

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 the Indiana public retirement system for:

- (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. Amended by P.L.35-2012, SEC.102.

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

Term 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 subdivisions (2) and (3), 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) Except as provided in subdivision (3), 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 who are 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.

(3) An elected member of a governing body takes office on the date set in the school corporation's organization plan. The date set in the organization plan for an elected member of the governing body 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 an elected member of the governing body to take office, the member takes office January 1 immediately after the member's election.

(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. Amended by P.L.96-2012, SEC.7; P.L.219-2013, SEC.91.

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

Specific powers

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

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

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

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

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

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

(C) developing relations with other governmental units.

(4) To do the following:

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

electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

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

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

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

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

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

(A) civic or public purposes; or

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

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

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

(8) To do the following:

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

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

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation that are consistent with IC 20-28-9-1.5.

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

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

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers are subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. 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) Subject to IC 20-27-13, to transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children 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 curricular materials, to furnish curricular materials without cost or to rent curricular materials to students, to participate in a curricular materials aid program, all in accordance with applicable law.

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

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

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and

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

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

(B) purchase insurance; or

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

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

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

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

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

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

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

(20) To exercise any other power and make any expenditure in

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

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

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

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

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

IC 20-26-5-4.3

Superintendent contract; public meeting; Internet posting

Sec. 4.3. (a) At least seven (7) days before a contract for employment is entered into by a governing body and a school superintendent, the governing body shall hold a public meeting on the proposed contract at which public comment is heard. The governing body is not required to disclose the identity of the candidate for superintendent at the public meeting.

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

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

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

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

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

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

IC 20-26-5-4.5

Superintendent and principal; personnel responsibilities

Sec. 4.5. (a) The superintendent is responsible for selecting and

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

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

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

IC 20-26-5-4.7

Internet posting of contract provisions for certain employees

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

- (1) superintendent of a school corporation; or
- (2) certificated employee (as defined in IC 20-29-2-4) that is represented by an exclusive representative (as defined in IC 20-29-2-9) under IC 20-29.

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

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

IC 20-26-5-5

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, environmental rules board, state school bus committee, state department of health, and any local governmental agency to which the state has been delegated a specific authority in matters other than educational matters and other than finance, including plan commissions, zoning boards, and boards concerned with health and safety.

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

IC 20-26-5-7**Representation of governing body on public boards or commissions**

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

(1) the school corporation's superintendent of schools; or

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

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

IC 20-26-5-8**Membership in state and national associations of educational nature; participation through representatives**

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

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

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

IC 20-26-5-9**Classes or services between state educational institutions and school corporations**

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

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

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

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

IC 20-26-5-10**Criminal history information policy; adoption; administration; requirements; costs**

Sec. 10. (a) 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) (repealed).
- (12) Arson (IC 35-43-1-1), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent as a Class B felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 3 felony (for a crime committed after June 30, 2014) (IC 35-46-1-4(b)(2)), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (15) Child selling (IC 35-46-1-4(d)).
- (16) Contributing to the delinquency of a minor (IC 35-46-1-8), unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (17) An offense involving a weapon under IC 35-47 or IC 35-47.5, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (18) An offense relating to controlled substances under IC 35-48-4, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (19) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3, unless ten (10) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (20) An offense relating to operating a motor vehicle while intoxicated under IC 9-30-5, unless five (5) years have elapsed from the date the individual was discharged from probation, imprisonment, or parole, whichever is later.
- (21) An offense that is substantially equivalent to any of the offenses listed in this subsection in which the judgment of

conviction was entered under the law of any other jurisdiction.

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

As added by P.L.1-2005, SEC.10. Amended by P.L.158-2013, SEC.249.

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

Employee wage payment arrangements

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

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

may agree in writing to a wage payment arrangement.

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

- (1) using equal installments or any other method; and
- (2) over:
 - (A) all or part of that school year; or
 - (B) any other period that begins not earlier than the first day of that school year and ends not later than thirteen (13) months after the wage payment arrangement period begins.

Such an arrangement may provide that compensation earned in a calendar year is paid in the next calendar year, so long as all the compensation is paid within the thirteen (13) month period beginning with the first day of the school year.

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

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

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

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

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

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

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

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

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

IC 20-26-5-32.4

Autism information distribution to noncertificated employees

Sec. 32.4. The Department of Education shall create a document

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

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

IC 20-26-5-33

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

Sec. 33. A school corporation may offer classes, instruction, or programs regarding the potential risks and consequences of creating and sharing sexually suggestive or explicit materials through cellular telephones, social networking web sites, computer networks, and other digital media.

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

IC 20-26-5-34

Retirement, savings, or investment plans

Sec. 34. (a) This section applies to a school corporation that, after June 30, 2013, establishes, amends, renews, or modifies a retirement, savings, or severance plan described under Section 401(a), Section 403(b), or another applicable section of the Internal Revenue Code that requires or permits an individual employed by the school corporation to:

- (1) contribute amounts; or
- (2) have amounts contributed by the school corporation on the employee's behalf;

that are credited and allocated to an account for each employee.

(b) As used in this section, "Internal Revenue Code" has the meaning set forth in IC 6-3-1-11.

(c) To the extent permitted by federal law, whenever a school corporation closes a retirement, savings, or investment plan to future contributions, a participant in the plan, without regard to the participant's age or employment status, may elect to rollover the balance invested in the closed plan to:

- (1) another eligible retirement, savings, or investment plan offered by the school corporation; or
- (2) an individual retirement account or annuity described under Section 408(a) or Section 408(b) of the Internal Revenue Code.

(d) This section does not apply to or abrogate a written or oral contract or agreement in effect on July 1, 2013.

As added by P.L.23-2013, SEC.1.

IC 20-26-5-34.2

Bullying prevention; training for employees and volunteers

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

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

IC 20-26-5-35

Duty to report class size data

Sec. 35. A school corporation shall annually compile class size data for kindergarten through grade 3 and report the data to the department by a date established by the department.

As added by P.L.286-2013, SEC.58.

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) As used in this section, "charter school" has the meaning set forth in IC 20-24-1-4 and includes a group or entity seeking approval from a sponsor to operate a charter school under IC 20-24-3.

(b) Except as otherwise provided in this section, 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.

(c) 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.

(d) A governing body may not make a covenant that prohibits the sale of real property to another educational institution.

(e) 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, if the entity is not a building corporation or other entity that is related in any way to, or created by, the school corporation or the governing body. Except as provided in subsections (k) through (n), a governing body shall make available for lease or purchase to any charter school any school building owned by the school corporation or any other entity that is related in any way to, or created by, the school corporation or the governing body, including but not limited to a building 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 (f); and

(2) was previously used for classroom instruction;
in order for the charter school to conduct classroom instruction.

(f) Not later than August 1 each calendar year, each governing body shall inform the department if 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 not later than fifteen (15) days after being notified of a closed, unused, or unoccupied building.

(g) A school building that appears for the first time on the department's list under subsection (f) 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 to the department, on a form prescribed by the department, that the school building may be reclaimed during that period for classroom instruction. If a governing body does not indicate that a school building may be reclaimed, the governing body shall designate the school building as "Available" on the department's list. The governing body may change the designation of a building from unavailable to available at any time. If a school building that is designated as unavailable on the department's list remains unused for classroom instruction one (1) year after being reclaimed under this subsection, the governing body shall designate the school building as "Available" on the department's list. A governing body may reclaim a school building only one (1) time under this subsection.

(h) If a charter school wishes to use a school building on the list created under subsection (f), the charter school shall send a letter of intent to the department. Within thirty (30) days after receiving a letter from a charter school, the department shall notify the school corporation of the charter school's intent, and, within thirty (30) days after receiving notification from the department, 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 (f). 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 (f). If a school building is sold to a charter school under this subsection and the charter school or any entity related to the charter school subsequently sells or transfers the school building to a third party, the charter school or related entity must transfer an amount equal to the gain in the property minus the adjusted basis (including costs of improvements to the school building) to the school corporation that initially sold the vacant school building to the charter school. Gain and adjusted basis shall be determined in the manner prescribed by the Internal Revenue Code and the applicable Internal Revenue Service regulations and guidelines.

(i) During the term of a lease under subsection (h), 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.

(j) Notwithstanding anything to the contrary in this section, and with the sole exception of a waiver provided in subsection (n), when a school building is designated as "Available" under subsection (g), the school building must remain designated as "Available" and may not be sold or otherwise disposed of for at least two (2) years. When the two (2) year period has elapsed, the school corporation may sell or otherwise dispose of the school building in accordance with IC 36-1-11.

(k) Notwithstanding subsection (e), a governing body may request a waiver from the department from the requirements of subsection (e). In order for a governing body to receive a waiver under subsection (n), the governing body must apply to the department, on a form prescribed by the department, for the waiver. The application must include a statement that the governing body believes that a charter school would not be interested in leasing or purchasing the vacant or unused school building.

(l) If the department receives a waiver request under subsection (k), the department, within five (5) days after receiving the waiver request under subsection (k), shall notify each charter school sponsor and statewide organization representing charter schools in Indiana by certified mail of the waiver request received under subsection (k).

The notice must include a copy of the governing body's waiver request.

(m) Not later than thirty (30) days after a charter school sponsor or statewide organization representing charter schools in Indiana receives a notice described in subsection (l), the charter school sponsor or a statewide organization representing charter schools may submit a qualified objection to the governing body's request for a waiver under subsection (k). The qualified objection must be submitted to the department in writing. In order for an objection to be considered a qualified objection by the department, the objection must include:

- (1) the name of the charter school that is interested in leasing or purchasing the vacant or unused school building; and
- (2) a time frame, which may not exceed one (1) year from the date of the objection, in which the charter school intends to begin providing classroom instruction in the vacant or unused school building.

(n) If the department receives a qualified objection under subsection (m), the vacant or unused school building shall remain on the department's list under subsection (f) with the designation with which the building is listed under subsection (g) at the time the department receives the waiver request. If the department does not receive a qualified objection, the department shall grant the governing body's request for a waiver. A governing body that receives a waiver under this subsection may sell or otherwise dispose of the unused or vacant school building in accordance with IC 36-1-11.

As added by P.L.1-2005, SEC.10. Amended by P.L.234-2007, SEC.227; P.L.91-2011, SEC.27; P.L.17-2013, SEC.1; P.L.33-2014, SEC.4.

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 appraisal and assessment, the appraisers shall take an oath before the clerk of the court to make a fair, true, and honest appraisal 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 appraisal 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 appraisal 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 appraisal 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 appraisal 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 appraisal 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 appraisal 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 fifty thousand (250,000) but less than two hundred seventy thousand (270,000);

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. Amended by P.L.119-2012, SEC.155.

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, audits, and administrative reviews

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 completed applications, 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.
- (3) Ensure that participants meet all requirements to participate in the school lunch program.

As added by P.L.1-2005, SEC.10. Amended by P.L.197-2013, SEC.15.

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; P.L.65-2012, SEC.2; P.L.160-2012, SEC.48.

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 current ADM or any other student count in which the student is included, if the transferee corporation includes the student in the transferee corporation's current ADM for the period in which the student is being educated by the nonprofit corporation.

(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 current 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 the period in which the student is being educated by the nonprofit corporation.

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; P.L.205-2013, SEC.241.

IC 20-26-11-11.5

Payments by school corporations to certain facilities providing education services to students

Sec. 11.5. (a) The following definitions apply to this section:

- (1) "ADM" means average daily membership (as defined in IC 20-18-2-2).
- (2) "Facility" means a secure private facility described in IC 31-9-2-115(a)(1).
- (3) "School corporation" means the Indiana school or charter school that is receiving state tuition support for the student at the time of the student's admission to the facility.
- (4) "Student" means an individual who:
 - (A) is more than five (5) years of age and less than twenty-three (23) years of age;
 - (B) has been admitted to a facility; and
 - (C) was enrolled in a school corporation during the school year immediately preceding the student's admission to the facility.

(b) This section applies to a student if:

- (1) the student is placed in a facility under the written order of a physician licensed under IC 25-22.5;
- (2) the written order of the physician licensed under IC 25-22.5 is based on medical necessity, as determined by a physician licensed under IC 25-22.5; and
- (3) the student receives educational services provided by the facility.

(c) A facility shall provide written notice to the school corporation not later than five (5) business days (excluding weekends and holidays) after a student described in subsection (b) is admitted to the facility. The written notice must include the following:

- (1) The student's name, address, and date of birth.
- (2) The date on which the student was admitted to the facility.
- (3) A copy of the physician's written order.
- (4) A statement that the student has opted out of attending school under IC 20-26-11-8.
- (5) A statement that the facility will provide all educational services to the student during the student's admission in the

facility.

(d) The school corporation shall pay the facility a daily per diem as determined under subsection (e) for the educational services provided by the facility to the student during the student's admission in the facility. The school corporation may not be required to pay for any educational services provided to the student by the facility exceeding one hundred eighty (180) instructional days or an amount exceeding the student's proportionate share of state distributions paid to the school corporation, as determined under subsection (e).

(e) A school corporation shall pay to the facility an amount, prorated according to the number of instructional days for which the student receives the educational services, equal to:

- (1) the student's proportionate share (as compared to the school corporation's total ADM) of basic tuition support (as determined under IC 20-43-6-3(b)) distributions that are made to the school corporation for the school year; and
- (2) any special education grants received by the school corporation for the student under IC 20-43-7.

Upon request of a facility, the department shall verify the amounts described in this subsection for a student admitted to the facility.

(f) A school corporation responsible for making a per diem payment under this section shall pay the facility not later than sixty (60) days after receiving an invoice from the facility. The school corporation and the facility are entitled to the same remedies for disagreements over amounts or nonpayment of an amount due as are provided under the laws governing transfer tuition.

(g) For each student admitted to a facility, the facility shall provide the following in accordance with rules adopted by the state board:

- (1) An educational opportunity, including special education and related services, that is comparable to that of a student attending a school in the school corporation.
- (2) A level of educational services from the facility that is comparable to that of a student attending a school in the school corporation.
- (3) Unless otherwise provided in a student's individualized education program (as defined in IC 20-18-2-9), educational services that include at least the following:
 - (A) An instructional day that meets the requirements of IC 20-30-2-2.
 - (B) A school year with at least one hundred eighty (180) student instructional days as provided under IC 20-30-2-3.
 - (C) Educationally appropriate textbooks and other materials.
 - (D) Educational services provided by licensed teachers.

(h) The state board shall adopt a rule that addresses the responsibilities of the school corporation and the facility with regard to a student with an individualized education program.

(i) This section does not limit a student's right to attend a school as provided in IC 20-26-11-8.

(j) The state board shall adopt rules under IC 4-22-2 as necessary

to implement this section.

(k) The state board may adopt emergency rules in the manner provided in IC 4-22-2-37.1 to implement this section.

As added by P.L.129-2013, SEC.1.

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

Determination of transfer tuition

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 current ADM, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school:

(A) State tuition support distributions received during the calendar year in which the school year ends.

(B) Property tax levies under IC 20-45-7 and IC 20-45-8 for the calendar year in which the school year ends.

(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 during a period; by
- (2) the current ADM of the transferee school for the period in which the revenues are received.

However, for state tuition support distributions or any other state distribution computed using less than the total current 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 during the period 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; P.L.205-2013, SEC.242.

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 received 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 as follows:

- (1) Operating cost.
- (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, as determined in the fall count of ADM in the school year, compared to the total current ADM therein, as determined in the fall count of ADM in the school year.

(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, as determined in the fall count of ADM in the school year. 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 curricular material rental due from transferred students who are unable to pay the curricular material rental amount. The transferor corporation is entitled to collect the amount of the curricular material 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. Amended by P.L.205-2013, SEC.243; P.L.286-2013, SEC.59; P.L.2-2014, SEC.84.

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 state fiscal 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 state fiscal year of state funds, which would otherwise become payable to the transferee corporation after such state fiscal 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; P.L.205-2013,
SEC.244.*

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 received 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 received 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 current 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. Amended by P.L.205-2013, SEC.245.

IC 20-26-11-31

State tuition support for certain students

Sec. 31. (a) This section applies to a school corporation that enrolls a student who has legal settlement in another school corporation for the purpose of the student receiving services from an accredited nonpublic alternative high school described in IC 20-19-2-10(f).

(b) A school corporation is entitled to receive state tuition support for a student described in subsection (a) in an amount equal to:

- (1) the amount received by the school corporation in which the student is enrolled for ADM purposes; or
- (2) the amount received by the school corporation in which the student has legal settlement;

whichever is greater.

As added by P.L.65-2012, SEC.3.

IC 20-26-11-32

Capacity; deadline; publication; and grounds and prohibited grounds for denial of transfer request

Sec. 32. (a) This section does not apply to a school corporation if the governing body has adopted a policy of not accepting the transfer of any student who does not have legal settlement within the school corporation.

(b) The governing body of a school corporation shall annually establish:

- (1) except as provided in subsection (m), the number of transfer students the school corporation has the capacity to accept in each grade level; and
- (2) the date by which requests to transfer into the school corporation must be received by the governing body.

(c) After establishing the date under subsection (b)(2), the governing body shall:

- (1) publish the date on the school corporation's Internet web site; and
- (2) report the date to the department.

(d) The department shall publish the dates received from school corporations under subsection (c)(2) on the department's Internet web site.

(e) A student to whom this section applies may not request to transfer under this section primarily for athletic reasons to a school corporation in which the student does not have legal settlement.

(f) If the number of requests to transfer into a school corporation received by the date established for the school corporation under subsection (b)(2) exceeds the capacity established for the school corporation under subsection (b)(1), each timely request must be given an equal chance to be accepted, with the exception that a student described in subsection (h) shall be given priority. The

governing body must determine which students will be admitted as transfer students to each school building and each grade level within the school corporation by a random drawing in a public meeting.

(g) Except as provided in subsections (i), (j), (k), and (m), the governing body of a school corporation may not deny a request for a student to transfer into the school corporation based upon the student's academic record, scores on ISTEP tests, disciplinary record, or disability, or upon any other factor not related to the school corporation's capacity.

(h) Except as provided in subsections (i), (j), and (k), the governing body of a school corporation may not deny a request for a student to transfer into the school corporation if the student requesting to transfer:

(1) is a member of a household in which any other member of the household is a student in the transferee school; or

(2) has a parent who is an employee of the school corporation.

(i) A governing body of a school corporation may limit the number of new transfers to a school building or grade level in the school corporation:

(1) to ensure that a student who attends a school within the school corporation as a transfer student during a school year may continue to attend the school in subsequent school years; and

(2) to allow a student described in subsection (h) to attend a school within the school corporation.

(j) Notwithstanding subsections (g) and (h), a governing body of a school corporation may deny a request for a student to transfer to the school corporation, or establish terms or conditions for enrollment that prevent a student from enrolling in a school, if the student has been suspended (as defined in IC 20-33-8-7) or expelled (as defined in IC 20-33-8-3) during the twelve (12) months preceding the student's request to transfer under this section:

(1) for ten (10) or more school days;

(2) for a violation under IC 20-33-8-16;

(3) for causing physical injury to a student, a school employee, or a visitor to the school; or

(4) for a violation of a school corporation's drug or alcohol rules.

For purposes of subdivision (1), student discipline received under IC 20-33-8-25(b)(7) for a violation described in subdivisions (2) through (4) shall be included in the calculation of the number of school days that a student has been suspended.

(k) The governing body of a school corporation with a school building that offers a special curriculum may require a student who transfers to the school building to meet the same eligibility criteria required of all students who attend the school building that offers the special curriculum.

(l) The parent of a student for whom a request to transfer is made is responsible for providing the school corporation to which the request is made with records or information necessary for the school

corporation to determine whether the request to transfer may be denied under subsection (j).

(m) Notwithstanding this section, the governing body of a school corporation may authorize the school corporation to enter into an agreement with an accredited nonpublic school or charter school to allow students of the accredited nonpublic school or charter school to transfer to a school within the school corporation.

(n) A school corporation that has adopted a policy to not accept student transfers after June 30, 2013, is not prohibited from enrolling a:

(1) transfer student who attended a school within the school corporation during the 2012-2013 school year; or

(2) member of a household in which any other member of the household was a transfer student who attended a school within the school corporation during the 2012-2013 school year.

However, if a school corporation enrolls a student described in subdivision (1) or (2), the school corporation shall also allow a student or member of the same household of a student who attended an accredited nonpublic school within the attendance area of the school corporation during the 2012-2013 school year to enroll in a school within the school corporation.

As added by P.L.282-2013, SEC.2. Amended by P.L.39-2014, SEC.1.

IC 20-26-12

Chapter 12. Curricular Material

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 curricular materials selected by the proper local officials, and shall rent the curricular materials 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 curricular materials at the option of a student or the providing of free curricular materials 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; P.L.286-2013, SEC.60.

IC 20-26-12-2

Purchase and rental; rental fee; limitations

Sec. 2. (a) A governing body may purchase from a publisher any curricular material selected by the proper local officials. The governing body may rent the curricular materials 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 curricular materials.

(b) Notwithstanding subsection (a), the governing body may not assess a rental fee of more than fifteen percent (15%) of the retail price of curricular materials that have 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; P.L.286-2013, SEC.61.

IC 20-26-12-3

Obsolete curricular material; conveyance; distribution to parents or residents; storage

Sec. 3. (a) Upon a written determination by the governing body of a school corporation that curricular materials are no longer scheduled for use in the school corporation, the governing body may sell, exchange, transfer, or otherwise convey the curricular materials. However, before a governing body may mutilate or otherwise destroy curricular materials, 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 curricular materials, the governing body shall provide at no cost and subject to availability one (1) copy of any curricular material 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 curricular material; and
- (2) if any curricular materials remain after distribution under subdivision (1), to any resident of the school corporation who wishes to receive a copy of the curricular material.

(c) If a governing body does not sell, exchange, transfer, or otherwise convey unused curricular materials 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 curricular materials in the school corporation. A school corporation may sell or otherwise convey the curricular materials to another school corporation at any time during the period of storage.

As added by P.L.1-2005, SEC.10. Amended by P.L.286-2013, SEC.62.

IC 20-26-12-4

State master lists; curricular material requests

Sec. 4. (a) A school corporation shall compile a list of curricular materials 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 curricular materials 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 curricular materials available for access. A nonprofit corporation or institution may acquire the curricular materials from the appropriate school corporation by paying only the cost of shipping and mailing.

As added by P.L.1-2005, SEC.10. Amended by P.L.286-2013, SEC.63.

IC 20-26-12-5

Disposal of obsolete curricular material

Sec. 5. Curricular materials 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. Curricular materials 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. Amended by P.L.286-2013, SEC.64.

IC 20-26-12-6

Free curricular material; school libraries

Sec. 6. (a) Sections 7 through 21 of this chapter apply to school libraries that contain free curricular materials. The curricular materials must be selected by the proper local officials.

(b) As used in sections 7 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; P.L.286-2013, SEC.65.

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 curricular materials 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 curricular materials 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. Amended by P.L.286-2013, SEC.66.

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 curricular materials 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. Amended by P.L.286-2013, SEC.67.

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 curricular materials 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 curricular materials 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. Amended by P.L.286-2013, SEC.68.

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 curricular materials 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, curricular materials 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 curricular materials of the library must be loaned to resident students enrolled in grade nine of the high school. During each following school term, curricular materials 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. Amended by P.L.286-2013, SEC.69.

IC 20-26-12-15

Purchase of curricular material

Sec. 15. (a) A governing body shall purchase the necessary curricular materials from publishers. The publisher shall ship the curricular materials to the governing body not more than ninety (90) days after the requisition. On receipt of the curricular materials, the governing body's school corporation has custody of the curricular materials. 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 curricular materials:

- (1) from a resident student who presents the curricular materials for sale on or before the beginning of the school term in which the curricular materials 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; P.L.286-2013, SEC.70.

IC 20-26-12-16

Availability of free curricular material

Sec. 16. Upon receipt of the curricular materials, a governing body shall loan the curricular materials at no charge to each resident student. Library curricular materials 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. Amended by P.L.286-2013, SEC.71.

IC 20-26-12-17

Curricular material 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 curricular materials 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 curricular materials furnished to the transferred students. The state board shall determine the rental rate.

As added by P.L.1-2005, SEC.10. Amended by P.L.286-2013, SEC.72.

IC 20-26-12-18**Sale of curricular material**

Sec. 18. A governing body may provide a sufficient amount of curricular materials for sale to resident students at the price stipulated in the contracts under which the curricular materials 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. Amended by P.L.286-2013, SEC.73.

IC 20-26-12-19**Facilities for curricular material**

Sec. 19. A governing body shall provide sufficient library facilities for the curricular materials to best accommodate the resident students.

As added by P.L.1-2005, SEC.10. Amended by P.L.286-2013, SEC.74.

IC 20-26-12-20**Care of curricular material**

Sec. 20. A governing body shall prescribe reasonable rules and regulations for the care, custody, and return of library curricular materials. A resident student using library curricular materials is responsible for the loss, mutilation, or defacement of the library curricular materials, other than reasonable wear.

As added by P.L.1-2005, SEC.10. Amended by P.L.286-2013, SEC.75.

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 curricular materials at the times and under regulations prescribed by local and state health authorities. Before a governing body may mutilate or otherwise destroy curricular materials, the governing body shall provide at no cost and subject to availability one (1) copy of any curricular material 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 curricular material; and
- (2) if any curricular materials remain after distribution under subdivision (1), to any resident of the school corporation who wishes to receive a copy of the curricular material.

As added by P.L.1-2005, SEC.10. Amended by P.L.286-2013, SEC.76.

IC 20-26-12-22**Time basis purchase of textbooks**

Sec. 22. If a school corporation purchases curricular materials on a time basis:

- (1) the schedule for payments shall coincide with student payments to the school corporation for curricular material 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. Amended by P.L.286-2013, SEC.77.

IC 20-26-12-23

Borrowing to purchase textbooks

Sec. 23. (a) A school corporation may:

- (1) borrow money to buy curricular materials; 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 curricular materials 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; P.L.286-2013, SEC.78.

IC 20-26-12-24

Local curricular material selection

Sec. 24. (a) The superintendent shall establish procedures for adoption of curricular materials.

(b) The governing body, upon receiving these recommendations from the superintendent, shall adopt curricular materials 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 curricular materials and may make recommendations to the superintendent and the governing body concerning the use of these materials.

(d) Curricular materials 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 the curricular materials are 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 curricular materials 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 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 curricular materials from the list of recommended curricular materials provided by the department under IC 20-20-5.5.

(i) A governing body may not purchase curricular materials from a publisher unless the publisher agrees, in accordance with Sections 612(a)(23)(A) and 674(e)(4) of the Individuals with Disabilities Education Improvement 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 curricular materials 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; P.L.286-2013, SEC.79.

IC 20-26-12-25

Repealed

(Repealed by P.L.286-2013, SEC.80.)

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 curricular materials; and
- (2) offer to purchase the curricular materials 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. Amended by P.L.286-2013, SEC.81.

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 20-32-5;

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; P.L.286-2013, SEC.82.

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) Except as provided in IC 20-33-2-28.6, 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; P.L.268-2013, SEC.1.

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 6.1-5-0.5

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 curricular materials:

IC 20-26-12-24

IC 20-26-12-26

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. Amended by P.L.6-2012, SEC.133; P.L.286-2013, SEC.83.

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 20-26-18

Chapter 18. Criminal Gang Measures

IC 20-26-18-1

Application

Sec. 1. This chapter applies to every school corporation and to a school city to which IC 20-25 applies.

As added by P.L.190-2013, SEC.7.

IC 20-26-18-2

Establishment of written policy

Sec. 2. (a) Not later than June 1, 2016, the governing body of each school corporation shall establish a written policy to address criminal gangs and criminal gang activity in schools. The governing body of a school corporation shall develop the policy in consultation with:

- (1) parents;
- (2) school employees;
- (3) local law enforcement officials;
- (4) the county prosecuting attorney;
- (5) the county public defender;
- (6) organizations that have expertise in criminal gang education, prevention, or intervention;
- (7) a juvenile court judge;
- (8) a school behavioral health or community mental health professional; and
- (9) any other person or entity the governing body of the school corporation determines to be appropriate.

(b) The policy must meet all the requirements for the department's model criminal gang policy set forth in IC 20-19-3-12(d).

(c) Not later than September 1, 2016, each school corporation shall submit a copy of its criminal gang policy to the department.

As added by P.L.190-2013, SEC.7.

IC 20-26-18-3

Publication of policy

Sec. 3. A school corporation shall put a copy of the school corporation's criminal gang policy established under section 2 of this chapter:

- (1) on its Internet web site;
- (2) in school student handbooks; and
- (3) in any location the school corporation determines to be appropriate.

As added by P.L.190-2013, SEC.7.

IC 20-26-18-4

Establishment of education programs

Sec. 4. A school corporation shall establish the following educational programs in its efforts to address criminal gang activity:

- (1) An evidence based educational criminal gang awareness program for students, school employees, and parents.

- (2) A school employee development program to provide training to school employees in the implementation of the criminal gang policy established under section 2 of this chapter.

As added by P.L.190-2013, SEC.7.

IC 20-26-18-5

Establishment of criminal gang intervention program

Sec. 5. To foster the continuing coordination of gang prevention, intervention, and suppression efforts, the governing body of a school corporation may establish a program to provide criminal gang intervention services to students. If a school corporation chooses to develop a program under this section, the governing body shall establish an advisory committee that includes the following members:

- (1) Parents.
- (2) School employees.
- (3) Local law enforcement officials.
- (4) The county prosecuting attorney.
- (5) The county public defender.
- (6) A juvenile court judge.
- (7) A school behavioral health or community mental health professional.
- (8) Representatives of organizations that have expertise in criminal gang education, prevention, or intervention.
- (9) Any other person or entity the governing body determines is appropriate.

As added by P.L.190-2013, SEC.7.

IC 20-26-18-6

Reporting requirements

Sec. 6. (a) Not later than June 1, 2017, and before June 2 of each year thereafter, each 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 compliance with this chapter. The report must include school based data to monitor for disproportionality, with each school reporting the number of investigations disposed of internally and the number of cases referred to local law enforcement, disaggregated by race, ethnicity, age, and gender.

(b) Not later than November 1, 2017, and before November 2 of each year thereafter, the department shall submit a comprehensive report concerning criminal gang activity in schools to the governor and the general assembly. A report submitted to the general assembly under this subsection must be in an electronic format under IC 5-14-6. The report must include the following:

- (1) A summary of the activities reported to the department under subsection (a).
- (2) Any recommendations or conclusions made by the department to assist in the prevention of, education about, and intervention in criminal gang activity in schools.

As added by P.L.190-2013, SEC.7.

IC 20-26-18.2

Chapter 18.2. School Resource Officers

IC 20-26-18.2-1

"School resource officer"

Sec. 1. (a) As used in this chapter, "school resource officer" means an individual who:

- (1) has completed the training described in subsection (b);
- (2) is assigned to one (1) or more school corporations or charter schools to:

(A) assist the school safety specialist with the development and implementation of the school safety plan as provided in section 2 of this chapter; and

(B) carry out any additional responsibilities assigned to the school resource officer under the employment engagement, contract, or memorandum of understanding and to:

- (i) protect against outside threats to the physical safety of students;
- (ii) prevent unauthorized access to school property; and
- (iii) secure schools against violence and natural disasters; and

(3) is:

(A) employed by a law enforcement agency;

(B) appointed as a police reserve officer (as described in IC 36-8-3-20) or as a special deputy (as described in IC 36-8-10-10.6) if the police reserve officer or special deputy:

- (i) is subject to the direction of the sheriff or appointing law enforcement agency;
- (ii) is required to obey the rules and orders of the sheriff's department or appointing law enforcement agency;
- (iii) is required to complete all training required of regular full-time law enforcement officers employed by the sheriff's department or appointing law enforcement agency; and
- (iv) may be removed by the sheriff or appointing law enforcement agency at any time, with or without cause; or

(C) a school corporation police officer appointed under IC 20-26-16-3.

(b) Before being appointed as a school resource officer, an individual must have:

(1) successfully completed the minimum training requirements established for law enforcement officers under IC 5-2-1-9; and

(2) received at least forty (40) hours of school resource officer training through:

(A) the Indiana law enforcement training board established by IC 5-2-1-3;

(B) the National Association of School Resource Officers; or

(C) another school resource officer training program approved by the Indiana law enforcement training board.

(c) Training described in subsection (b)(2) must include instruction regarding skills, tactics, and strategies necessary to address the special nature of:

- (1) school campuses; and
- (2) school building security needs and characteristics.

As added by P.L.172-2013, SEC.7. Amended by P.L.30-2014, SEC.2.

IC 20-26-18.2-2

Employment of school resource officer; duties

Sec. 2. (a) A school resource officer may be employed:

- (1) by one (1) or more school corporations or charter schools through a contract between a local law enforcement agency and the school corporation or school corporations or the charter school or charter schools;
- (2) by one (1) or more school corporations or charter schools;
- (3) by a local law enforcement agency that assigns the school resource officer to one (1) or more school corporations or charter schools through a memorandum of understanding between the local law enforcement agency and the school corporation or school corporations or the charter school or charter schools; or
- (4) through a contract between an Indiana business that employs persons who meet the qualifications of a school resource officer and the school corporation or school corporations or the charter school or charter schools.

(b) A contract or memorandum of understanding entered into under subsection (a) must state the nature and scope of a school resource officer's duties and responsibilities. A school resource officer's duties and responsibilities include the duty to assist the school corporation's school safety specialist with the development and implementation of a school safety plan that does the following:

- (1) Protects against outside threats to the physical safety of students.
- (2) Prevents unauthorized access to school property.
- (3) Secures schools against violence and natural disasters.

(c) A school resource officer shall consult with local law enforcement officials and first responders when assisting the school corporation's school safety specialist in the development of the school safety plan.

As added by P.L.172-2013, SEC.7.

IC 20-26-18.2-3

School resource officer's police powers

Sec. 3. (a) A school resource officer may:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property using the reasonable suspicion standard;
- (3) carry a firearm on or off school property; and
- (4) exercise other police powers with respect to the enforcement of Indiana laws.

(b) A school resource officer has jurisdiction in every county where the school corporation or charter school engaging the officer operates a school or where the school corporation or charter school's students reside. This subsection does not restrict the jurisdiction that a school resource officer may possess due to the officer's employment by a law enforcement agency.

As added by P.L.172-2013, SEC.7.