued under this section must:

(1) be serial bonds;

(2) bear interest at a rate payable semiannually; and

(3) mature at a time or times fixed in the resolution of the board.

(e) A bond to be issued under this section may not be delivered until the price of the bond is paid to the treasurer of the school city in:

(1) money for school building bonds; or

(2) money or bonds to be refunded for school funding bonds.

A bond issued under this section may not accrue interest before its delivery.

(f) A bond issued under this section must be payable to bearer and be of the general form usual in municipal bonds.

(g) Before offering bonds authorized by this section for sale, the board must give three (3) weeks notice of the date fixed for the sale of the bonds. The notice must include a description of the bonds and invite bids for the bonds. The notice shall be given by three (3) advertisements, one (1) time each week for the three (3) consecutive weeks immediately preceding the day of sale in a newspaper published and with a general circulation in Indianapolis. Notice may also be required in other advertisements if ordered by the board.

(h) The board shall sell the bonds to the highest and best bidder and has the right to reject any bid. The proceeds arising from the sale shall be used only for the purpose declared in the resolution of the board.

As added by P.L.2-2006, SEC.171.

IC 20-48-3-5

Temporary loans

Sec. 5. (a) The board may, if the board's general fund is exhausted or in the board's judgment is in danger of exhaustion, make temporary loans for the use of the board's general fund to be paid out of the proceeds of taxes levied by the school city for the board's general fund. The amount borrowed for the general fund must be paid into the board's general fund and may be used for any purpose for which the board's general fund lawfully may be used. A temporary loan must:

(1) be evidenced by the promissory note or notes of the school city;

(2) bear interest that is payable, according to the note or notes, periodically or at the maturity of the note or notes and at not more than seven percent (7%) per annum; and

(3) mature at a time or times determined by the board, but not later than one (1) year after the date of the note or notes.

Loans made in a calendar year may not be for a sum greater than the

amount estimated by the board as proceeds to be received by the board from the levy of taxes made by the school city for the board's general fund. Successive loans may be made to aid the general fund in a calendar year, but the total amount of successive loans outstanding at any time may not exceed the estimated proceeds of taxes levied for the board's general fund.

(b) A loan under this section may not be made until notice asking for bids is given by newspaper publication. Notice must be made one (1) time in a newspaper published in the school city at least seven (7) days before the time the bids for the loans will be opened. A bidder shall name the amount of interest the bidder agrees to accept, not exceeding seven percent (7%) per annum. The loan shall be made to the bidder or bidders bidding the lowest rate of interest. The note, notes, or warrants may not be delivered until the full price of the face of the loan is paid to the treasurer of the school city, and interest does not accrue on the loan until delivery.

As added by P.L.2-2006, SEC.171.

IC 20-48-3-6

Temporary transfers; proceeds of bonds

Sec. 6. (a) A school city wishing to make a temporary loan for its general fund under this section may temporarily borrow money, without payment of interest, from the school city's treasury if the school city has in its treasury money derived from the sale of bonds that cannot or will not in the due course of the business of the school city be expended in the near future. A school city shall, by its board, take the following steps required by law to obtain a temporary loan under this section:

(1) Present to the department of local government finance and the state board of accounts:

(A) a copy of the corporate action of the school city concerning the school city's desire to make a temporary loan;

(B) a petition showing the particular need for a temporary loan;

(C) the amount and the date or dates when the general fund will need the temporary loan or the installments of the loan;

(D) the date on which the loan and each installment of the loan will be needed;

(E) the estimated amounts from taxes to come into the general fund;

(F) the dates when it is expected the proceeds of taxes will be received by the school city for the general fund;

(G) the amount of money the school city has in each fund derived from the proceeds of the sale of bonds that cannot or will not be expended in the near future; and

(H) a showing of when, to what extent, and why money in the bond service fund will not be expended in the near future.

(2) Request the department of local government finance and the state board of accounts to authorize a temporary loan from the

bond service fund for the general fund.

(b) If:

(1) the department of local government finance finds and orders that there is need for a temporary loan and that it should be made;

(2) the state board of accounts finds that the money proposed to be borrowed will not be needed during the period of the temporary loan by the fund from which it is to be borrowed; and

(3) the state board of accounts and the department of local government finance approve the loan;

the business manager and treasurer of the school city shall, upon the approval of the state board of accounts and the department of local government finance, take all steps necessary to transfer the amount of the loans as a temporary loan from the fund to be borrowed from to the general fund of the school city. The loan is a debt of the school city chargeable against its constitutional debt limit.

(c) The state board of accounts and the department of local government finance:

(1) may fix the total amount that may be borrowed on a petition; and

(2) shall determine:

(A) at what time or times;

(B) in what installments; and

(C) for what periods;

the money may be borrowed.

The treasurer and business manager of the school city, as money is collected from taxes levied on behalf of the general fund, shall credit the amount of money collected from taxes levied to the loan until the amount borrowed is fully repaid to the fund from which the loan was made. The treasurer and business manager of the school city shall at the end of each calendar month report to the board the amounts applied from taxes to the payment of the loan.

(d) The school city shall, as often as once a month, report to both the state board of accounts and the department of local government finance:

(1) the amount of money borrowed and unpaid;

(2) any anticipated similar borrowings for the current month;

(3) the amount left in the general fund; and

(4) the anticipated drafts on the bond service fund for the purposes for which the fund was created.

(e) The state board of accounts and the department of local government finance, or either acting independently:

(1) if it appears that the fund from which the loan was made requires the repayment of all or part of the loan before maturity; or

(2) if the general fund no longer requires all or part of the proceeds of the loan;

may require the school city to repay all or part of the loan. A school city shall, if necessary to repay all or part of a loan under this subsection, exercise its power to obtain a temporary loan from others

under section 5 of this chapter to raise the money needed to repay the bond service fund the amount ordered repaid.
As added by P.L.2-2006, SEC.171.

IC 20-48-3-7
Requirements; repayment of obligations

Sec. 7. A school city shall provide for the payment and retirement of debt obligations of the school city in the manner provided under IC 20-46-7, IC 20-48-1-6, and IC 20-48-1-11.
As added by P.L.2-2006, SEC.171.

IC 20-48-3-8
Maximum obligation

Sec. 8. (a) The board may not create debt exceeding twenty-five thousand dollars ($25,000) in total, except:

(1) as otherwise provided in IC 20-25-4 or this chapter; or

(2) for debts that exist after March 8, 1931, that are authorized by the general school laws of Indiana, including debt incurred under IC 21-4-20, IC 20-26-1, IC 20-26-2, IC 20-26-3, IC 20-26-4, IC 20-26-5, IC 20-26-7, and IC 20-41-1.

(b) Notwithstanding subsection (a), the board is liable for the board's lawful contracts with persons rendering services and furnishing materials incident to the ordinary current operations of the board's schools if the contracts have been entered into as provided in this chapter and in accordance with law. The obligations of the board to persons rendering services or furnishing materials is not limited or prohibited by IC 20-25-4 or this chapter.
As added by P.L.2-2006, SEC.171.

IC 20-48-4

Chapter 4. Township School Building

IC 20-48-4-1

Application

Sec. 1. Sections 2 through 4 of this chapter apply if a township board finds at an annual or special meeting of the board, that:

(1) it is necessary to provide for the construction of a school building; and

(2) the cost of the building, or the proportional cost if it is a joint graded high school building, will exceed the sum available from an annual levy.

As added by P.L.2-2006, SEC.171.

IC 20-48-4-2

Powers; township trustee; issuance of warrants or bonds

Sec. 2. (a) The board may authorize the trustee to issue township warrants or bonds to pay for the building or the proportional cost of it. The warrants or bonds:

(1) may run for a period not exceeding fifteen (15) years;

(2) may bear interest at any rate; and

(3) shall be sold for not less than par.

The township trustee, before issuing the warrants or bonds, shall place a notice in at least one (1) newspaper announcing the sale of the bonds in at least one (1) issue a week for three (3) weeks. The notice must comply with IC 5-3-1 and must set forth the amount of bonds offered, the denomination, the period to run, the rate of interest, and the date, place, and time of selling. The township board shall attend the bond sale and must concur in the sale before the bonds are sold.

(b) The board shall annually levy sufficient taxes each year to pay at least one-fifteenth (1/15) of the warrants or bonds, including interest, and the trustee shall apply the annual tax to the payment of the warrants or bonds each year.

(c) A debt of the township may not be created except by the township board in the manner specified in this section. The board may bring an action in the name of the state against the bond of a trustee to recover for the use of the township funds expended in the unauthorized payment of a debt. The board may appropriate and the township trustee shall pay from township funds a reasonable sum for attorney's fees for this purpose.

(d) If a taxpayer serves the board with a written demand that the board bring an action as described in subsection (c), and after thirty (30) days the board has not brought an action, a taxpayer may bring an action to recover for the use of the township funds expended in the unauthorized payment of a debt. An action brought under this subsection shall be brought in the name of the state.

As added by P.L.2-2006, SEC.171.

IC 20-48-4-3

Preparation of specifications for bidders; competitive bids; contracts

Sec. 3. (a) If a trustee finds it necessary to erect a new school, the trustee shall procure suitable specifications for the school to be used by the bidders in bidding and in the construction of the school. If the trustee desires to purchase school furniture, fixtures, maps, charts, or other school supplies, not including fuel and literary periodicals, as authorized by the township board, the trustee shall make an estimate of the kinds and amounts, itemized particularly, to be used by bidders. If it is necessary to make repairs to a school, other than current or incidental repairs, the trustee shall make an itemized statement of the nature and character of the work to be performed for the use of bidders.

(b) All contracts shall be let after notice is given by publication in accordance with IC 5-3-1.

(c) The township board shall attend the letting. At the letting, all the work or supplies in any one (1) class shall be included and let in a single contract. All bids must be in writing and opened and read publicly at the date, time, and place fixed in the notice. In consultation with the township board, the trustee may take time to examine the bids and determine which is the lowest and best bid. The board may reject any bid. The trustee shall endorse either acceptance or rejection on the bids and preserve them.

(d) If a bid is accepted, a proper contract shall then be reduced to writing for the building, repairs, or supplies and signed by the successful bidder and the trustee. The trustee shall require the bidder to give bond with security to the trustee's approval for the faithful execution of the contract.

As added by P.L.2-2006, SEC.171.

IC 20-48-4-4

Effect of noncompliance with law

Sec. 4. A contract made in violation of sections 2 through 3 of this chapter is void.

As added by P.L.2-2006, SEC.171.

IC 20-48-4-5

Application

Sec. 5. Sections 6 through 9 of this chapter apply to a township in which there is not a city or town that operates public schools within the city or town.

As added by P.L.2-2006, SEC.171.

IC 20-48-4-6

Petition; alteration, construction, or addition of school building

Sec. 6. If:

(1) a petition signed by at least one hundred (100) freeholders of the township is filed with the township trustee asking for the alteration or construction of a building or for an addition to a building to be used for teaching the children of the township the

arts of agriculture, domestic science, or physical culture; and

(2) the building or addition to the building may be used by the citizens of the township for school and community entertainment and for other public purposes;

the township trustee, with the consent of the township board, may grant the petition and shall alter or construct a building or an addition to a building as will best meet the needs of the citizens of the township.

As added by P.L.2-2006, SEC.171.

IC 20-48-4-7

Approval by department of local government finance

Sec. 7. (a) After June 30, 2008, this section applies only if the alteration or construction is a controlled project (as defined in IC 6-1.1-20-1.1) for which a preliminary determination under IC 6-1.1-20-3.1 was made before July 1, 2008.

(b) Before altering or constructing a building or an addition to a building, the proposed action must be submitted for approval to the department of local government finance. The department of local government finance shall set the proposal for hearing and give ten (10) days notice of the hearing to the taxpayers of the taxing district by:

(1) one (1) publication in each of two (2) newspapers of opposite political parties published in the taxing district;

(2) one (1) publication if only one (1) newspaper is published;

(3) publication in two (2) newspapers representing the two (2) leading political parties published in the county and having a general circulation in the taxing district if no newspaper is published in the district; or

(4) publication in one (1) newspaper if only one (1) paper is published in the county.

The department of local government finance shall conduct the hearing in the taxing district. After the hearing upon the proposal, the department of local government finance shall certify its approval or disapproval to the county auditor and to the township trustee.

As added by P.L.2-2006, SEC.171. Amended by P.L.146-2008, SEC.526.

IC 20-48-4-8

Powers; issuance of bonds

Sec. 8. (a) Upon approval by the department of local government finance (if required under section 6 of this chapter), the township trustee may, with the consent of the township board, issue and sell the bonds of the civil township in an amount sufficient to pay for the alteration, construction, or addition described in section 6 of this chapter.

(b) The trustee may levy a tax on the taxable property of the township in an amount sufficient to discharge the bonds issued and sold. The bonds may not bear a maturity date more than twenty (20) years from the date of issue.

As added by P.L.2-2006, SEC.171. Amended by P.L.146-2008, SEC.527.

IC 20-48-4-9

Joint action; township trustee; school township

Sec. 9. In carrying out sections 6 through 8 of this chapter, the township trustee may join with the school township or district in the alteration, construction, or addition, contracting together and joining in the employment of an engineer or architect.

As added by P.L.2-2006, SEC.171.

IC 20-49

ARTICLE 49. STATE MANAGEMENT OF COMMON SCHOOL FUNDS; STATE ADVANCES AND LOANS

IC 20-49-1

Chapter 1. General Provisions

IC 20-49-1-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.2-2006, SEC.172.

IC 20-49-1-2

"Current ADM"

Sec. 2. "Current ADM" has the meaning set forth in IC 20-43-1-10.

As added by P.L.2-2006, SEC.172.

IC 20-49-1-3

"Transition to foundation amount"

Sec. 3. "Transition to foundation amount" refers to the amount determined under IC 20-43-5-6.

As added by P.L.2-2006, SEC.172. Amended by P.L.234-2007, SEC.265; P.L.182-2009(ss), SEC.359.

IC 20-49-2

Chapter 2. Administration of Veterans Memorial School Construction Fund; School Disaster Loan Fund

IC 20-49-2-1

"Advancement"

Sec. 1. As used in this chapter, "advancement" refers to an advance payment to a school corporation under this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-2

Establishment of fund

Sec. 2. The veterans memorial school construction fund is established. The state board shall administer the fund.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-3

Duties; state board

Sec. 3. (a) The state board shall carry out this chapter.

(b) The state superintendent shall, from funds appropriated for administering this chapter, provide office space and employees to enable the state board to perform the duties required under this chapter.

(c) The state board may adopt rules under IC 4-22-2 necessary for the proper administration of the veterans memorial school construction fund and for carrying out this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-4

Powers; advancements to school corporations; purposes

Sec. 4. Subject to this chapter, the state board may order the auditor of state to periodically make an advancement from the state general fund for the construction, remodeling, or repair of school buildings to any school corporation.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-5

Limitation; total loans from fund

Sec. 5. The state board may not order advancements under this chapter during any fiscal year that in total exceed the sum of:

(1) the balance remaining in the veterans memorial school construction fund at the end of the preceding fiscal year; and

(2) all accruals and transfers to the veterans memorial school construction fund.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-6

Limitations on eligibility for advancement

Sec. 6. A school corporation is not entitled to an advancement under this chapter under the following circumstances:

(1) An advancement may not be made to any organized joint school district or to any school corporation within any organized joint school district when the advancement is to be used in connection with the enlargement or construction of a joint school.
(2) An advancement may not be made to a school corporation whose average resident enrollment in:
(A) grades 1 through 8 is less than thirty (30) per grade; or
(B) grades 9 through 12 is less than two hundred seventy (270);
in the proposed school building to be built.
(3) A school corporation is not entitled to an advancement if:
(A) the school corporation has used the maximum amount allowable under the Constitution of the State of Indiana and Indiana law for the construction of school facilities; and
(B) more than thirty-five percent (35%) of the total cost of the facilities has been to build or enlarge a gymnasium, an auditorium, or an athletic facility.
As added by P.L.2-2006, SEC.172.

IC 20-49-2-7
Required compliance with chapter
Sec. 7. All advancements made by the state board must comply with this chapter.
As added by P.L.2-2006, SEC.172.

IC 20-49-2-8
Limitations on purposes of advancements
Sec. 8. An advancement may not be made for:
(1) any purpose other than the construction, remodeling, or repairing of school buildings and classrooms; or
(2) gymnasiums, auditoriums, or any athletic facilities.
As added by P.L.2-2006, SEC.172.

IC 20-49-2-9
Maximum advancement; nonemergency
Sec. 9. A nondisaster advancement to any school corporation under section 10 of this chapter may not exceed two hundred fifty thousand dollars ($250,000). However, this dollar limitation is waived if:
(1) the school corporation has an assessed valuation per ADA of less than eight thousand four hundred dollars ($8,400); and
(2) the school corporation's debt service fund tax rate would exceed one dollar ($1) for each one hundred dollars ($100) of assessed valuation without a waiver of the dollar limitation.
As added by P.L.2-2006, SEC.172. Amended by P.L.182-2009(ss), SEC.360.

IC 20-49-2-10
Restrictions on nonemergency advancements

Sec. 10. The state board shall make nondisaster advancements to school corporations under this chapter only when the following conditions exist:

(1) The school buildings and classrooms of any school corporation are not adequate for the proper education of the students in that public school or school corporation, and the school corporation is unable to finance the construction, remodeling, or repair of the necessary classrooms under existing debt and tax limitations without undue financial hardship.

(2) The school corporation has issued its bonds to construct, remodel, or repair schools and school buildings in ninety percent (90%) of the maximum amount allowable under the Constitution of the State of Indiana and Indiana law.

(3) The school corporation does not have funds available for the construction, remodeling, or repair of school buildings and classrooms sufficient to meet the requirements for the proper education of the school corporation's students.

(4) The school corporation has established and maintained a property tax levy in the amount of at least sixteen and sixty-seven hundredths cents ($0.1667) on each one hundred dollars ($100) of taxable property within the school corporation for school building purposes continuously for three (3) years before the time when the school corporation makes an application to the state board for an advancement.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-11

Disaster loans; maximum advancement

Sec. 11. (a) The state board may make a disaster loan to a school corporation that has suffered loss by fire, flood, windstorm, or other disaster that makes all or part of the school building or buildings unfit for school purposes as described in IC 20-26-7-29 through IC 20-26-7-34.

(b) A loan made under this section may not exceed three million dollars ($3,000,000). The school corporation shall repay the loan within twenty (20) years at an annual interest rate of one percent (1%) of the unpaid balance.

(c) The amounts repaid by school corporations under subsection (b) shall be deposited in a fund to be known as the school disaster loan fund. The money remaining in the school disaster loan fund at the end of a state fiscal year does not revert to the state general fund. The state board may use the money in the school disaster loan fund only to make disaster loans to school corporations under this section.

(d) Sections 13, 14, and 15 of this chapter do not apply to loans made under this section.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-12

Application procedures

Sec. 12. Any school corporation desiring to obtain an advancement under this chapter shall submit to the state board a verified application stating:

(1) the existing condition concerning the need for money to be used to construct, remodel, or repair a school building in the school corporation;

(2) the amount of money needed; and

(3) any other information requested by the state board.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-13

Calculations; school building index; tax ability

Sec. 13. (a) The state board shall compute and assign to the applicant school corporation a school building index that is the ratio of the school building need, in terms of money, to the school corporation's tax ability, in terms of money.

(b) For purposes of this section, the school building need, in terms of money, of a school corporation is the amount determined under STEP FOUR of the following formula:

STEP ONE: Add the ADA of students in grades 1 through 12 of the school corporation during the current school year in which application for an advancement is made and twice the ADA increase of the school corporation for the preceding three (3) years. However, the state board may make adjustments to reflect the effect of changes of boundary lines, loss of transfer students, or loss of resident students to private, parochial, or cooperative program schools within the three (3) year period.

STEP TWO: Divide the STEP ONE amount by twenty-five (25) to determine the number of classrooms needed to house the estimated enrollment increase.

STEP THREE: Subtract from the STEP TWO amount the number of classrooms that:

(A) are owned, under a lease-rental arrangement, or under construction in the school corporation; and

(B) were constructed for and normally used for classroom purposes at the time of making application for an advancement.

However, there shall not be subtracted classrooms in a building or buildings found to be inadequate for the proper education of students under standards and procedures prescribed by the state board or that have been condemned under IC 20-26-7-29 through IC 20-26-7-34 and that are to be replaced by funds applied for.

STEP FOUR: Multiply the STEP THREE amount by twenty thousand dollars ($20,000).

(c) For purposes of this section, the school corporation's tax ability, in terms of money, is the amount determined under STEP TWO of the following formula:

STEP ONE: Determine six and one-half percent (6 1/2%) of the adjusted value of taxable property in a school corporation as

determined under IC 36-1-15-4 for state and county taxes immediately preceding the date of application.

STEP TWO: Subtract from the STEP ONE amount the sum of the following:

(A) The principal amount of any outstanding general obligation bonds of the school corporation.

(B) The principal amount of outstanding obligations of any corporation or holding company that has entered into a lease-rental agreement with the applicant school corporation.

(C) The principal amount of outstanding civil township, town, or city school building bonds.

If the school corporation's tax ability is less than one hundred dollars ($100), the school corporation's tax ability is considered for purposes of this section as being one hundred dollars ($100).

As added by P.L.2-2006, SEC.172.

IC 20-49-2-14

Prioritizing nonemergency loans

Sec. 14. School corporations having the highest school building index must be considered first for advancements. The advancements must be made in descending order of need as shown by the school building index. The state board, after giving consideration to the:

(1) relative order of the various applicant school corporations with regard to the school building index;

(2) matters and facts that are required to be considered under this chapter; and

(3) intent and purposes of this chapter;

shall make an advancement to the various school corporations for the purpose of construction, remodeling, or repairing in the amounts that are found by the state board to be necessary to enable the school corporations to provide for the classrooms and school buildings necessary and required to place the educational facilities of the school corporations on as nearly a uniform and relatively adequate basis as possible.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-15

Repayment of advancement; state tuition support

Sec. 15. (a) An advancement under this chapter is not an obligation of the school corporation within the meaning of the limitation against indebtedness under the Constitution of the State of Indiana. This chapter does not relieve the governing body of a school corporation of any obligation under Indiana law to qualify the school corporation for state tuition support. The school corporation must perform all the acts necessary to obtain state tuition support payments.

(b) A school corporation receiving an advancement under this chapter shall agree to have the total amount of the money advanced plus one percent (1%) of the outstanding balance deducted from the distribution of state tuition support:

(1) for a period not to exceed twenty (20) years; or
(2) until all the money advanced plus one percent (1%) has been deducted.

(c) The state board shall reduce the amount of each distribution of state tuition support to any school corporation that has received an advancement under this chapter in an amount to be agreed upon between the state board and the school corporation. The amount must include one percent (1%) on the balance of the advancement. However, if a school corporation:

(1) has received an advancement or advancements to replace a building or buildings under this chapter; and
(2) has not abandoned the building or buildings for classroom purposes upon completion of the classrooms for which the application for funds has been made;

the state board may amend the amount of the deductions. The amended deduction may include all state tuition support payable to the school corporation.

(d) If an advancement:

(1) has been previously made under this chapter; and
(2) was to be repaid within a period of less than twenty (20) years;

the receiving school corporation and the state board may renegotiate the agreement for repayment. The new agreement may provide any period of repayment by the receiving school corporation as long as the period does not exceed twenty (20) years from the date of the original advancement.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-16

Power; levy to replace amount deducted from state tuition support

Sec. 16. A school corporation receiving an advancement under this chapter may annually levy a tax in the debt service fund to replace the amount deducted in the current year from the distribution of state tuition support under this chapter. The amount received from the tax shall be transferred from the debt service fund to the general fund.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-17

Transfer between funds; amount of advancements

Sec. 17. (a) The auditor of state shall on December 31 and June 30 of each year transfer from the veterans memorial school construction fund to the state general fund the total amount of money advanced by the state board from the state general fund to school corporations under this chapter.

(b) The auditor of state shall at the time of a distribution of state tuition support transfer to the veterans memorial school construction fund an amount equal to the amount withheld from the distribution to school corporations that have received advancements under this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-2-18

Duty; erection of plaque

Sec. 18. Each school corporation that receives funds under this chapter shall provide a suitable plaque of a permanent nature commemorating the veterans who served in the armed forces of the United States. The plaque must be in a form recommended by the state board.

As added by P.L.2-2006, SEC.172.

IC 20-49-3

Chapter 3. State Administration of Common School Fund

IC 20-49-3-1

Application

Sec. 1. This chapter applies only to money in the fund that is not being held in trust by the several counties under IC 20-42.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-2

Purpose

Sec. 2. This chapter is in furtherance of the duties that are imposed exclusively upon the general assembly by the Constitution of the State of Indiana in connection with the:

(1) maintenance of a general and uniform system of common schools; and

(2) investment and reinvestment of the common school fund.

This chapter shall be liberally construed to carry out the purposes of the Constitution of the State of Indiana.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-3

"Fund"

Sec. 3. As used in this chapter, "fund" refers to the common school fund in the custody of the treasurer of state.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-4

Treasurer; fund custodian

Sec. 4. (a) The treasurer of state is the exclusive custodian of the fund not held in trust by the several counties under IC 20-42-1.

(b) The state board of finance has full and complete management and control of the fund. The state board of finance shall invest the fund as provided in this title.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-5

State board; administration of fund

Sec. 5. The state board shall administer the fund and this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-6

Rules; state board of education

Sec. 6. The state board may adopt rules under IC 4-22-2 necessary to administer the fund to carry out this chapter and IC 20-49-4.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-7

Appropriation; interest balance

Sec. 7. The fund interest balance is annually appropriated for the

support of the common schools.
As added by P.L.2-2006, SEC.172.

IC 20-49-3-8
Advances; eligible projects; charter schools

Sec. 8. The fund may be used to make advances:

(1) to school corporations, including school townships, under IC 20-49-4 and IC 20-49-5;

(2) under IC 20-49-6; and

(3) to charter schools under IC 20-24-7-3(c) and IC 20-49-7.

As added by P.L.2-2006, SEC.172. Amended by P.L.146-2008, SEC.529.

IC 20-49-3-9
State board; powers; applications

Sec. 9. The state board shall consider and accept or reject, in its discretion, applications of school building corporations created under IC 21-5-11 (before its repeal) or IC 20-47-2 for the purchase of first mortgage bonds issued by the corporation under IC 21-5-11 (before its repeal) or IC 20-47-2.
As added by P.L.2-2006, SEC.172.

IC 20-49-3-10
Investments

Sec. 10. Except as provided in this chapter, the fund shall be invested in:

(1) bonds, notes, certificates, and other valid obligations of the United States;

(2) bonds, notes, debentures, and other securities issued by any federal instrumentality and fully guaranteed by the United States;

(3) bonds, notes, certificates, and other valid obligations of any state of the United States or any county, township, city, town, or other political subdivision in Indiana that are issued under law, the issuers of which, for five (5) years before the date of the investment, have promptly paid the principal and interest on the bonds and other legal obligations in lawful money of the United States; or

(4) bonds, notes, or other securities issued by the Indiana bond bank and described in IC 5-13-10.5-11(3).

As added by P.L.2-2006, SEC.172.

IC 20-49-3-11
Advances permitted; counties managing a county common school fund

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

(1) has not elected to surrender custody of any part of the fund to the state; and

(2) has an insufficient amount of unloaned money in the fund when added to the amount of unloaned money in the

congressional township school fund, as shown by a report of the county auditor and county treasurer, to make all loans for which the county auditor has applications.

(b) Upon petition of the board of commissioners of the county, the state board of finance may allocate to the county making the application the amount that the state board of finance determines is necessary.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-12

Management of funds; state board of finance

Sec. 12. (a) The state board of finance shall direct all disbursement from the fund. The auditor of state shall draw the auditor of state's warrant on the treasurer of state, on a properly itemized voucher officially approved by:

(1) the president of the state board of finance; or

(2) in the absence of the president, any member of the state board of finance.

(b) Except as otherwise provided by this chapter, all securities purchased for the fund shall be deposited with and remain in the custody of the state board of finance. The state board of finance shall collect all interest or other income accruing on the securities, when due, together with the principal of the securities when the principal matures and is due. Except as provided by subsection (c), all money collected under this subsection shall be:

(1) credited to the proper fund account on the records of the auditor of state;

(2) deposited with the treasurer of state; and

(3) reported to the state board of finance.

(c) All money collected under an agreement that is sold, transferred, or liquidated under IC 20-49-4-23 shall be immediately transferred to the purchaser, transferee, or assignee of the agreement.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-13

Rules; state board of finance

Sec. 13. (a) The state board of finance may:

(1) make all rules;

(2) employ all help;

(3) purchase all supplies and equipment; and

(4) incur all expense;

necessary to properly carry out this chapter.

(b) The expense incident to the administration of this chapter shall be paid from any money in the state treasury not otherwise appropriated upon the warrant of the auditor of state issued on a properly itemized voucher approved by the president of the state board of finance.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-14

Audits

Sec. 14. A field examiner assigned by the state examiner shall annually examine the status of the fund. Upon completion of the examination, the examiner performing the duty shall prepare a report of the examination. The report must show:

(1) all necessary pertinent information;

(2) the balance of the fund's principal at the close of the previous examination;

(3) the amount of interest and principal paid by each county to the state board of finance since the close of the previous examination;

(4) the balance of principal due at the date of the closing of the report;

(5) a statement of receipts and disbursements by the state board of finance;

(6) a list of the securities found to be in the possession of the state board of finance;

(7) the amount of each security; and

(8) the total amount of all the securities held in custody.

The appropriate officer of the state board of finance shall sign the list described in subdivision (6) in duplicate. The original signed list shall be deposited with the state board of accounts, and the duplicate of the signed list shall be kept in the files of the treasurer of state.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-15

Statutory construction; liability of county officer

Sec. 15. This chapter may not be construed to relieve the county auditor of any county or any other county officer of any liability fixed by law not specifically changed by this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-3-16

Deposit of revenue in fund

Sec. 16. (a) All fines, forfeitures, and other revenue that, by law, accrue to the fund shall be collected as provided by law. The money shall be paid into the state treasury and becomes a part of the fund in the custody of the treasurer of state. The county auditor shall keep a record of all fines and forfeitures and all other revenue that, by law, accrues to the fund. Semiannually on May 1 and November 1, the county auditor shall issue the county auditor's warrant payable to the treasurer of state in an amount equal to the total collections in the six (6) months preceding of fines and forfeitures and all other revenue that, by law, accrues to the fund or to the permanent endowment fund.

(b) At the time of payment of principal, interest, or accretions to the treasurer of state, the county auditor shall file a report with the auditor of state. The report must set forth the amount of the following:

(1) The county's common school fund.

(2) Interest on the county's common school fund.

(3) Fines and forfeitures from the county.

(4) All other accretions included in a payment from the county to the treasurer of state.

Forms for making the report shall be furnished by the auditor of state.

(c) All money collected as interest on the fund shall be paid into the state treasury and shall be distributed for the uses and purposes provided by law.

As added by P.L.2-2006, SEC.172.

IC 20-49-4

Chapter 4. Advancement From Common School Fund; Buildings; Technology Programs

IC 20-49-4-0.3

Legalization of certain agreements executed before February 28, 1992, for advances from common school fund

Sec. 0.3. All agreements that are:

(1) executed by or on behalf of school corporations or school townships before February 28, 1992; and

(2) for advances from the Indiana common school fund under IC 21-1-5 (before its repeal, now codified in this chapter);

are validated and legalized.

As added by P.L.220-2011, SEC.342.

IC 20-49-4-0.4

Legalization of certain agreements executed before March 10, 1996 for advances from common school fund

Sec. 0.4. All agreements that are:

(1) executed by or on behalf of school corporations or school townships before March 10, 1996; and

(2) for advances from the common school fund under IC 21-1-5 (before its repeal, now codified in this chapter);

are validated and legalized.

As added by P.L.220-2011, SEC.343.

IC 20-49-4-1

Application; reorganized schools

Sec. 1. This chapter applies to school corporations organized and formed through reorganization under IC 20-23-4, IC 20-23-6, or IC 20-23-7 and school townships under IC 20-23-3.

As added by P.L.2-2006, SEC.172.

IC 20-49-4-2

Exemption for procedures; loss from disaster

Sec. 2. Sections 9, 12, and 13 of this chapter do not apply if a school corporation sustains loss from a disaster.

As added by P.L.2-2006, SEC.172.

IC 20-49-4-3

"Advance"

Sec. 3. As used in this chapter, "advance" means an advance under this chapter from the fund.

As added by P.L.2-2006, SEC.172.

IC 20-49-4-4

"Disaster"

Sec. 4. As used in this chapter, "disaster" refers to loss by:

(1) fire;

(2) wind;

(3) cyclone; or
(4) other disaster;
of all or a major part of a school building or school buildings.
As added by P.L.2-2006, SEC.172.

IC 20-49-4-5
"Educational technology program"
Sec. 5. As used in this chapter, "educational technology program" means the:
(1) purchase, lease, or financing of educational technology equipment;
(2) operation of the educational technology equipment; and
(3) training of teachers in the use of the educational technology equipment.
As added by P.L.2-2006, SEC.172.

IC 20-49-4-6
"Fund"
Sec. 6. As used in this chapter, "fund" refers to the common school fund in the custody of the treasurer of state.
As added by P.L.2-2006, SEC.172.

IC 20-49-4-7
"School building construction program"
Sec. 7. As used in this chapter, "school building construction program" means the purchase, lease, or financing of land, the construction and equipping of school buildings, and the remodeling, repairing, or improving of school buildings by a school corporation:
(1) that sustained a loss from a disaster;
(2) whose adjusted assessed valuation (as determined under IC 6-1.1-34-8) per ADM is within the lowest forty percent (40%) of the assessed valuation per ADM when compared with all school corporation adjusted assessed valuation (as adjusted (if applicable) under IC 6-1.1-34-8) per ADM; or
(3) with an advance under this chapter outstanding on July 1, 1993, that bears interest of at least seven and one-half percent (7.5%).
The term does not include facilities used or to be used primarily for interscholastic or extracurricular activities.
As added by P.L.2-2006, SEC.172. Amended by P.L.113-2010, SEC.99.

IC 20-49-4-8
Power; state board; advance; eligibility
Sec. 8. The state board may advance money to school corporations to be used for:
(1) school building construction programs; and
(2) educational technology programs;
as provided in this chapter.
As added by P.L.2-2006, SEC.172.

IC 20-49-4-9

Priority of advances; school building contruction programs

Sec. 9. Priority of advances for school building construction programs shall be made to school corporations that have the least amount of adjusted assessed valuation (as determined under IC 6-1.1-34-8) per student in ADM.

As added by P.L.2-2006, SEC.172.

IC 20-49-4-10

Priority of advances; educational technology programs

Sec. 10. Priority of advances for educational technology programs shall be on whatever basis the state board, after consulting with the department and the budget agency, periodically determines.

As added by P.L.2-2006, SEC.172.

IC 20-49-4-11

Application

Sec. 11. A school corporation desiring to obtain an advance must submit an application to the state board in the form established by the state board, after consulting with the department and the budget agency.

As added by P.L.2-2006, SEC.172.

IC 20-49-4-12

Condition of advance; capital projects fund

Sec. 12. To qualify for an advance under this chapter, a school corporation must establish a capital projects fund under IC 20-40-8. The state board, after consulting with the department and the budget agency, may waive or modify this requirement upon a showing of good cause by the school corporation.

As added by P.L.2-2006, SEC.172.

IC 20-49-4-13

Maximum advance; school building construction program

Sec. 13. An advance to a school corporation for any school building construction program may not exceed the greater of the following:

(1) Fifteen million dollars ($15,000,000).

(2) The product of fifteen thousand dollars ($15,000) multiplied by the number of students accommodated as a result of the school building construction program.

However, if a school corporation has sustained loss by disaster, this limitation may be waived by the state board after consulting with the department and the budget agency.

As added by P.L.2-2006, SEC.172.

IC 20-49-4-14

Maximum advance; educational technology programs

Sec. 14. An advance for an educational technology program is without limitation in amount other than the availability of funds in

the fund for this purpose and the ability of the school corporation desiring an advance to pay the advance according to the terms of the advance.
As added by P.L.2-2006, SEC.172.

IC 20-49-4-15
Maximum term of advance; school building construction program; prepayment; interest rate

Sec. 15. (a) Money advanced to a school corporation for a school building construction program may be advanced for a period not exceeding twenty-five (25) years. The school corporation to which money is advanced must pay interest on the advance. For advances made before July 1, 1993, the state board may provide, either before an advance is made or before an advance is fully paid, that the payment of the advance may not be prepaid by more than six (6) months. For advances made after June 30, 1993, for school building construction programs, the state board may provide that the advances are prepayable at any time.

(b) The state board of finance shall periodically establish the rate or rates of interest payable on advances for school building construction programs as long as:

(1) the established interest rate or rates do not exceed seven and one-half percent (7.5%); and

(2) the interest rate or rates on advances made to school corporations with advances outstanding on July 1, 1993, bearing interest at seven and one-half percent (7.5%) or more shall not exceed four percent (4%).

As added by P.L.2-2006, SEC.172.

IC 20-49-4-16
Maximum term of advance; educational technology program; prepayment; interest rate

Sec. 16. (a) Money advanced to a school corporation for an educational technology program may be for a period not exceeding five (5) years. The school corporation to which an advance is made shall pay interest on the advance. Advances for educational technology programs may be prepaid at any time.

(b) The state board of finance shall periodically establish the rate or rates of interest payable on advances for educational technology programs as long as the established interest rate or rates:

(1) are not less than one percent (1%); and

(2) do not exceed four percent (4%).

As added by P.L.2-2006, SEC.172.

IC 20-49-4-17
Statutory construction; advance not treated as debt of school corporation

Sec. 17. An advance is not an obligation of the school corporation within the meaning of the limitation on or prohibition against indebtedness under the Constitution of the State of Indiana. Nothing

in this chapter relieves the governing body of a school corporation receiving an advance of any obligation under Indiana law to qualify the school corporation for state tuition support. The school corporation shall continue to perform all acts necessary to obtain these funds.
As added by P.L.2-2006, SEC.172.

IC 20-49-4-18
Repayment of advance; terms; state tuition support

Sec. 18. To ensure timely payment of advances according to the terms, the state may in its sole discretion withhold from funds due to school corporations to which advances are made amounts necessary to pay the advances and the interest on the advances in accordance with their respective terms. The terms of the advances shall be established by the state board after consulting with the department and upon the approval of the budget agency in advance of the time the respective advances are made. However, in the case of school corporations with advances outstanding on July 1, 1993, the withholding may be adjusted to conform with this chapter. To the extent available, funds shall first be withheld from the distribution of state tuition support. However, if this distribution is not available or is inadequate, funds may be withheld from the distribution of other state funds to the school corporation to which the advance is made.
As added by P.L.2-2006, SEC.172.

IC 20-49-4-19
Terms of agreement; right to offset advance against state tuition support

Sec. 19. A school corporation receiving an advance shall agree to have the money advanced, together with the interest on the advance, deducted from the distribution of state tuition support until all the money advanced, together with the interest on the advance, has been paid. The state board and the state board of finance shall reduce each distribution of state tuition support to each school corporation to which an advance is made in an amount to be agreed upon by the state and the school corporation.
As added by P.L.2-2006, SEC.172.

IC 20-49-4-20
Statutory construction; advance not treated as debt of state

Sec. 20. An agreement with the state board or state board of finance under section 23 of this chapter to collect and pay over amounts deducted from state tuition support for the benefit of another party is not a debt of the state within the meaning of the limitation on or prohibition against state indebtedness under the Constitution of the State of Indiana.
As added by P.L.2-2006, SEC.172.

IC 20-49-4-21
Power; levy; school building construction program; replacement

of amount deducted from state tuition support

Sec. 21. A school corporation to which an advance is made for a school building construction program may annually levy a property tax in the debt service fund to replace the amount deducted under this chapter in the current year from the distribution of state tuition support. The amount received from the tax must be transferred from the debt service fund to the general fund.

As added by P.L.2-2006, SEC.172.

IC 20-49-4-22

Power; levy; educational technology program; replacement of amount deducted from state tuition support

Sec. 22. A school corporation to which an advance is made for an educational technology program may annually levy a property tax in the capital projects fund or the debt service fund to replace the amount deducted under this chapter in the current year from the distribution of state tuition support. The amount received from the tax must be transferred from the capital projects fund or the debt service fund, as applicable, to the general fund.

As added by P.L.2-2006, SEC.172.

IC 20-49-4-23

Power; state board; sell, transfer, or liquidate agreements; conditions

Sec. 23. (a) Upon request of the state board, acting upon the advice of the department, the state board of finance may periodically sell, transfer, or liquidate agreements, in whole or in part, including without limitation the sale, transfer, or liquidation of all or any part of the principal or interest to be received at any time under one (1) or more agreements that evidence the right of the state to make deductions from state tuition support to pay advances under this chapter under the terms and conditions that the state board of finance considers necessary and appropriate.

(b) Each sale, transfer, or liquidation under this section is subject to the following conditions:

(1) Each sale, transfer, or liquidation may be made only to a department, an agency, a commission, an instrumentality, or a public body of the state, including the Indiana bond bank.

(2) Each sale, transfer, or liquidation of agreements may be made only for cash.

(3) Payments under the sale, transfer, or liquidation must be made to the treasurer of state for the fund and reported to the state board of finance.

(4) The total amount of cash received by the fund from the sale may not be less than the outstanding principal amount of all or a part of the agreements sold plus accrued interest owed.

(5) If necessary to facilitate a sale, transfer, or liquidation, the state board or the state board of finance may agree to act on behalf of an entity described in subdivision (1) by collecting payment on advances that are:

(A) received directly from a school corporation, if any direct payments are received; or

(B) deducted from amounts appropriated and made available for state tuition support.

An agreement by the state board or the state board of finance under this subdivision is a valid and enforceable contractual obligation but is not a debt of the state within the meaning of the limitation against indebtedness under the Constitution of the State of Indiana.

(6) Each proposed sale, transfer, or liquidation must be reviewed by the budget committee and approved by the budget agency.

As added by P.L.2-2006, SEC.172.

IC 20-49-5

Chapter 5. Advancement From the Common School Fund for Transfer Tuition Costs

IC 20-49-5-1

"Advance"

Sec. 1. As used in this chapter, "advance" refers to an advance from the fund under this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-5-2

"Fund"

Sec. 2. As used in this chapter, "fund" refers to the common school fund in the custody of the treasurer of state.

As added by P.L.2-2006, SEC.172.

IC 20-49-5-3

State board; advance; purposes; maximum advance

Sec. 3. To assist a school corporation in providing the school corporation's educational program to a student placed in a facility or home as described in IC 20-26-11-8(a) or IC 20-26-11-8(b) and not later than October 1 of each school year, the state board may advance money to a school corporation in anticipation of the school corporation's receipt of transfer tuition for students described in IC 20-26-11-8(a) or IC 20-26-11-8(b). The amount of the advance may not exceed the amount determined under STEP TWO of the following formula:

STEP ONE: Estimate for the current school year the number of students described in IC 20-26-11-8(a) or IC 20-26-11-8(b) that are transferred to the school corporation.

STEP TWO: Multiply the STEP ONE amount by the school corporation's prior year per student transfer tuition amount.

As added by P.L.2-2006, SEC.172.

IC 20-49-5-4

Conditions of advance; certification; repayment agreement

Sec. 4. (a) To qualify for an advance, a school corporation shall do the following:

(1) Certify to the state board the information described in section 3 of this chapter.

(2) Request from the state board the anticipated amount of transfer tuition not to exceed the amount described in section 3 of this chapter.

(3) Guarantee full repayment of the advance by agreeing to have:

(A) one-half (1/2) of the amount of the advance deducted from the monthly distribution of state tuition support received by the school corporation six (6) months after the advancement is made, with interest at the rate of four percent (4%); and

(B) the balance of the amount of the advancement deducted from the monthly distribution of state tuition support received by the school corporation twelve (12) months after the advancement is made, with interest at the rate of four percent (4%).

(b) The deducted amounts shall be transferred by the state board to the fund.

As added by P.L.2-2006, SEC.172.

IC 20-49-5-5

Reimbursement of interest; notice between school corporations

Sec. 5. A school corporation receiving an advance shall notify the school corporation or auditor of state from which the school corporation receives transfer tuition under IC 20-26-11 for students described in IC 20-26-11-8(a) or IC 20-26-11-8(b) of the amount of interest withheld under section 4 of this chapter. The school corporation or auditor of state shall reimburse the school corporation for the interest expense at the same time the transfer tuition is paid.

As added by P.L.2-2006, SEC.172.

IC 20-49-5-6

Obligation to repay advance; effect of failure to receive transfer tuition reimbursement; obligation not treated as debt

Sec. 6. (a) A school corporation's obligation to repay the advancement may not be construed to be diminished or otherwise affected if the school corporation in which the student has legal settlement fails to pay the transfer tuition as required under IC 20-26-11 to the transferee school corporation in a timely manner.

(b) An advance may not be construed to be an obligation of the school corporation within the meaning of the limitation against indebtedness under the Constitution of the State of Indiana.

As added by P.L.2-2006, SEC.172.

IC 20-49-6

Chapter 6. School Technology Advancement Account

IC 20-49-6-1

"Advance"

Sec. 1. As used in this chapter, "advance" refers to an advance from the advancement account under this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-6-2

"Advancement account"

Sec. 2. As used in this chapter, "advancement account" refers to the school technology advancement account established by section 3 of this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-6-3

Establishment of advancement account

Sec. 3. The school technology advancement account is established within the common school fund.

As added by P.L.2-2006, SEC.172.

IC 20-49-6-4

Appropriation

Sec. 4. On July 1 of each year, there is appropriated to the advancement account:

(1) five million dollars ($5,000,000); minus

(2) the amount of money in the account on June 30 of the same year.

As added by P.L.2-2006, SEC.172.

IC 20-49-6-5

Eligibility for advancement

Sec. 5. Advancements of money from the advancement account may be made to a school corporation to:

(1) purchase computer hardware and software used primarily for student instruction; and

(2) develop and implement innovative technology projects.

As added by P.L.2-2006, SEC.172.

IC 20-49-6-6

Application of other laws

Sec. 6. Money must be advanced under this chapter in accordance with IC 20-49-4-15 through IC 20-49-4-21.

As added by P.L.2-2006, SEC.172.

IC 20-49-6-7

Rules

Sec. 7. The state board shall adopt rules under IC 4-22-2 concerning:

(1) the criteria and priorities for awarding grants and advancements under this chapter;

(2) the terms and conditions of advancements made under this chapter; and

(3) any additional matters necessary for the implementation of this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-7

Chapter 7. Charter School Advancement Account

IC 20-49-7-1

"Account"

Sec. 1. As used in this chapter, "account" refers to the charter school advancement account established within the common school fund under section 5 of this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-2

"Advance"

Sec. 2. As used in this chapter, "advance" refers to an advance from the account under this chapter.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-3

"Charter school"

Sec. 3. As used in this chapter, "charter school" refers to a school established under IC 20-24.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-4

"Operational costs"

Sec. 4. As used in this chapter, "operational costs" means costs other than construction costs incurred by:

(1) a charter school other than a conversion charter school during the second six (6) months of the calendar year in which the charter school begins its initial operation; or

(2) a charter school, including a conversion charter school, during the second six (6) months of a calendar year in which the charter school's most recent enrollment reported under IC 20-24-7-2(a) divided by the charter school's previous year's ADM is at least one and fifteen-hundredths (1.15).

As added by P.L.2-2006, SEC.172.

IC 20-49-7-5

Establishment of account

Sec. 5. The charter school advancement account is established within the common school fund.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-6

State board; advances; eligibility

Sec. 6. The state board shall advance money to charter schools from the account to be used for operational costs.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-7

Application

Sec. 7. A charter school that desires to obtain an advance must submit an application to the state board on a form prescribed by the state board after the state board consults with the department and the budget agency to determine the amount of the advance.
As added by P.L.2-2006, SEC.172.

IC 20-49-7-8
Priority of advances
Sec. 8. Priority of advances for operational costs must be on a basis determined by the state board after consulting with the department and the budget agency.
As added by P.L.2-2006, SEC.172.

IC 20-49-7-9
Terms of advance
Sec. 9. The state board, after consulting with the department and upon approval of the budget agency, shall establish the terms of an advance before the date on which the advance is made.
As added by P.L.2-2006, SEC.172.

IC 20-49-7-10
Maximum advance; charter school other than conversion charter school
Sec. 10. The amount of an advance for operational costs may not exceed the amount determined under STEP THREE of the following formula:
STEP ONE: Determine the product of:
(A) the charter school's enrollment reported under IC 20-24-7-2(a); multiplied by
(B) the charter school's transition to foundation amount.
STEP TWO: Determine the quotient of:
(A) the STEP ONE amount; divided by
(B) two (2).
STEP THREE: Determine the product of:
(A) the STEP TWO amount; multiplied by
(B) one and fifteen-hundredths (1.15).
As added by P.L.2-2006, SEC.172. Amended by P.L.234-2007, SEC.266; P.L.182-2009(ss), SEC.361.

IC 20-49-7-11
Maximum advance; conversion charter school
Sec. 11. The amount of an advance for operational costs may not exceed the amount determined under STEP FOUR of the following formula:
STEP ONE: Determine the quotient of:
(A) the charter school's transition to foundation amount; divided by
(B) two (2).
STEP TWO: Determine the difference between:
(A) the charter school's current ADM; minus

(B) the charter school's ADM of the previous year.

STEP THREE: Determine the product of:

(A) the STEP ONE amount; multiplied by

(B) the STEP TWO amount.

STEP FOUR: Determine the product of:

(A) the STEP THREE amount; multiplied by

(B) one and fifteen-hundredths (1.15).

As added by P.L.2-2006, SEC.172. Amended by P.L.234-2007, SEC.267; P.L.182-2009(ss), SEC.362.

IC 20-49-7-12

Advance; maximum term

Sec. 12. Money advanced to a charter school under this chapter may be advanced for a period not to exceed twenty (20) years.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-13

Interest; prepayment of advances

Sec. 13. A charter school to which money is advanced under this chapter must pay interest on the advance at the rate determined under section 14 of this chapter. The state board shall provide that the advances are prepayable by the:

(1) charter school; or

(2) general assembly;

at any time.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-14

Interest; establishment of rate

Sec. 14. The state board of finance shall establish periodically the rate of interest payable on advances under this chapter. An interest rate established under this section may not:

(1) be less than one percent (1%); or

(2) exceed four percent (4%).

As added by P.L.2-2006, SEC.172.

IC 20-49-7-15

Repayment; offset against state distributions

Sec. 15. To ensure timely payment of an advance according to the terms of the advance, the state may withhold from funds due to the charter school to which the advance is made an amount necessary to pay the advance and the interest on the advance.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-16

Prepayment of advance by general assembly

Sec. 16. (a) This section applies if the general assembly prepays an advance under section 13 of this chapter.

(b) A prepayment must be deducted from the amount appropriated for distributions of state tuition support.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-17

Required term of agreement; authority to withhold state funds

Sec. 17. The terms of an advance must include a provision allowing the state to withhold funds due to a charter school to which an advance is made until the advance, including interest accrued on the advance, is paid.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-18

Offset priority; state tuition support; other state distributions

Sec. 18. If the state withholds funds under this chapter, the state first shall withhold funds from the distribution of state tuition support to the charter school to which the advance is made. If the state tuition support distribution is unavailable or inadequate, the state may withhold funds from any other distribution of state funds to the charter school.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-19

Statutory construction; advance not debt of charter school

Sec. 19. An advance under this chapter to a charter school is not an obligation of the charter school within the meaning of a constitutional limitation on or prohibition against indebtedness. This chapter does not relieve the organizer of the charter school of the duty to qualify the charter school for state tuition support.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-20

Statutory construction; advance not debt of state

Sec. 20. An agreement with the state board to collect and pay over amounts deducted from state tuition support for the benefit of another party is not a debt of the state within the meaning of the limitation against state indebtedness under the Constitution of the State of Indiana.

As added by P.L.2-2006, SEC.172.

IC 20-49-7-21

Suspension of principal and interest payments

Sec. 21. (a) A charter school, including a conversion charter school, that has received an advance for operational costs from the common school fund under this chapter does not have to make principal or interest payments during the state fiscal years beginning:

(1) July 1, 2011; and

(2) July 1, 2012;

notwithstanding contrary terms in the charter school and state board advance agreement.

(b) The repayment term of the advance shall be extended by two (2) years to provide for the waiver described in subsection (a) even

though it may make the repayment term for the advance longer than twenty (20) years.

As added by P.L.182-2009(ss), SEC.363. Amended by P.L.91-2011, SEC.30.

IC 20-49-8.2

Expired

(Expired 12-31-2010, by P.L.211-2007, SEC.46.)

IC 20-50

ARTICLE 50. HOMELESS CHILDREN AND FOSTER CARE CHILDREN

IC 20-50-1

Chapter 1. School Corporation Liaison for Homeless Children

IC 20-50-1-1

"Homeless child"

Sec. 1. (a) As used in this chapter, "homeless child" means a minor who lacks a fixed, regular, and adequate nighttime residence.

(b) The term includes:

(1) a child who:

(A) shares the housing of other persons due to the child's loss of housing, economic hardship, or a similar reason;

(B) lives in a motel, hotel, or campground due to the lack of alternative adequate accommodations;

(C) lives in an emergency or transitional shelter;

(D) is abandoned in a hospital or other place not intended for general habitation; or

(E) is awaiting foster care placement;

(2) a child who has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

(3) a child who lives in a car, a park, a public space, an abandoned building, a bus station, a train station, substandard housing, or a similar setting; and

(4) a child of a migratory worker who lives in circumstances described in subdivisions (1) through (3).

As added by P.L.133-2008, SEC.3.

IC 20-50-1-2

Establishment of office of coordinator for education of homeless children

Sec. 2. The department shall establish an office of coordinator for education of homeless children as required by 42 U.S.C. 11431 et seq.

As added by P.L.133-2008, SEC.3.

IC 20-50-1-3

Appointment of liaison for homeless children

Sec. 3. Each school corporation shall appoint an employee to be the school corporation's liaison for homeless children as required by 42 U.S.C. 11431 et seq.

As added by P.L.133-2008, SEC.3.

IC 20-50-1-4

Report of name and contact information for liaison

Sec. 4. Each school corporation shall report to the department, by August 1 of each year, the name and contact information of the

school corporation's liaison for homeless children.
As added by P.L.133-2008, SEC.3.

IC 20-50-1-5
Liaison information on web site

Sec. 5. Each school corporation that has an Internet web site shall post the contact information of the school corporation's liaison for homeless children on the school corporation's Internet web site.
As added by P.L.133-2008, SEC.3.

IC 20-50-1-6
Liaison training

Sec. 6. Each year, the department shall provide training to individuals who are appointed under section 3 of this chapter as liaisons for homeless children.
As added by P.L.133-2008, SEC.3.

IC 20-50-2

Chapter 2. Tutoring and Mentoring for Homeless Children and Foster Care Children

IC 20-50-2-1

Application

Sec. 1. This chapter applies after June 30, 2009.

As added by P.L.133-2008, SEC.3.

IC 20-50-2-2

"Homeless child"

Sec. 2. As used in this chapter, "homeless child" has the meaning set forth in IC 20-50-1-1.

As added by P.L.133-2008, SEC.3.

IC 20-50-2-3

Tutoring of children who are in foster care or are homeless

Sec. 3. Each school corporation shall provide tutoring for a child enrolled in a school operated by the school corporation who is:

(1) in foster care; or

(2) a homeless child;

if the school corporation determines the child has a demonstrated need for tutoring.

As added by P.L.133-2008, SEC.3.

IC 20-50-3

Chapter 3. Transportation of Students in Foster Care

IC 20-50-3-1

Application

Sec. 1. This chapter applies after June 30, 2009.

As added by P.L.133-2008, SEC.3.

IC 20-50-3-2

"Original school corporation"

Sec. 2. As used in this chapter, "original school corporation" means the school corporation in which the school of origin of a student in foster care is located.

As added by P.L.133-2008, SEC.3.

IC 20-50-3-3

"School of origin"

Sec. 3. As used in this chapter, "school of origin" means the school:

(1) that a student in foster care attended when the student last had a permanent residence; or

(2) in which a student in foster care was last enrolled.

As added by P.L.133-2008, SEC.3.

IC 20-50-3-4

"Transitional school corporation"

Sec. 4. As used in this chapter, "transitional school corporation" means the school corporation in which a student in foster care temporarily stays.

As added by P.L.133-2008, SEC.3.

IC 20-50-3-5

Transportation of students in foster care

Sec. 5. (a) If a student in foster care temporarily stays in the student's original school corporation but outside the attendance area of the student's school of origin, the original school corporation shall provide transportation for the student from the place where the student is temporarily staying to the school of origin and from the school of origin to the place where the student is temporarily staying.

(b) If:

(1) the school of origin of a student in foster care is located in a school corporation other than the school corporation in which the student is temporarily staying;

(2) the school of origin is located in a school corporation that adjoins the school corporation in which the student is temporarily staying; and

(3) the student does not elect to attend a school located in the school corporation in which the student in foster care is temporarily staying;

the original school corporation and the transitional school

corporation shall enter into an agreement concerning the responsibility for and apportionment of the costs of transporting the student to and from the school of origin.

(c) If the original school corporation and the transitional school corporation described in subsection (b) are unable to reach an agreement under subsection (b), the responsibility for transporting the student in foster care to and from the school of origin is shared equally between both school corporations, and the cost of transporting the student to and from the school of origin is apportioned equally between both school corporations.

As added by P.L.133-2008, SEC.3.

IC 20-51

ARTICLE 51. SCHOOL SCHOLARSHIPS

IC 20-51-1

Chapter 1. Definitions

IC 20-51-1-1

Application

Sec. 1. The definitions in this chapter apply throughout this article.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-1-2

"Agreement"

Sec. 2. "Agreement" refers to an agreement between the department and an applicant that applies for certification of a school scholarship program.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-1-3

"Contribution"

Sec. 3. "Contribution" refers to a contribution to a scholarship granting organization for use in a school scholarship program.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-1-4

"Cost of education"

Sec. 4. (a) "Cost of education" means the tuition and fees that would otherwise be charged by a participating school to:

(1) an eligible student; or

(2) a parent of an eligible student.

(b) In the case of an eligible pupil who attends a public school, the term includes any transfer tuition charged to the eligible student or a parent of the eligible student.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-1-4.5

"Eligible individual"

Sec. 4.5. "Eligible individual" refers to an individual who:

(1) has legal settlement in Indiana;

(2) is at least five (5) years of age and less than twenty-two (22) years of age on the date in the school year specified in IC 20-33-2-7;

(3) either has been or is currently enrolled in an accredited school;

(4) is a member of a household with an annual income of not more than one hundred fifty percent (150%) of the amount required for the individual to qualify for the federal free or reduced price lunch program; and

(5) either:

(A) was enrolled in grade 1 through 12 in a school corporation that did not charge the individual transfer tuition for at least two (2) semesters immediately preceding the first semester for which the individual receives a choice scholarship under IC 20-51-4; or

(B) received a scholarship from a scholarship granting organization under IC 20-51-3 or a choice scholarship under IC 20-51-4 in a preceding school year, including a school year that does not immediately precede a school year in which the individual receives a scholarship from a scholarship granting organization under IC 20-51-3 or a choice scholarship under IC 20-51-4.

As added by P.L.92-2011, SEC.5.

IC 20-51-1-4.7

"Eligible school"

Sec. 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 individual to pay tuition or transfer tuition to attend;

(3) voluntarily agrees to enroll an eligible individual;

(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 Indiana statewide testing for educational progress (ISTEP) program under IC 20-32-5;

(6) is not a charter school or the school corporation in which an eligible individual has legal settlement under IC 20-26-11; and

(7) submits to the department data required for a category designation under IC 20-31-8-3.

As added by P.L.92-2011, SEC.6.

IC 20-51-1-5

"Eligible student"

Sec. 5. "Eligible student" refers to an individual who:

(1) has legal settlement in Indiana;

(2) is at least five (5) years of age and less than twenty-two (22) years of age on the date in the school year specified in IC 20-33-2-7;

(3) either has been or is currently enrolled in a participating school;

(4) either:

(A) is a member of a household with an annual income of not more than two hundred percent (200%) of the amount required for the individual to qualify for the federal free or reduced price lunch program; or

(B) received a scholarship under this article in the immediately preceding school year or the immediately preceding term of the current school year and qualified

under clause (A) in the first year that the individual received a scholarship under this article; and

(5) meets at least one (1) of the following conditions:

(A) The individual is enrolling in kindergarten.

(B) The individual was enrolled in a public school during the school year preceding the first school year for which a scholarship granting organization provides a scholarship to the individual.

(C) The individual received a scholarship in the previous year from a nonprofit scholarship granting organization that qualifies for certification as a school scholarship program.

(D) The individual received a school scholarship for the previous school year.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-1-6

"Participating school"

Sec. 6. (a) "Participating school" refers to a public or nonpublic school that:

(1) an eligible student is required to pay tuition or transfer tuition to attend;

(2) voluntarily agrees to enroll an eligible student;

(3) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board; and

(4) administers the tests under the Indiana statewide testing for educational progress (ISTEP) program or administers another nationally recognized and norm-referenced assessment of the school's students.

(b) The term does not include a public school in a school corporation where the eligible student has legal settlement under IC 20-26-11.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-1-7

"Scholarship granting organization"

Sec. 7. "Scholarship granting organization" refers to an organization that:

(1) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and

(2) is organized at least in part to grant school scholarships without limiting the availability of scholarships to students of only one (1) participating school.

As added by P.L.182-2009(ss), SEC.364. Amended by P.L.92-2011, SEC.7.

IC 20-51-1-8

"School scholarship"

Sec. 8. "School scholarship" refers to a grant to pay only the cost of education for an eligible student as determined for the school year

(as defined in IC 20-18-2-17) for which the scholarship will be granted.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-2

Chapter 2. Exchange of Information; Rules

IC 20-51-2-1

List of certified scholarship programs

Sec. 1. The department shall maintain a publicly available list of the school scholarship programs certified by the department. The list must contain names, addresses, and any other information that the department determines is necessary for the public to determine which scholarship granting organizations conduct school scholarship programs. A current list must be posted on an Internet web site used by the department to provide information to the public.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-3

Chapter 3. Scholarship Granting Organizations; Certification; Administration of Contributions

IC 20-51-3-1

Certification requirements

Sec. 1. A program qualifies for certification as a school scholarship program if:

(1) the program:

(A) is administered by a scholarship granting organization; and

(B) has the primary purpose of providing school scholarships to eligible students; and

(2) the scholarship granting organization administering the program:

(A) applies to the department on the form and in the manner prescribed by the department; and

(B) enters into an agreement with the department to comply with this article.

As added by P.L.182-2009(ss), SEC.364. Amended by P.L.92-2011, SEC.8.

IC 20-51-3-2

Department duties

Sec. 2. The department shall certify all programs that meet the qualifications under section 1 of this chapter as school scholarship programs.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-3-3

Certification agreements

Sec. 3. An agreement entered into under section 1 of this chapter between the department and a scholarship granting organization must require the scholarship granting organization to do the following:

(1) Provide a receipt to taxpayers for contributions made to the scholarship granting organization that will be used in a school scholarship program. The department of state revenue shall prescribe a standardized form for the receipt issued under this subdivision. The receipt must indicate the value of the contribution and part of the contribution being designated for use in a school scholarship program.

(2) Distribute at least ninety percent (90%) of the total amount of contributions as school scholarships to eligible students.

(3) Distribute one hundred percent (100%) of any income earned on contributions as school scholarships to eligible students.

(4) Conduct criminal background checks on all the scholarship granting organization's employees and board members and exclude from employment or governance any individual who might reasonably pose a risk to the appropriate use of

contributed funds.

(5) Make the reports required by this chapter.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-3-4

Right to receive other contributions

Sec. 4. An agreement entered into under section 1 of this chapter may not prohibit a scholarship granting organization from receiving contributions other than contributions described in section 3(1) of this chapter.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-3-5

Restrictions on certified scholarships

Sec. 5. (a) An agreement entered into under section 1 of this chapter must prohibit a scholarship granting organization from distributing school scholarships for use by an eligible student to:

(1) enroll in a school that has:

(A) paid staff or board members; or

(B) relatives of paid staff or board members;

in common with the scholarship granting support organization;

(2) enroll in a school that the scholarship granting organization knows does not qualify as a participating school; or

(3) pay for the cost of education for a public school where the eligible student is entitled to enroll without the payment of tuition.

(b) An agreement entered into under section 1 of this chapter must prohibit a scholarship granting organization from limiting the availability of scholarships to students of only one (1) participating school. An agreement entered into under section 1 of this chapter before July 1, 2011, must be amended to include the requirement specified in this subsection.

As added by P.L.182-2009(ss), SEC.364. Amended by P.L.92-2011, SEC.9.

IC 20-51-3-6

Annual reports

Sec. 6. (a) A scholarship granting organization certified under this chapter must publicly report to the department by August 1 of each year the following information regarding the organization's scholarships awarded in the previous school year:

(1) The name and address of the scholarship granting organization.

(2) The total number and total dollar amount of contributions received during the previous school year.

(3) The:

(A) total number and total dollar amount of scholarships awarded during the previous school year; and

(B) total number and total dollar amount of school scholarships awarded during the previous school year.

The report must be certified under penalties of perjury by the chief executive officer of the scholarship granting organization.

(b) A scholarship granting organization certified under this chapter shall contract with an independent certified public accountant for an annual financial audit of the scholarship granting organization. The scholarship granting organization must provide a copy of the annual financial audit to the department and must make the annual financial audit available to a member of the public upon request.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-3-7

Report forms

Sec. 7. The department shall prescribe a standardized form for scholarship granting organizations to report information required under this chapter.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-3-8

Suspension and termination of certification

Sec. 8. The department may, in a proceeding under IC 4-21.5, suspend or terminate the certification of an organization as a scholarship granting organization if the department establishes that the scholarship granting organization has intentionally and substantially failed to comply with the requirements of this article or an agreement entered into under this article.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-3-9

Notice of suspension or termination

Sec. 9. If the department suspends or terminates the certification of an organization as a scholarship granting organization, the department shall notify affected eligible students and their parents of the decision as quickly as possible. An eligible student affected by a suspension or termination of a scholarship granting organization's certification remains an eligible student under this article until the end of the school year after the school year in which the scholarship granting organization's certification is suspended or terminated, regardless of whether the scholarship student currently meets the definition of an eligible student.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-3-10

Financial reviews; audits

Sec. 10. The department may conduct either a financial review or an audit of a scholarship granting organization certified under this chapter if the department of state revenue has evidence of fraud.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-3-11

Rules

Sec. 11. The department shall adopt rules under IC 4-22-2 to implement this article.

As added by P.L.182-2009(ss), SEC.364.

IC 20-51-4

Chapter 4. Choice Scholarship

IC 20-51-4-1

Autonomy of nonpublic schools; curriculum

Sec. 1. (a) Except as provided under subsections (b) through (h), it is the intent of the general assembly to honor the autonomy of nonpublic schools that choose to become eligible schools under this chapter. A nonpublic eligible school is not an agent of the state or federal government, and therefore:

(1) the department or any other state agency may not in any way regulate the educational program of a nonpublic eligible school that accepts a choice scholarship under this chapter, including the regulation of curriculum content, religious instruction or activities, classroom teaching, teacher and staff hiring requirements, and other activities carried out by the eligible school;

(2) the creation of the choice scholarship program does not expand the regulatory authority of the state, the state's officers, or a school corporation to impose additional regulation of nonpublic schools beyond those necessary to enforce the requirements of the choice scholarship program in place on July 1, 2011; and

(3) a nonpublic eligible school shall be given the freedom to provide for the educational needs of students without governmental control.

(b) This section applies to the following writings, documents, and records:

(1) The Constitution of the United States.

(2) The national motto.

(3) The national anthem.

(4) The Pledge of Allegiance.

(5) The Constitution of the State of Indiana.

(6) The Declaration of Independence.

(7) The Mayflower Compact.

(8) The Federalist Papers.

(9) "Common Sense" by Thomas Paine.

(10) The writings, speeches, documents, and proclamations of the founding fathers and presidents of the United States.

(11) United States Supreme Court decisions.

(12) Executive orders of the presidents of the United States.

(13) Frederick Douglas' Speech at Rochester, New York, on July 5, 1852, entitled "What to a Slave is the Fourth of July?".

(14) Appeal by David Walker.

(15) Chief Seattle's letter to the United States government in 1852 in response to the United States government's inquiry regarding the purchase of tribal lands.

(c) An eligible school may allow a principal or teacher in the eligible school to read or post in the school building or classroom or at a school event any excerpt or part of a writing, document, or

record listed in subsection (b).

(d) An eligible school may not permit the content based censorship of American history or heritage based on religious references in a writing, document, or record listed in subsection (b).

(e) A library, a media center, or an equivalent facility that an eligible school maintains for student use must contain in the facility's permanent collection at least one (1) copy of each writing or document listed in subsection (b)(1) through (b)(9).

(f) An eligible school shall do the following:

(1) Allow a student to include a reference to a writing, document, or record listed in subsection (b) in a report or other work product.

(2) May not punish the student in any way, including a reduction in grade, for using the reference.

(3) Display the United States flag in each classroom.

(4) Provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance in each classroom or on school grounds. A student is exempt from participation in the Pledge of Allegiance and may not be required to participate in the Pledge of Allegiance if:

(A) the student chooses to not participate; or

(B) the student's parent chooses to have the student not participate.

(5) Provide instruction on the constitutions of:

(A) Indiana; and

(B) the United States.

(6) For an eligible school that enrolls students in grades 6 through 12, provide within the two (2) weeks preceding a general election five (5) full recitation periods of class discussion concerning:

(A) the system of government in Indiana and in the United States;

(B) methods of voting;

(C) party structures;

(D) election laws; and

(E) the responsibilities of citizen participation in government and in elections.

(7) Require that each teacher employed by the eligible school present instruction with special emphasis on:

(A) honesty;

(B) morality;

(C) courtesy;

(D) obedience to law;

(E) respect for the national flag and the Constitution of the State of Indiana and the Constitution of the United States;

(F) respect for parents and the home;

(G) the dignity and necessity of honest labor; and

(H) other lessons of a steadying influence that tend to promote and develop an upright and desirable citizenry.

(8) Provide good citizenship instruction that stresses the nature

and importance of the following:

(A) Being honest and truthful.

(B) Respecting authority.

(C) Respecting the property of others.

(D) Always doing the student's personal best.

(E) Not stealing.

(F) Possessing the skills (including methods of conflict resolution) necessary to live peaceably in society and not resorting to violence to settle disputes.

(G) Taking personal responsibility for obligations to family and community.

(H) Taking personal responsibility for earning a livelihood.

(I) Treating others the way the student would want to be treated.

(J) Respecting the national flag, the Constitution of the United States, and the Constitution of the State of Indiana.

(K) Respecting the student's parents and home.

(L) Respecting the student's self.

(M) Respecting the rights of others to have their own views and religious beliefs.

(9) Provide instruction in the following studies:

(A) Language arts, including:

(i) English;

(ii) grammar;

(iii) composition;

(iv) speech; and

(v) second languages.

(B) Mathematics.

(C) Social studies and citizenship, including the:

(i) constitutions;

(ii) governmental systems; and

(iii) histories;

of Indiana and the United States, including a study of the Holocaust and the role religious extremism played in the events of September 11, 2001, in each high school United States history course.

(D) Sciences.

(E) Fine arts, including music and art.

(F) Health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

(g) An eligible school, charter school, or public school shall not teach the violent overthrow of the government of the United States.

(h) Nothing in this section shall be construed to limit the requirements of IC 20-30-5.

As added by P.L.92-2011, SEC.10.

IC 20-51-4-2

Eligibiligty for scholarships; limit on number of scholarships

Sec. 2. (a) Subject to subsection (b), an eligible individual is

entitled to a choice scholarship under this chapter for each school year beginning after June 30, 2011, that the eligible student enrolls in an eligible school.

(b) The department may not award more than:

(1) seven thousand five hundred (7,500) choice scholarships for the school year beginning July 1, 2011, and ending June 30, 2012; and

(2) fifteen thousand (15,000) choice scholarships for the school year beginning July 1, 2012, and ending June 30, 2013.

The department shall establish the standards used to allocate choice scholarships among eligible students.

As added by P.L.92-2011, SEC.10.

IC 20-51-4-3

Discrimination prohibited; random drawing if applications exceed scholarships; random visits by department; access by department; certification of compliance

Sec. 3. (a) An eligible school may not discriminate on the basis of race, color, or national origin.

(b) An eligible school shall abide by the school's written admission policy fairly and without discrimination with regard to students who:

(1) apply for; or

(2) are awarded;

scholarships under this chapter.

(c) If the number of applicants for enrollment in an eligible school under a choice scholarship exceeds the number of choice scholarships available to the eligible school, the eligible school must draw at random in a public meeting the applications of applicants who are entitled to a choice scholarship from among the applicants who meet the requirements for admission to the eligible school.

(d) The department shall make random visits to at least five percent (5%) of eligible schools and charter schools to verify that the eligible school or charter school complies with the provisions of IC 20-51-4, the Constitutions of the state of Indiana and the United States.

(e) Each eligible school, public school, and charter school shall grant the department reasonable access to its premises, including access to the school's grounds, buildings, and property.

(f) Each year the principal of each eligible school shall certify under penalties of perjury to the department that the eligible school is complying with the requirements of this chapter. The department shall develop a process for eligible schools to follow to make certifications.

As added by P.L.92-2011, SEC.10. Amended by P.L.229-2011, SEC.222; P.L.172-2011, SEC.126.

IC 20-51-4-4

Maximum amount of scholarship

Sec. 4. The maximum amount to which an eligible individual is

entitled under this chapter for a school year is equal to the least of the following:

(1) The sum of the tuition, transfer tuition, and fees required for enrollment or attendance of the eligible student at the eligible school selected by the eligible individual for a school year that the eligible individual (or the parent of the eligible individual) would otherwise be obligated to pay to the eligible school.

(2) An amount equal to:

(A) ninety percent (90%) of the state tuition support amount determined under section 5 of this chapter if the eligible individual is a member of a household with an annual income of not more than the amount required for the individual to qualify for the federal free or reduced price lunch program; and

(B) fifty percent (50%) of the state tuition support amount determined under section 5 of this chapter if the eligible individual is a member of a household with an annual income of not more than one hundred fifty percent (150%) of the amount required for the individual to qualify for the federal free or reduced price lunch program.

(3) If the eligible individual is enrolled in grade 1 through 8, the maximum choice scholarship that the eligible individual may receive for a school year is four thousand five hundred dollars ($4,500).

As added by P.L.92-2011, SEC.10.

IC 20-51-4-5

Determination of state tuition support

Sec. 5. The state tuition support amount to be used in section 3(2) of this chapter for an eligible individual is the amount determined under the last STEP of the following formula:

STEP ONE: Determine the school corporation in which the eligible individual has legal settlement.

STEP TWO: Determine the amount of state tuition support that the school corporation identified under STEP ONE is eligible to receive under IC 20-43 for the calendar year in which the current school year begins, excluding amounts provided for special education grants under IC 20-43-7 and career and technical education grants under IC 20-43-8.

STEP THREE: Determine the result of:

(A) the STEP TWO amount; divided by

(B) the current ADM (as defined in IC 20-43-1-10) for the school corporation identified under STEP ONE for the calendar year used in STEP TWO.

As added by P.L.92-2011, SEC.10.

IC 20-51-4-6

Prorating of scholarship; eligible individual entitled to one scholarship per year

Sec. 6. (a) If an eligible individual enrolls in an eligible school for

less than an entire school year, the choice scholarship provided under this chapter for that school year shall be reduced on a prorated basis to reflect the shorter school term.

(b) An eligible individual is entitled to only one (1) choice scholarship for each school year. If the eligible individual leaves the eligible school for which the eligible individual was awarded a choice scholarship and enrolls in another eligible school, the eligible individual is responsible for the payment of any tuition required for the remainder of that school year.

As added by P.L.92-2011, SEC.10.

IC 20-51-4-7

Department to administer program; rulemaking

Sec. 7. (a) The department shall administer this chapter.

(b) The department shall adopt rules under IC 4-22-2 to implement this chapter.

(c) The department may adopt emergency rules under IC 4-22-2-37.1 to implement this chapter.

As added by P.L.92-2011, SEC.10.

IC 20-51-4-8

Forms and methods for determining eligibility

Sec. 8. The department may prescribe forms and methods for demonstrating eligibility for a choice scholarship under this chapter.

As added by P.L.92-2011, SEC.10.

IC 20-51-4-9

Consequences for eligible schools in lowest performance categories

Sec. 9. (a) The department shall enforce the following consequences for an eligible school that is nonpublic:

(1) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for two (2) consecutive years, the department shall suspend choice scholarship payments for one (1) year for new students who would otherwise use a choice scholarship to attend the school.

(2) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for two (2) consecutive years.

(3) If the school is placed in the lowest category or designation under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for three (3) consecutive years.

(4) Students who:

(A) are currently enrolled at a school described in subdivision (1), (2), or (3); and

(B) qualify for a choice scholarship for the upcoming school year;

may continue to receive a choice scholarship at the school.

(b) This section may not be construed to prevent a student enrolled in a school subject to this section from applying for a choice scholarship in the future at another participating school.

As added by P.L.92-2011, SEC.10.

IC 20-51-4-10

Distribution to both eligible individual and school

Sec. 10. The department may distribute any part of a choice scholarship to the eligible individual (or the parent of the eligible individual) for the purpose of paying the educational costs described in section 4(1) of this chapter. For the distribution to be valid, the distribution must be endorsed by both the eligible individual (or the parent of the eligible individual) and the eligible school providing educational services to the eligible individual.

As added by P.L.92-2011, SEC.10.

IC 20-51-4-11

Scholarship not treated as income

Sec. 11. The amount of a choice scholarship provided to an eligible individual shall not be treated as income or a resource for the purposes of qualifying for any other federal or state grant or program administered by the state or a political subdivision.

As added by P.L.92-2011, SEC.10.