

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 35-44.1-1-4 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;

(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 20-26-4-7 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. Amended by P.L.126-2012, SEC.37.

IC 20-25-3-4

School board; election of members; procedures; establishment of election districts; term of office; 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 the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the board to take office may not be more than fourteen (14) months after the date of the member's election. If the school corporation's organization plan does not set a date for a member of the board to take office, the member takes office 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; P.L.219-2013,

SEC.90.

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 compensation plan that specifies the salary range that the board considers proper, and for the purpose of establishing a compensation plan, 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. Amended by P.L.213-2015, SEC.164.

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.