IC 20-23
ARTICLE 23. ORGANIZATION OF SCHOOL CORPORATIONS

IC 20-23-1
Chapter 1. County Boards of Education

IC 20-23-1-1
Township trustees to constitute county board of education; meetings; powers and duties; funding

Sec. 1. (a) As used in this chapter, "board" means a county board of education.
(b) As used in this chapter, "county superintendent" means the county superintendent of schools.
(c) The township trustees of each township of each county constitute a county board of education.
(d) The board shall meet:
   (1) monthly at the office of the county superintendent; and
   (2) at other times as the county superintendent considers necessary.
(e) The county superintendent:
   (1) is ex officio chairperson of the board; and
   (2) shall act as administrator of the board, carrying out the acts and duties designated by the board.
(f) The secretary of the board shall keep an accurate record of the minutes of the board. The minutes shall be kept at the county superintendent's office.
(g) A quorum consists of a number of members equal to the number of township schools under the administration of the county superintendent. However, business may not be transacted unless a majority of the trustees of the township schools under the administration of the county superintendent is present. Business shall be transacted and the acts of the board become effective by a two-thirds (2/3) majority vote of members present on matters coming before the board.
(h) This chapter may not be construed as granting the board any authority over:
   (1) the selection or employment of any personnel or employees; or
   (2) the purchase of supplies;
in a township school.
(i) Upon nomination by the county superintendent and with the approval of two-thirds (2/3) of the members, the board shall enter into written contracts with additional administrative and supervisory employees who are necessary for the proper administration and supervision of the county school system and the township schools of the county.
(j) Except as provided in subsection (i), funds for the salaries of and supplies for persons employed under this section shall be provided in the same manner as the fixing and appropriation of the
salaries of the county superintendent.

(k) The salary or fee of a school attorney related to performing the duties of the attorney's office may in part be paid directly from the school general fund.

(l) The board shall make decisions concerning the general conduct of the schools, which shall be enforced as entered upon the minutes recorded by the secretary of the board.

(m) The board:

(1) shall receive through its treasurer from the state money provided and distributed from the state for teaching units for those employed by the board; and

(2) is considered to fulfill all requirements of a school corporation for receiving the funds from the state.

(n) The county treasurer is ex officio treasurer of the board, eligible to receive the distribution of funds from the state. Funds received under this section shall be credited to the county general fund as a receipt against the estimated expenditures for the salaries of the school employees, for which distribution was made by the state.


IC 20-23-1-2
County superintendent; appointment; term

Sec. 2. The board by a majority vote of the members of the board shall appoint a county superintendent of schools who serves for a term of four (4) years. The board shall fill vacancies in this office, in accordance with law, by appointment. An appointment to fill a vacancy under this section expires at the end of the regular term of the county superintendent of schools.


IC 20-23-1-3
Certain school corporations unaffected

Sec. 3. This chapter may not be construed to affect the status of or to interfere with a county school corporation created by a board under section 6 of this chapter.


IC 20-23-1-4
Superintendent's duty to pay accrued interest to school corporations

Sec. 4. (a) A county superintendent of schools shall see that the full amount of interest on the money for the school corporations in the county is paid and apportioned.

(b) When there is a:

(1) deficit of interest on any school money; or

(2) loss of any school money;

by the county, the county superintendent of schools shall see that proper warrants are issued for the reimbursement of the appropriate school corporation. However, the board of county commissioners may not pay interest that exceeds the amount provided under this
chapter to the county superintendent of schools.


IC 20-23-1-5
Revenues due to state; duties of county superintendent

Sec. 5. (a) The official dockets, records, and books of account of the following officers serving in the county must be open at all times to the inspection of the county superintendent:

1. Clerks of the courts.
2. County auditor.
3. County commissioners.
4. Prosecuting attorneys.
5. Mayors of cities.
6. Township trustees.
7. School trustees.

(b) If the county superintendent finds that any of the officers described in subsection (a) have neglected or refused to collect and pay over interest, fines, forfeitures, licenses, or other claims due to the common school fund or other funds of the state, or have misapplied school money in their possession, the county superintendent shall:

1. bring an action in the name of the state of Indiana for the recovery of the money for the benefit of the common school fund or other funds of the state; and
2. make a report concerning the action to the board of county commissioners and to the state superintendent.


IC 20-23-1-6
County board of education; meetings; organizations; powers and duties; appointment of county superintendent

Sec. 6. (a) The township trustees of each township of each county shall perform all the civil functions performed before March 13, 1947, by the township trustees. The township trustees of the county constitute a county board of education to manage the affairs of the county school corporation created under this chapter in each county.

(b) School cities and school towns retain independent organization and administration unless abandoned as provided by law. The county school corporation includes all areas not organized on March 13, 1947, into jurisdictions controlled and governed as school cities or school towns.

(c) The board shall meet:
1. at the time the board designates at the office of the county superintendent; and
2. at other times and places the county superintendent considers necessary.

(d) At the first meeting of each year, to be held on the first Wednesday after the first Monday in January, the board shall organize by selecting a president, a vice president, a secretary, and a treasurer from its membership.
(e) The county superintendent shall call the board into special session. Unless the board elects to have this section remain inoperative, the board shall organize itself. The failure of the county superintendent to call the board into session under this section may not be construed to mean that a county school corporation described in this section is in existence in the county, and a county school corporation may not be brought into existence until the board has met in special session after March 13, 1947, and has taken action to organize itself into a county school corporation, after consideration of the question of whether it should elect to have the provisions of this section remain inoperative. The organization, if affected, must be:

1. filed with the county auditor; and
2. published by the county auditor in two (2) newspapers of different political persuasions of general circulation throughout the county within ten (10) days after the filing.

The organization is considered to fulfill the requirements of this section for the transacting of public business under this section. The secretary of the board shall keep an accurate record of the minutes of the board, which shall be kept at the county superintendent's office. The county superintendent shall act as administrator of the board and shall carry out such acts and duties as shall be designated by the board. A quorum consists of two-thirds (2/3) of the members of the board.

(f) The board shall:

1. make decisions as to the general conduct of the schools that may be enforced as entered in the minutes recorded by the secretary of the board; and
2. exercise all powers exercised before March 13, 1947, by or through township trustees or meetings or petitions of the trustees of the county.

(g) The board shall appoint a county superintendent who serves a term of four (4) years. The board shall fill vacancies in this office by appointments that expire at the end of the regular term. The county superintendent and other persons employed for administrative or supervisory duties are considered to be supervisors of instruction.

(h) The government of the common schools of the county is vested in the board. The board has the authority, powers, privileges, duties, and obligations granted to or required of school cities before March 13, 1947, and school towns and their governing boards generally with reference to the following:

1. The purchase of supplies.
2. The purchase and sale of buildings, grounds, and equipment.
3. The erection of buildings.
4. The employment and dismissal of school personnel.
5. The right and power to sue and be sued in the name of the county.
6. Insuring property and employees.
7. Making and executing a budget.
8. Borrowing money.
(9) Paying the salaries and expenses of the county superintendent and employees as approved by the board.

(10) Any act necessary to the proper administration of the common schools of the county.

(i) A county school corporation organized under this section:
   (1) has all right, title, and interest of the predecessor township school corporations terminated under this section to and in all the real, personal, and other property of any nature and from whatever source derived; and
   (2) shall assume, pay, and be liable for all the indebtedness and liabilities of the predecessor school corporation.

(j) The treasurer, before entering upon the duties of treasurer's office, shall execute a bond to the acceptance of the county auditor in an amount equal to the largest sum of money that will be in the possession of the treasurer at any one (1) time conditioned as an ordinary official bond, with a reliable surety company or at least two (2) sufficient freehold sureties, who may not be members of the board, as surety or sureties on the treasurer's bond.

(k) The president and secretary shall each give bond, with a surety or sureties described in subsection (j), to be approved by the county auditor, in the sum of one-fourth (1/4) of the amount required of the treasurer under subsection (j). A board may purchase bonds from a reliable surety company and pay for them out of the special school revenue of the board's county.

(l) The powers set forth in this section may not be considered or construed to:
   (1) limit the authority of a board to the powers expressly conferred in this section; or
   (2) restrict or modify any authority granted by any other law not in conflict with this section.

Chapter 2. County Superintendent of Schools

Sec. 1. (a) The township trustees of each county shall meet at the office of the county auditor on the first Monday in June, 2005, at 10 a.m., and every four (4) years thereafter and elect by ballot a county superintendent for the county. The county superintendent elected by the township trustees shall enter upon the duties of the office on August 16 following and, unless sooner removed, holds the office until a successor is elected and qualified.

(b) Before entering upon the duties of the office, the county superintendent elected under subsection (a) shall:

(1) subscribe and take an oath to perform faithfully the county superintendent's duties according to law; and

(2) file the oath with the county auditor.

(c) The county superintendent shall execute, in the manner prescribed by IC 5-4-1, a bond conditioned upon the faithful discharge of the superintendent's duties.

(d) The county auditor shall report the name and address of the person elected under subsection (a) to the state superintendent.

(e) If a vacancy occurs in the office of county superintendent, the township trustees of the county, on at least three (3) days notice given by the county auditor, shall assemble at 10 a.m., on the day designated in the notice, at the office of the auditor, and fill the vacancy by ballot for the unexpired term.

(f) In all elections of a county superintendent, the county auditor is the clerk of the election. In case of a tie vote, the auditor shall cast the deciding vote. If one (1) candidate receives a number of votes equal to one-half (1/2) of all the trustees of the county, the county auditor shall then and at all subsequent ballots cast the auditor's vote with the trustees until a candidate receives a majority of all the votes in the county, including the county auditor. The county auditor shall keep a record of the election in a book kept for that purpose.


Sec. 2. If there is an election of a county superintendent under section 1(a) of this chapter and the person elected dies or fails, refuses, or neglects to assume the duties of the office on or before August 16 of the year of the election, the township trustees shall:

(1) as soon as possible declare a vacancy in the office of county superintendent; and

(2) immediately hold another election to elect a county superintendent under section 1(a) of this chapter.

Impeachment; grounds; procedures

Sec. 3. (a) A county superintendent may be impeached for immorality, incompetency, or general neglect of duty, or for acting as agent for the sale of any curricular materials, school furniture, maps, charts, or other school supplies.

(b) Impeachment proceedings are governed by the provisions of law for impeaching county officers.


IC 20-23-2-4

Duties of county superintendent

Sec. 4. (a) The county superintendent has the general superintendence of the schools of the superintendent's county. The county superintendent shall do the following:

(1) Attend each township school at least one (1) time during each school year, and otherwise as often as possible.
(2) Preside over and conduct each school's exercises.
(3) Visit schools while the schools are in session to increase the schools' usefulness and elevate, as far as practicable, the poorer schools to the standard of the best.
(4) Conduct teachers' institutes and encourage other like associations.
(5) Labor, in every practicable way, to elevate the standard of teaching and to improve the condition of the schools of the superintendent's county.

(b) This subsection does not apply to a dispute concerning:

(1) the legality of school meetings;
(2) the establishment of schools;
(3) the location, building, repair, or removal of school buildings;
(4) the transfer of individuals for school purposes; or
(5) the resignation or dismissal of teachers.

In all controversies of a general nature arising under the school law, the decision of the county superintendent must first be obtained. An appeal may be taken from the county superintendent's decision to the state superintendent on a written statement of facts, certified by the county superintendent.

(c) This chapter may not be construed to change or abridge the jurisdiction of any court in cases arising under the school laws of Indiana. The right of any person to bring suit in any court, in any case arising under the school laws, is not abridged by this chapter.

(d) The county superintendent:

(1) shall carry out the orders and instructions of the state board and the state superintendent; and
(2) constitutes the medium between the state superintendent and subordinate school officers and the schools.


IC 20-23-2-5

Exemption of city schools from superintendent's authority

Sec. 5. City schools that have appointed superintendents are
exempt from general superintendence under this chapter upon a written request of the school board of the city.

*As added by P.L.1-2005, SEC.7.*

**IC 20-23-2-6**

**Office and supplies; compensation**

Sec. 6. The board of county commissioners shall:

1. provide and furnish an office for the county superintendent; and
2. allow and pay all costs incurred by the county superintendent for postage, stationery, and records in carrying out this chapter, upon satisfactory proof of the costs incurred submitted by the county superintendent.

The county superintendent shall be paid for the county superintendent's services the sum of four dollars ($4) per day.

*As added by P.L.1-2005, SEC.7.*

**IC 20-23-2-7**

**Repealed**

*(Repealed by P.L.167-2013, SEC.2.)*

**IC 20-23-2-8**

**Traveling expenses**

Sec. 8. (a) The county superintendent of schools is entitled to receive as actual traveling expenses in discharging the duties of the superintendent's office a sum of not more than three hundred dollars ($300) per year.

(b) The county council may annually appropriate an amount sufficient to pay the expenses described in subsection (a).

(c) The board of county commissioners shall allow an amount appropriated under subsection (b) by a county council.

*As added by P.L.1-2005, SEC.7.*
IC 20-23-3
Chapter 3. School Townships

IC 20-23-3-1
Name; corporate powers
   Sec. 1. (a) A township is a school township.
   (b) A school township is a body politic and corporate, by the name and style of "_______ School _______ township of ________ county", according to the name of the township and of the county in which the school township is organized.
   (c) A school township may:
      (1) contract and may be contracted with; and
      (2) sue and be sued;
   in the name of the school township in a court with jurisdiction.

IC 20-23-3-2
Employment of teachers; establishment of separate graded high schools; joint graded high schools
   Sec. 2. (a) The school trustees shall:
      (1) take charge of the educational affairs of their respective townships, towns, and cities;
      (2) employ teachers;
      (3) establish and locate conveniently a sufficient number of schools for the education of the children; and
      (4) build, or otherwise provide, suitable houses, furniture, apparatus, and other articles and educational appliances necessary for the thorough organization and efficient management of the schools.
   The school trustees may establish and maintain, as near the center of the township as practical, at least one (1) separate graded high school, to which sufficiently advanced students shall be admitted.
   (b) The school trustees of two (2) or more school corporations may establish and maintain one (1) or more joint graded high schools instead of separate graded high schools. If a joint graded high school is established, the participating school corporations are jointly responsible for the care, management, and maintenance of the school.
   (c) A trustee, instead of building a separate graded high school for the trustee's township, shall transfer the students of the trustee's township competent to enter a graded high school to another school corporation.
   (d) A graded high school may not be built unless there are, at the time the graded high school is built, at least twenty-five (25) common graduates of school age residing in the township.

IC 20-23-3-3
Repealed
   (Repealed by P.L.2-2006, SEC.199.)
IC 20-23-3-4
Management of property
Sec. 4. (a) School trustees have the care and management of all real and personal property belonging to their respective corporations for common school purposes. However, congressional township school lands shall be under the care and management of the trustees of the civil township to which the lands belong.
(b) School trustees shall provide janitorial help considered necessary to properly care for the schools and premises under the school trustees' control.
(c) Each janitor provided by the trustees under subsection (b) shall be paid from the special school funds of the township.

IC 20-23-3-5
Repealed
(Repealed by P.L.2-2006, SEC.199.)

IC 20-23-3-6
Repealed
(Repealed by P.L.2-2006, SEC.199.)

IC 20-23-3-7
Repealed
(Repealed by P.L.2-2006, SEC.199.)

IC 20-23-3-8
Kindergarten programs
Sec. 8. An educational program under this chapter must include a kindergarten program that is at least a half day program.

IC 20-23-3-9
Appeal from determinations of township trustees
Sec. 9. Appeals shall be allowed from decisions of the township trustees concerning school matters to the county superintendent. The county superintendent shall receive and promptly determine the appeals according to the rules that govern appeals to the court under IC 4-21.5-5, so far as the rules are applicable. The county superintendent's decisions of all local questions relating to:
(1) the legality of school meetings;
(2) establishment of schools;
(3) the location, building, repair, or removal of schoolhouses;
(4) transfers of persons for school purposes; and
(5) resignation and dismissal of teachers;
shall be treated as final.
As added by P.L.2-2006, SEC.91.
IC 20-23-4
Chapter 4. Community School Corporations

IC 20-23-4-1
Purpose and policy of school reorganization
Sec. 1. It is the sense of the general assembly:
(1) that the establishment and maintenance of a general, a uniform, and an efficient system of public schools is the traditional and current policy of the state;
(2) that improvement in the organization of school corporations of the state will:
   (A) provide a more equalized educational opportunity for public school students;
   (B) achieve greater equity in school tax rates among the existing school corporations; and
   (C) provide a more effective use of the public funds expended for the support of the public school system;
(3) that existing statutes with respect to the combination and the reorganization of school corporations are inadequate to effectuate the needed improvement;
(4) that modifications in the provisions for the combination and the reorganization of school corporations in this chapter are necessary in order to assure the future maintenance of a uniform and an efficient system of public schools in the state;
(5) that local electors:
   (A) have an interest in the boundaries of the school corporation in which they reside; and
   (B) will exercise their privileges, as provided in this chapter, to establish an efficient and economical reorganization plan best suited to local conditions; and
(6) that:
   (A) the state board; and
   (B) the:
      (i) committees; and
      (ii) public officers;
   charged with authority under this chapter;
will perform their duties wisely in view of the objective of this chapter as set forth in the title of this chapter.

IC 20-23-4-2
"Attendance unit"; "school unit"
Sec. 2. As used in this chapter, "attendance unit" or "school unit" means the area of an administrative unit served by a single school.

IC 20-23-4-3
"Community school corporation"
Sec. 3. As used in this chapter, "community school corporation" means a school corporation:
(1) proposed to be formed; or
(2) formed;
under this chapter, including a united school corporation.

IC 20-23-4-4
"County committee"; "committee"
Sec. 4. As used in this chapter, "county committee" or "committee" means the county committee for the reorganization of school corporations provided for in sections 11 through 17 of this chapter.

IC 20-23-4-5
"County superintendent"
Sec. 5. As used in this chapter, "county superintendent" means the county superintendent of schools.

IC 20-23-4-6
"Party"
Sec. 6. As used in this chapter, "party" includes:
(1) a person;
(2) a firm;
(3) a limited liability company;
(4) a corporation;
(5) an association; or
(6) a municipality;
interested in proceedings under this chapter.

IC 20-23-4-7
"Reorganization of school corporations"
Sec. 7. As used in this chapter, "reorganization of school corporations" means the formation of new school corporations, the alteration of the boundaries of established school corporations, and the dissolution of established school corporations by:
(1) the uniting of two (2) or more established school corporations;
(2) the subdivision of one (1) or more school corporations;
(3) the transfer to a school corporation of a part of the territory of one (1) or more school corporations;
(4) the attachment to a school corporation of all or part of the territory of one (1) or more school corporations; and
(5) any combination of the methods listed in subdivisions (1) through (4).

IC 20-23-4-8
"School aid bonds"
Sec. 8. As used in this chapter, "school aid bonds" means bonds of a civil unit of government, the proceeds of which are used for school purposes in any school corporation. 


IC 20-23-4-9 
"United school corporation"

Sec. 9. As used in this chapter, "united school corporation" means a school corporation that has territory in two (2) or more adjacent counties.


IC 20-23-4-10
Public records available to county committees and state board

Sec. 10. State and county officers shall make available to:
(1) the county committees; and 
(2) the state board;
information from public records in the officers' possession that is essential to the performance by the county committees and the state board of duties set forth in this chapter and IC 20-23-16-1 through IC 20-23-16-11.


IC 20-23-4-11
County committee for reorganization of school corporations; creation; selecting membership; organization; compensation; terms of office; qualifications; meetings

Sec. 11. (a) A county committee for the reorganization of school corporations consists of nine (9) members. In a county that has a county superintendent:
(1) the superintendent is an ex officio member of the committee; and 
(2) the remaining members of the committee are appointed by the judge of the circuit court of the county.
In a county that does not have a county superintendent, all the members of the committee are appointed by the judge of the circuit court of the county. Appointments under this subsection are subject to subsections (f) through (h).
(b) Before the time specified in this section, the judge of the circuit court shall call into a county convention each of the township trustees of the county and the members of each local board of school trustees or board of school commissioners in the county to advise the judge in the selection of the members of the county committee. Except as provided in subsection (c), the judge must give at least ten (10) days notice of the convention by publication in:
(1) one (1) newspaper of general circulation published in the affected area; or 
(2) if a newspaper is not published in the affected area, in a newspaper having a general circulation in the affected area.
(c) In a county having a population of more than four hundred
thousand (400,000) but less than seven hundred thousand (700,000),
the judge of the circuit court shall publish the notice referred to in
subsection (b) in two (2) newspapers of general circulation published
in the affected area or having a general circulation in the affected
area. The notice must specify:
   (1) the date, time, place, and purpose of the county convention;
   and
   (2) that the county convention is open to all residents of the
   county.
(d) At the county convention, the judge of the circuit court shall:
   (1) explain or have explained; and
   (2) afford an opportunity for attendees to discuss;
the provisions of this chapter.
(e) Not later than ten (10) days after the date of the county
convention, the judge of the circuit court shall select the appointive
members of the county committee.
(f) In a county that has a county board of education, one (1)
member of the county committee must be a township trustee
recommended by the county board of education.
(g) In a county in which there is a board of school trustees or a
board of school commissioners, one (1) member of the county
committee:
   (1) must be a member of:
      (A) the board of school trustees; or
      (B) the board of school commissioners; and
   (2) may not be a township trustee.
(h) One (1) member of the county committee must be:
   (1) a superintendent of schools;
   (2) a principal of:
      (A) a school city;
      (B) a school town; or
      (C) a consolidated school or corporation; or
   (3) a superintendent of a community school corporation.
(i) The members of the county committee not referred to in
subsections (f) through (h):
   (1) may not be members of or employed by:
      (A) a board of school trustees; or
      (B) a board of school commissioners;
   (2) may not be members of or employed by a:
      (A) local; or
      (B) county;
      board of education;
   (3) may not be:
      (A) township trustees; or
      (B) employees of township trustees; and
   (4) are appointed without regard to political affiliation.
(j) The judge of the circuit court shall give written notice
immediately to each person selected for appointment to the county
committee. Each person selected shall notify the judge of the circuit
court in writing not later than ten (10) days after receipt of the notice
whether the person accepts the appointment. If a person:
(1) refuses an appointment; or
(2) fails to notify the judge of the circuit court of the person's acceptance or refusal of an appointment;
the judge shall select a qualified replacement for appointment to the county committee.

(k) Not later than thirty (30) days after the date of the county convention, the county committee shall meet to organize and to elect from its membership:
(1) a chairperson;
(2) a treasurer; and
(3) a secretary.
The secretary may be the county superintendent or the superintendent of one (1) of the school corporations in the county.

(l) The chairperson and the members of the county committee serve without compensation. Subject to approval by the state board, the chairperson of the county committee shall:
(1) secure necessary office space and equipment;
(2) engage necessary clerical help; and
(3) receive reimbursement for any necessary expenses incurred by the chairperson with respect to duties in connection with the county committee.

(m) Members of the county committee hold office for terms of four (4) years until the reorganization program in the county is completed, subject to replacement as prescribed in this chapter. An appointed member who ceases to be a resident of the county may not continue to serve on a county committee.

(n) An individual appointed member of a county committee or the appointed members as a group are not disqualified from serving on a county committee because they fail at any time to meet the qualifications for appointment by the judge of the circuit court, other than county residence, if they met the qualifications at the time of their appointments.

(o) Vacancies shall be filled by the remaining members of the committee without regard for the qualifications for appointment by the judge of the circuit court.

(p) Meetings of the county committee shall be held:
(1) upon call of the chairperson; or
(2) by a petition to hold a meeting signed by a majority of the members of the committee.

(q) A majority of the committee constitutes a quorum.

IC 20-23-4-12
Preliminary plans; contents; supporting documents
Sec. 12. (a) In formulating a preliminary reorganization plan and with respect to each of the community school corporations that are a part of the reorganization plan, the county committee shall determine the following:
(1) The name of the community school corporation.
(2) Subject to subsection (e), a general description of the boundaries of the community school corporation.

(3) With respect to the board of school trustees, the following:
   (A) Whether the number of members is:
      (i) three (3);
      (ii) five (5); or
      (iii) seven (7).
   (B) Whether the members are elected or appointed.
   (C) If the members are appointed:
      (i) when the appointments are made; and
      (ii) who makes the appointments.
   (D) If the members are elected, that the election is at the general election at which county officials are elected.
   (E) Subject to sections 21 and 22 of this chapter, the manner in which members are elected or appointed.

(4) The compensation, if any, of the members of the regular and interim board of school trustees, which may not exceed the amount provided in IC 20-26-4-7.

(5) Subject to subsection (f), qualifications required of the members of the board of school trustees, including limitations on:
   (A) residence; and
   (B) term of office.

(6) If an existing school corporation is divided in the reorganization, the disposition of assets and liabilities.

(7) The disposition of school aid bonds, if any.

(b) If existing school corporations are not divided in the reorganization, the:
   (1) assets;
   (2) liabilities; and
   (3) obligations;
   of the existing school corporations shall be transferred to and assumed by the new community school corporation of which they are a part, regardless of whether the plan provides for transfer and assumption.

(c) The preliminary plan must be supported by a summary statement of the following:
   (1) The educational improvements the plan's adoption will make possible.
   (2) Data showing the:
      (A) assessed valuation;
      (B) number of resident students in ADA in grades 1 through 12;
      (C) assessed valuation per student referred to in clause (B); and
      (D) property tax levies;
   of each existing school corporation to which the plan applies.

(3) The:
   (A) assessed valuation;
   (B) resident ADA; and
(C) assessed valuation per student; data referred to in subdivision 2(A) through 2(C) that would have applied for each proposed community school corporation if the corporation existed in the year the preliminary plan is prepared or notice of a hearing or hearings on the preliminary plan is given by the county committee.

(4) Any other data or information the county committee considers appropriate or that may be required by the state board in its rules.

(d) The county committee:

(1) shall base the assessed valuations and tax levies referred to in subsection (c)(2) through (c)(3) on the valuations applying to taxes collected in:

(A) the year the preliminary plan is prepared; or
(B) the year notice of a hearing or hearings on the preliminary plan is given by the county committee;

(2) may base the resident ADA figures on the calculation of the figures under the rules under which they are submitted to the state superintendent by existing school corporations; and

(3) shall set out the resident ADA figures for:

(A) the school year in progress if the figures are available for that year; or
(B) the immediately preceding school year if the figures are not available for the school year in progress.

The county committee may obtain the data and information referred to in this subsection from any source the committee considers reliable. If the county committee attempts in good faith to comply with this subsection, the summary statement referred to in subsection (c) is sufficient regardless of whether the statement is exactly accurate.

(e) The general description referred to in subsection (a)(2) may consist of an identification of an existing school corporation that is to be included in its entirety in the community school corporation. If a boundary does not follow the boundary of an existing civil unit of government or school corporation, the description must set out the boundary:

(1) as near as reasonably possible by:

(A) streets;
(B) rivers; and
(C) other similar boundaries;

that are known by common names; or

(2) if descriptions as described in subdivision (1) are not possible, by section lines or other legal description.

The description is not defective if there is a good faith effort by the county committee to comply with this subsection or if the boundary may be ascertained with reasonable certainty by a person skilled in the area of real estate description. The county committee may require the services of the county surveyor in preparing a description of a boundary line.

(f) A member of the board of school trustees:
(1) may not serve an appointive or elective term of more than four (4) years; and
(2) may serve more than one (1) consecutive appointive or elective term.


IC 20-23-4-13
Hearings on preliminary plans; notice

Sec. 13. (a) When a county committee has prepared its preliminary written plans for reorganization of school corporations, the committee shall fix dates and places for one (1) or more hearings on the plans and give notice of the hearings to the residents of the school corporations affected and all interested parties. The county committee may hold more than one (1) hearing. The chairperson of the county committee shall give the notice:

(1) by publication at least one (1) time in one (1) newspaper of general circulation published in the school corporation or corporations; or
(2) if a newspaper is not published in the school corporation or corporations, in a newspaper having a general circulation in the school corporation or corporations; at least ten (10) days but not more than thirty (30) days before the date of the hearing.

(b) At the hearing:

(1) the county committee shall:
   (A) explain the proposed reorganization plan;
   (B) summarize the educational improvements adoption of the plan will make possible; and
   (C) if the proposed reorganization includes division of an existing school corporation, state the adjustment proposed for:
      (i) property;
      (ii) assets;
      (iii) debts; and
      (iv) other liabilities; and

(2) any resident of the county or of any affected school corporation in an adjoining county may be heard with reference to:
   (A) the proposed plan; or
   (B) an alternative plan.


IC 20-23-4-14
Final comprehensive reorganization plan; adoption; submission of plan to state board

Sec. 14. (a) The county committee shall consider any suggestions made in the public hearing and shall make any revisions or modifications in its written plans as it considers necessary and shall thereupon without any further hearing adopt its final comprehensive
reorganization plan, and, within ten (10) days after such adoption, but not later than January 14, 1964, shall submit at least three (3) copies of its comprehensive plan to the state board. However, if a county committee encounters any difficulties in formulating and adopting either its preliminary or comprehensive plan for the reorganization of school corporations, through no lack of diligence upon the part of the committee so that it is unable to submit its plans to the state board within the period specified, the county committee may apply to the state board for an extension of time in which to complete and adopt its preliminary or comprehensive plan. The application may be made during or after the original or any extended period for which an extension is asked.

(b) The state board may, if the facts and circumstances warrant, grant such extension or extensions as it may see fit.


IC 20-23-4-15
Submission of reorganization plans to state board prior to completion of comprehensive plan

Sec. 15. The county committee may submit to the state board for approval, in accordance with section 18 of this chapter, a plan for the reorganization of one (1) or more school corporations without awaiting the completion of a comprehensive plan. The plan becomes an integral part of the comprehensive plan the county committee is required to prepare.


IC 20-23-4-16
Required contents of preliminary or final comprehensive plan

Sec. 16. The form of a preliminary or final comprehensive plan of reorganization is sufficient if the plan contains in its own terms or by reference the following for each proposed community school corporation:

(1) The name of the proposed community school corporation.
(2) A general description of the boundaries of the community school corporation as provided in section 12 of this chapter.
(3) The number of members of the board of school trustees and whether the members are elected or appointed.
(4) The manner in which the board of school trustees, other than the interim board, is elected or appointed.
(5) If a school corporation is divided as part of the reorganization, the disposition of assets and liabilities of the school corporation.
(6) The statement required by section 12 of this chapter if that statement is submitted or adopted with the plan.


IC 20-23-4-17
Advisory committees of county; membership

Sec. 17. (a) The county committee may form one (1) or more
advisory committees.

(b) An advisory committee may include as members:

(1) superintendents; or
(2) principals;

of local school corporations.

(c) An advisory committee or the individual members of an advisory committee shall:

(1) help the county committee; and
(2) furnish information to the county committee;

as requested by the county committee.


IC 20-23-4-18
State board of education; powers and duties

Sec. 18. (a) The state board shall:

(1) aid the county committees, as required by subsection (b), in carrying out:

(A) the powers conferred; and
(B) the duties imposed;

on the committees by this chapter;

(2) receive and examine each plan for the reorganization of a school corporation submitted to the state board by a county committee and approve each plan that meets the standards of the state board;

(3) adopt a set of minimum standards, in furtherance of the policy expressed in section 1 of this chapter, which all proposed community school corporations must meet, insofar as feasible;

(4) not later than ninety (90) days after receipt of a reorganization plan, hold a public hearing in the county to which the plan mainly applies to allow residents of the affected territory to testify;

(5) not later than sixty (60) days after the public hearing:

(A) approve or disapprove in writing all or part of the plan; and
(B) notify in writing the county committee concerned;

(6) assist any county committee whose plan does not meet minimum standards in revising the plan and permit the committee to resubmit the plan not later than ninety (90) days after receipt of notice of nonapproval; and

(7) adopt rules under IC 4-22-2 for:

(A) the conduct of its own business; and
(B) the guidance and direction of county committees;

to carry out this chapter and IC 20-23-16-1 through IC 20-23-16-11.

(b) The minimum standards for community school corporations proposed under this chapter or IC 20-23-16-1 through IC 20-23-16-11 must provide for the inclusion of all the area of a county in:

(1) a school corporation; or
(2) school corporations;
to furnish efficient and adequate educational opportunity for all students in grades 1 through 12.

(c) Before the adoption of a preliminary written plan, the county committee and the state board may meet to consider problems encountered by the county committee in formulating a plan. Following the meeting, the state board may waive in writing any specified minimum standard for a designated geographic area on the ground that meeting the standard is not feasible.

(d) The state board is not required to hold a public hearing on a plan that does not meet the minimum standards required by the state board unless the state board waives the attainment of a minimum standard.


IC 20-23-4-19
Creation of community school corporation in certain existing school corporations; motion of state board; hearings; definitions

Sec. 19. (a) If the creation of a community school corporation out of an existing corporation:

(1) would not involve a change in its territorial boundaries or in its board of school trustees or other governing body, other than a change in the time of election or appointment or the time the board members take office; and

(2) is consistent with the standards set up under this chapter and the standards set out in this section;

the state board may on its own motion or on petition of the governing body of the existing school corporation at any time with hearing in the county where the school corporation is located, after notice by publication at least once in one (1) newspaper of general circulation published in the county where the school corporation is located, at least ten (10) but not more than thirty (30) days before the date of a hearing, and without action of the county committee declare the existing school corporation to be a community school corporation by adopting a resolution to this effect. The existing school corporation qualifies as to size and financial resources if it has an ADA of at least two hundred seventy (270) students in grades 9 through 12 or at least one thousand (1,000) students in grades 1 through 12, and has an assessed valuation per student of at least five thousand dollars ($5,000).

(b) For purposes of this section, the following terms have the following meanings:

(1) "County tax" means a property tax:

(A) that is levied at an equal rate in the entire county in which any school corporation is located, other than a tax qualifying as a countywide tax within the meaning of Acts 1959, c.328, s.2, or any similar statute; and

(B) for which the net proceeds of which are distributed to school corporations in the county.

(2) "Assessed valuation" of any school corporation means the net assessed value of its real and personal property as of March
1, 1964, adjusted in the same manner as the assessed valuation is adjusted for each county by the department of local government finance under Acts 1949, c.247, s.5, as amended, unless that statute has been repealed or no longer provides for an adjustment. If a county has a county tax, the assessed valuation of each school corporation in the county shall be increased by the amount of assessed valuation, if any, that would be required to raise an amount of money, equal to the excess of the amount distributed to any school corporation from the county tax over the amount collected from the county tax in the school corporation, using total taxes levied by the school corporation in terms of rate:

(A) excluding the countywide tax under Acts 1959, c.328, s.2, or any similar statute; and

(B) including all other taxes levied by or for the school corporation.

The increased valuation shall be based on the excess distributed to the school corporation from the county tax levied for the year 1964 and the total taxes levied for the year, or if the county tax is first applied or is raised for years after 1964, then the excess distributions and total taxes levied for the year in which the tax is first applied or raised. If the excess distribution and total taxes levied cannot be determined accurately on or before the adoption of the resolution provided in this section, excess distribution and taxes levied shall be estimated by the department of local government finance using the last preceding assessed valuations and tax rates or such other information as that department determines, certifying the increased assessment to the state board before such time. In all cases, the excess distribution shall be determined upon the assumption that the county tax is one hundred percent (100%) collected and all collections are distributed.

(3) "Assessed valuation per student" of any school corporation means the assessed valuation of any school corporation divided by its ADA in grades 1 through 12.

(4) "ADA" in any school corporation means the average daily attendance of students who are residents in the school corporation and in the particular grades to which the term refers for the school year 1964-1965 in accordance with the applicable regulations of the state superintendent, used in determining average daily attendance in the distribution of the tuition funds by the state to its various school corporations where funds are distributed on such basis and irrespective of whether the figures are the actual resident daily attendance of the school for the school year.

(c) The community school corporation automatically comes into being on either July 1 or January 1 following the date of approval, whichever is earlier. The state board shall mail by certified mail, return receipt requested, a copy of the resolution certified by the county committee's chairperson or secretary to:
(1) the recorder of the county from which the county committee having jurisdiction of the existing school corporation was appointed; and
(2) the county committee.

The resolution may change the time of election or appointment of the board of trustees of the school corporation or the time the trustees take office. The recorder shall without cost record the certified resolution in the miscellaneous records of the county. The recording constitutes a permanent record of the action of the state board and may be relied on by any person. Unless the resolution provides that an interim member of the board of trustees shall not be appointed, the board of trustees in office on the date of the action continues to constitute the board of trustees of the school corporation until their successors are qualified, and the terms of their respective office and board membership remain unchanged except to the extent the resolution otherwise provides. For purposes of this chapter and IC 20-23-16-1 through IC 20-23-16-11, a community school corporation shall be regarded as a school corporation created under section 16 of this chapter.


IC 20-23-4-20
Approval of reorganization plan by state board; notice; creation of community school corporation by petition or elections; contents of petition and petitioning procedure

Sec. 20. (a) After the state board approves a comprehensive plan or partial plan for reorganization of school corporations as submitted to the state board by a county committee, the state board shall promptly, by certified mail with return receipt requested, give written notice of the approval to:

(1) the chairperson of the county committee submitting the plan; and
(2) the judge of the circuit court of the county from which the county committee was appointed.

(b) After notice is given under subsection (a), a community school corporation proposed by a plan referred to in subsection (a) may be created:

(1) by petition as provided in this section;
(2) by election as provided in section 21 of this chapter; or
(3) under section 22 of this chapter.

(c) After receipt of the plan referred to in subsection (a) by the county committee and before or after the election described in section 21 of this chapter, a community school corporation proposed by a plan referred to in subsection (a) may be created by a petition. The petition must be signed by at least fifty-five percent (55%) of the registered voters residing in the community school corporation, determined in the manner set out in this section, and filed by any signer or by the county committee with the clerk or clerks of the circuit court or courts of the county or counties where the voters reside. The petition must state that the signers request the
establishment of a community school corporation and must contain the following information:

1. The name of the proposed community school corporation.
2. A general description of the boundaries as set out in the plan.
3. The number of members of the board of school trustees.
4. The manner in which:
   (A) the permanent board of school trustees; and
   (B) if covered in the plan, the interim board of school trustees;
will be elected or appointed.
5. The compensation, if any, of the members of:
   (A) the permanent board of school trustees; and
   (B) if covered in the plan, the interim board of school trustees.
6. The disposition, if any, of assets and liabilities of each existing school corporation that:
   (A) is included in the proposed community school corporation; and
   (B) has been divided.
7. The disposition of school aid bonds, if any.

d) The petition referred to in subsection (c) must show:
   1. the date on which each person signed the petition; and
   2. the person's residence address on that date.

The petition may be executed in several counterparts, the total of which constitutes the petition described in this section. An affidavit of the person circulating a counterpart must be attached to the counterpart. The affidavit must state that each signature appearing on the counterpart was affixed in the person's presence and is the true and lawful signature of the signer. Each signer on the petition may withdraw the signer's signature from the petition before the petition is filed with the clerk of the circuit court. Names may not be added to the petition after the petition is filed with the clerk of the circuit court.

e) After receipt of the petition referred to in subsection (c), the clerk of the circuit court shall make a certification under the clerk's hand and seal of the clerk's office as to:
   1. the number of signers of the petition;
   2. the number of signers of the petition who are registered voters residing in:
      (A) the proposed community school corporation; or
      (B) the part of the school corporation located in the clerk's county;
   as disclosed by the voter registration records of the county;
   3. the number of registered voters residing in:
      (A) the proposed community school corporation; or
      (B) the part of the school corporation located in the clerk's county;
   as disclosed by the voter registration records of the county; and
   4. the date of the filing of the petition with the clerk.
If a proposed community school corporation includes only part of a voting precinct, the clerk of the circuit court shall ascertain from any means, including assistance from the county committee, the number of registered voters residing in the part of the voting precinct.

(f) The clerk of the circuit court shall make the certification referred to in subsection (e):

(1) not later than thirty (30) days after the filing of the petition under subsection (c), excluding from the calculation of that period the time during which the registration records are unavailable to the clerk; or

(2) within any additional time as is reasonably necessary to permit the clerk to make the certification.

In certifying the number of registered voters, the clerk shall disregard any signature on the petition not made in the ninety (90) days that immediately precede the filing of the petition with the clerk as shown by the dates set out in the petition. The clerk shall establish a record of the certification in the clerk's office and shall return the certification to the county committee.

(g) If the certification or combined certifications received from the clerk or clerks disclose that the petition was signed by at least fifty-five percent (55%) of the registered voters residing in the community school corporation, the county committee shall publish a notice in two (2) newspapers of general circulation in the community school corporation. The notice must:

(1) state that the steps necessary for the creation and establishment of the community school corporation have been completed; and

(2) set forth:

(A) the number of registered voters residing in the community school corporation who signed the petition; and

(B) the number of registered voters residing in the community school corporation.

(h) A community school corporation created by a petition under this section takes effect on the earlier of:

(1) July 1; or

(2) January 1;

that next follows the date of publication of the notice referred to in subsection (g).

(i) If a public official fails to perform a duty required of the official under this chapter within the time prescribed in this section and sections 21 through 24 of this chapter, the omission does not invalidate the proceedings taken under this chapter.

(j) An action:

(1) to contest the validity of the formation or creation of a community school corporation under this section;

(2) to declare that a community school corporation:

(A) has not been validly formed or created; or

(B) is not validly existing; or

(3) to enjoin the operation of a community school corporation;

may not be instituted later than thirty (30) days after the date of
IC 20-23-4-21
Special election to create community school corporations; procedure

Sec. 21. (a) If the chairperson of the county committee does not receive the certification or combined certifications under section 20(f) of this chapter not later than ninety (90) days after the receipt by the county committee of the plan referred to in section 20(a) of this chapter, the judge of the circuit court of the county from which the county committee submitting the plan was appointed shall:

(1) certify the public question under IC 3-10-9-3; and
(2) order the county election board to conduct a special election in which the registered voters residing in the proposed community school corporation may vote to determine whether the corporation will be created.

(b) If:

(1) a primary election at which county officials are nominated; or
(2) a general election at which county officials are elected;
and for which the question can be certified in compliance with IC 3-10-9-3 is to be held not later than six (6) months after the receipt by the chairperson of the county committee of the plan referred to in section 20(a) of this chapter, regardless of whether the ninety (90) day period referred to in subsection (a) has expired, the judge shall order the county election board to conduct the special election to be held in conjunction with the primary or general election.

(c) If a primary or general election will not be held in the six (6) month period referred to in subsection (b), the special election shall be held:

(1) not earlier than sixty (60) days; and
(2) not later than one hundred twenty (120) days;

after the expiration of the ninety (90) day period referred to in subsection (a).

(d) The county election board shall give notice under IC 5-3-1 of the special election referred to in subsection (a).

(e) The notice referred to in subsection (d) of a special election must:

(1) clearly state that the election is called to afford the registered voters an opportunity to approve or reject a proposal for the formation of a community school corporation;
(2) contain:
   (A) a general description of the boundaries of the community school corporation as set out in the plan;
   (B) a statement of the terms of adjustment of:
      (i) property;
      (ii) assets;
      (iii) debts; and
      (iv) liabilities;
of an existing school corporation that is to be divided in the
creation of the community school corporation;
(C) the name of the community school corporation;
(D) the number of members comprising the board of school
trustees; and
(E) the method of selecting the board of school trustees of
the community school corporation; and
(3) designate the date, time, and voting place or places at which
the election will be held.
(f) A special election referred to in subsection (a) is under the
direction of the county election board in the county. The election
board shall take all steps necessary to carry out the special election.
If the special election is not conducted at a primary or general
election, the cost of conducting the election is:
(1) charged to each component school corporation embraced in
the community school corporation in the same proportion as the
component school corporation's assessed valuation is to the total
assessed valuation of the community school corporation; and
(2) paid:
(A) from any current operating fund not otherwise
appropriated of; and
(B) without appropriation by;
each component school corporation.
If a component school corporation is to be divided and its territory
assigned to two (2) or more community corporations, the component
school corporation's cost of the special election is in proportion to the
corporation's assessed valuation included in the community school
corporation.
(g) The county election board shall place the public question on
the ballot in the form prescribed by IC 3-10-9-4. The public question
must state "Shall the (here insert name) community school
corporation be formed as provided in the Reorganization Plan of the
County Committee for the Reorganization of School Corporations?".
Except as otherwise provided in this chapter, the election is governed
by IC 3.
(h) If a majority of the votes cast at a special election referred to
in subsection (a) on the public question are in favor of the formation
of the corporation, a community school corporation is created and
takes effect on the earlier of:
(1) the July 1; or
(2) the January 1;
that next follows the date of publication of the notice referred to in
subsection (d).
(i) If a public official fails to perform a duty required of the
official under this section within the time prescribed in this section,
the omission does not invalidate the proceedings taken under this
section.
(j) An action:
(1) to contest the validity of the formation or creation of a
community school corporation under this section;
(2) to declare that a community school corporation:
   (A) has not been validly formed or created; or
   (B) is not validly existing; or
(3) to enjoin the operation of a community school corporation;
may not be instituted later than thirty (30) days after the date of the
special election referred to in subsection (a).


IC 20-23-4-22
Reorganization plan involving no change in boundaries or board of trustees; automatic effective date
Sec. 22. (a) This section applies to a proposed school corporation reorganization plan approved by the state board that involves no change in:
(1) territorial boundaries; or
(2) the board of school trustees or other governing body;
of a school corporation, other than a change in the time of election of board members or the time the board members take office.
(b) A plan referred to in subsection (a) automatically comes into being on the earlier of:
(1) the July 1; or
(2) the January 1;
that next follows the date of approval of the plan by the state board.
(c) If subsection (b) applies:
(1) an interim board of trustees member may not be appointed;
(2) the board members in office on the date the plan comes into being under subsection (b) continue to constitute the governing body of the school corporation until their successors are qualified; and
(3) the:
   (A) terms of offices; and
   (B) board memberships;
of the board members remain unchanged except to the extent the plan provides otherwise.


IC 20-23-4-23
Rejection of community school corporations and elections; options of county committee
Sec. 23. (a) If a proposal for the formation of a community school corporation is rejected by the voters at the special election provided for in this chapter, the county committee shall:
(1) subject to subsection (b), devise a new plan of reorganization considered more acceptable to the electors of the territory affected; or
(2) subject to subsection (c), direct the county election board or boards to resubmit the same plan rejected by the voters.
(b) The county committee shall submit a new plan devised under subsection (a)(1) to the state board for the state board's approval not later than six (6) months after the date of the special election at which
the proposal was rejected, subject to the same conditions and requirements concerning extensions of time and other matters provided in this chapter. If the new plan is approved by the state board, the procedures of this chapter for the creation of a community school corporation must be followed.

(c) The county committee may direct the county election board or boards to resubmit the plan referred to in subsection (a) (2) at a special election to be held not later than six (6) months after the special election at which the proposal was rejected. If a primary or general election for state offices is to be held not later than six (6) months after the special election at which the proposal was rejected, the special election must be held in conjunction with the primary or general election. The judge of the circuit court shall give notice by publication of the special election on request of the county committee. The special election is held in the same manner required for the holding of a special election under section 21 of this chapter. Officials concerned shall take all actions necessary to conduct the special election as required under section 21 of this chapter.


IC 20-23-4-24
Failure of public official to perform duty within time prescribed; effect

Sec. 24. (a) Except as provided in subsection (b), if a public official fails to perform a duty required under this chapter or IC 20-23-16-1 through IC 20-23-16-11 within the time prescribed in this chapter or IC 20-23-16-1 through IC 20-23-16-11, the omission does not invalidate any proceedings taken by the official.

(b) This section:

(1) does not apply to the time within which a county committee must accept jurisdiction of all or part of a school corporation from another county committee following a petition under IC 20-23-16-1; and

(2) may not be construed to extend the time within which petitions may be filed by registered voters under this chapter or IC 20-23-16-1 through IC 20-23-16-11.


IC 20-23-4-25
Appeal procedure

Sec. 25. (a) A party aggrieved by the decision of the county committee after the hearing provided for under section 13 of this chapter may:

(1) appear before the state board when the state board holds public hearings on the reorganization plan involved; and

(2) state the grievance.

(b) A party aggrieved by the decision of the state board after the hearing provided for in section 13 of this chapter may appeal within thirty (30) days from the decision to the court in the county on any question of adjustment of:
(1) property;
(2) debts; and
(3) liabilities;
among the school corporations involved. Notice of the appeal shall be given to the chairperson or secretary of the county committee ten (10) days before the appeal is filed with the court.

(c) The court may:
(1) determine the constitutionality and the equity of the adjustment or adjustments proposed; and
(2) direct the county committee to alter the adjustment or adjustments found by the court to be inequitable or violative of any provision of the Constitution of the State of Indiana or of the United States.

An appeal may be taken to the supreme court or the court of appeals in accordance with the rules of civil procedure of the state.

(d) A determination by the court with respect to the adjustment of:
(1) property;
(2) debts; and
(3) liabilities;
among the school corporations or areas involved does not otherwise affect the validity of the reorganization or creation of a school corporation or corporations under this chapter or IC 20-23-16-1 through IC 20-23-16-11.


IC 20-23-4-26
Community school corporations; powers and duties; officers
Sec. 26. (a) This section applies to each community school corporation.

(b) A community school corporation established under this chapter or IC 20-23-16-1 through IC 20-23-16-11, is a body corporate and politic. The corporation may:
(1) sue and be sued; and
(2) acquire, hold, and convey real and personal property necessary to the community school corporation's establishment and operation.

(c) A corporation has:
(1) all the powers, rights, duties, and obligations of the school cities of any class in which the school corporation would fall if it were organized as a school city; and
(2) the additional powers granted school corporations:
   (A) in general; or
   (B) school corporations in the population or other classifications in which the school corporation falls.

(d) The officers of the governing body are a:
(1) president;
(2) secretary;
(3) treasurer; and
(4) vice president, if the board of trustees consists of more than three (3) members.
IC 20-23-4-27  
Board of school trustees; election options; exception for community school corporations created before March 12, 1965  

Sec. 27. (a) Subsections (b) and (c) do not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not been enacted.

(b) If the members of a governing body are elected, the members shall be elected in accordance with one (1) of the options set forth in subsection (c) or in accordance with section 35 of this chapter. The options must be set out in the plan with sufficient description to permit the plan to be operable with respect to the community school corporation. The description may be partly or wholly by reference to the applicable option.

(c) The options described in subsection (b) are the following:

1. Members of a governing body:
   (A) may reside anywhere in the school corporation; and
   (B) shall be voted upon by all registered voters living within the school corporation voting at any governing body member election.

2. The community school corporation shall be divided into two (2) or more residence districts with one (1) or more members of the governing body resident within each of the residence districts. The plan may also provide that one (1) or more members of the governing body may reside anywhere in the community school corporation. The plan:
   (A) must set out the number of members to be elected from each district;
   (B) may provide for the election of an equal number of members from each district; and
   (C) must set out the number, if any, to be elected at large without reference to governing body member districts.

Under this option, all candidates must be voted on by all registered voters of the community school corporation voting at any governing body member election.

3. The community school corporation shall be divided into three (3) residence districts of approximately equal population. In a district divided into three (3) residence districts, if:
   (A) the governing body consists of three (3) members, one (1) member must reside in each residence district;
   (B) the governing body consists of five (5) members, two (2) members may not reside in any one (1) residence district; and
   (C) the governing body consists of seven (7) members, at least two (2) shall be elected from each residence district.

Candidates shall be voted on by all registered voters of the
(4) The community school corporation shall be divided into two or more electoral districts. Each member:
   (A) serves from one (1) electoral district;
   (B) must be a resident of the district; and
   (C) must be voted upon by the registered voters residing within the electoral district and voting at any governing body member election.

The plan must set out the number to be elected from each electoral district and may provide for election of an equal number of members from each district. The plan must provide that not less than one (1) less than a majority of the governing body may reside anywhere in the community school corporation and must be voted upon by all its registered voters voting at any governing body member election.

(5) The community school corporation consists of one (1) electoral district that must embrace the entire community school corporation from which a majority of the members of the governing body shall be elected by all the registered voters of the community school corporation voting at a governing body member election. The other electoral districts must be subdivisions of the community school corporation. Each of the remaining members of the governing body:
   (A) serves from one (1) of the latter electoral districts;
   (B) must be a resident of that district; and
   (C) must be voted upon by registered voters voting at a governing body member election.

The plan must set out the number to be elected from each district and may provide for the election of an equal number of members from the district.

(6) The community school corporation shall be divided into two or more electoral districts. Each member:
   (A) serves from one (1) electoral district;
   (B) must be a resident of that district; and
   (C) must be voted upon only by the registered voters residing within that district who vote at a governing body election.

The plan must set out the number of members to be elected from each electoral district in the school corporation and may provide for election of an equal number of members from each district.


IC 20-23-4-28
Board of school trustees; appointment options; exception for community school corporations created before March 12, 1965

Sec. 28. (a) Subsections (b) through (g) do not apply to a community school corporation created before March 12, 1965. A community school corporation created before March 12, 1965, shall operate in accordance with the plan under which it was created and the statutes applicable to that plan, as if Acts 1965, c.336, s.4 had not
been enacted.

(b) If the members of the governing body are to be appointed, they shall be appointed in accordance with one (1) of the options described in subsection (c). The option must be set out in the plan with sufficient description to permit the plan to be operable with respect to each community school corporation. The description may be partly or wholly by reference to the applicable option provided in this section.

(c) The options described in subsection (b) are the following:

(1) Members of the governing body may reside anywhere in the community school corporation.

(2) The community school corporation shall be divided into two (2) or more governing body member districts, any one (1) of which may embrace the entire community school corporation.

Each member:

(A) serves from a particular district; and

(B) must be a resident of the district.

The plan must set out the number to be appointed from each district and may provide for an equal number of members from each district.

(d) The plan, under either option in subsection (c), may provide that the first appointments of the governing body members are for staggered terms of not more than four (4) years. Thereafter, appointments shall be made for terms of four (4) years. All terms of office for appointive governing body members expire June 30 in the applicable year.

(e) A plan providing for the appointment of members of the governing body must designate the appointing authority. The authority may be the same for each governing body member and must be one (1) or more of the following:

(1) The judge of the circuit or superior court.

(2) The city executive.

(3) The legislative body of a city.

(4) The board of commissioners of a county.

(5) The county fiscal body.

(6) The town legislative body.

(7) The township executive.

(8) The township legislative body.

(9) A township executive and legislative body jointly.

(10) More than one (1) township executive and legislative body jointly.

(f) If an appointment is to be made by:

(1) a body, the appointment must be made by a majority vote of the body in official session;

(2) township executives, the appointment must be made by a majority vote of the executives taken in joint session; and

(3) township legislative bodies, the appointment must be made by a majority vote of the total number of township legislative body members by a majority vote of the members, taken in joint session.
(g) If a member of the governing body, whether of the interim governing body or regular governing body, is to be appointed, and the beginning of the appointive member's term of office coincides with the date an individual assumes the office of the official who is to make the appointment, the appointment shall be made by the latter individual. If the appointing official or body fails to appoint a member of the first governing body within five (5) days after a community school corporation comes into being, or, for members appointed after the first board is appointed, within five (5) days after a member is to take office, the member of the governing body shall be appointed:

1. by the judge of the circuit court; or
2. in the case of a united school corporation, by the judge of the circuit court of the county having the most students enrolled in the united school corporation.


IC 20-23-4-29
Repealed

(Repealed by P.L.179-2011, SEC.34.)

IC 20-23-4-29.1
School corporation governing body; election procedures

Sec. 29.1. (a) This section applies to each school corporation.

(b) If a plan provides for election of members of the governing body, the members of the governing body shall be elected at a general election. Each candidate must file a petition of nomination in accordance with IC 3-8-2.5 that is signed by the candidate and by ten (10) registered voters residing within the boundaries of the community school corporation. The filing must be made within the time specified by IC 3-8-2.5-4.

(c) All nominations shall be listed for each office in the form prescribed by IC 3-11-2, but without party designation. Voting and tabulation of votes shall be conducted in the same manner as voting and tabulation in general elections are conducted. The precinct election boards serving in each county shall conduct the election for members of the governing body. If a school corporation is located in more than one (1) county, each county election board shall print the ballots required for voters in that county to vote for candidates for members of the governing body.

(d) If the plan provides that the members of the governing body shall be elected by all the voters of the community school corporation, candidates shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The candidates who receive the most votes are elected.

(e) If the plan provides that members of the governing body are to be elected from residence districts by all voters in the community school corporation, nominees for the governing body shall be placed on the ballot in the form prescribed by IC 3-11-2, by residence districts without party designation. The ballot must state the number
of members to be voted on and the maximum number of members that may be elected from each residence district as provided in the plan. A ballot is not valid if more than the maximum number of members are voted on from a board member residence district. The candidates who receive the most votes are elected. However, if more than the maximum number that may be elected from a residence district are among those receiving the most votes, the candidates from the residence districts exceeding the maximum number who receive the fewest votes shall be eliminated in determining the candidates who are elected.

(f) If the plan provides that members of the governing body are to be elected from electoral districts solely by the voters of each district, nominees residing in each electoral district shall be placed on the ballot in the form prescribed by IC 3-11-2, without party designation. The ballot must state the number of members to be voted on from the electoral district. The candidates residing in the electoral district who receive the most votes are elected.

As added by P.L.179-2011, SEC.11.

IC 20-23-4-30
School corporation governing body members; tie votes; vacancies; term of office
Sec. 30. (a) This section applies to each school corporation.
(b) If a tie vote occurs among any of the candidates, the tie vote shall be resolved under IC 3-12-9-4.
(c) If after the first governing body takes office, there is a vacancy on the governing body for any reason, including the failure of the sufficient number of petitions for candidates being filed, whether the vacating member was elected or appointed, the remaining members of the governing body, whether or not a majority of the governing body, shall by a majority vote fill the vacancy by appointing a person from within the boundaries of the community school corporation to serve for the term or balance of the term. An individual appointed under this subsection must possess the qualifications provided for a regularly elected or appointed governing body member filling the office. If:
(1) a tie vote occurs among the members of the governing body under this subsection or IC 3-12-9-4; or
(2) the governing body fails to act within thirty (30) days after any vacancy occurs;
the judge of the circuit court in the county where the majority of registered voters of the school corporation reside shall make the appointment.
(d) A vacancy in the governing body occurs if a member ceases to be a resident of any community school corporation. A vacancy does not occur when the member moves from a district of the school corporation from which the member was elected or appointed if the member continues to be a resident of the school corporation.
(e) At the first general election in which members of the governing body are elected:
(1) a simple majority of the candidates elected as members of the governing body who receive the greatest number of votes shall be elected for four (4) year terms; and
(2) the balance of the candidates elected as members of the governing body receiving the next greatest number of votes shall be elected for two (2) year terms.

Thereafter, all school board members shall be elected for four (4) year terms.

(f) Elected governing body members take office and assume their duties on 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.


IC 20-23-4-31
Board of school trustees; appointment of interim trustees
Sec. 31. (a) This section applies to each school corporation.
(b) If the plan provides for the election of members of the governing body of the community school corporation:
   (1) the judge of the circuit court; or
   (2) in the case of a united school corporation, the judge of the circuit court of the county having the most students enrolled in the united school corporation;
shall appoint interim governing body members in accordance with the plan approved by the county committee and the state board.
(c) The members of the governing body appointed serve until their successors are elected and qualified.
(d) Instead of appointment, the plan may provide for an alternative method of appointing the members of the interim governing body of a community or united school corporation. The appointment under this subsection must be made by one (1) or more of the class of officials listed in section 28(e) of this chapter.


IC 20-23-4-32
Assumption and transfer of powers and duties
Sec. 32. (a) This section applies to each school corporation.
(b) The governing body does not assume its powers and duties until the date the community school corporation becomes effective. For thirty (30) days before the date on which the governing body of a community school corporation assumes office, an existing school corporation having territory that will be included within the boundaries of a community school corporation may not contract or place the school corporation under any further obligations, except upon written approval of the county committee.
c) The transfer of:
   (1) powers;
   (2) duties;
   (3) property rights;
   (4) other assets;
   (5) liabilities;
   (6) contracts both as to rights and obligations; and
   (7) all else connected with the transfer of authority from existing
       school corporations to the community school corporation;

   takes place at the time of the formation and creation of the
   community school corporation and are vested in the community
   school corporation.


IC 20-23-4-33
Attendance units; transportation
Sec. 33. (a) This section applies to each school corporation.

(b) The governing body shall:
   (1) divide the community school corporation into the proper
       attendance units;
   (2) adopt rules with respect to the units; and
   (3) provide adequate and practical transportation if a
       reorganization plan provides for the transportation of students
       from one (1) part of a community school corporation to a central
       point.


IC 20-23-4-34
Voting method for community school corporations
Sec. 34. (a) This section applies to a community school

corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for all other offices for
    which candidates have qualified to be on the election ballot must be
    used for the school board offices on the election ballot.


IC 20-23-4-35
School corporation; organization of governing body
Sec. 35. (a) The governing body of a school corporation may be

organized under this section.

(b) The governing body consists of seven (7) members, elected as
    follows:

   (1) Four (4) members elected from districts, with one (1)
       member serving from each election district. A member elected
       under this subdivision must be:

       (A) a resident of the election district from which the member
           is elected; and
       (B) voted upon by only the registered voters residing within
           the election district and voting at a governing body election.

   (2) Three (3) members, who are voted upon by all the registered
voters residing within the school corporation and voting at a
governing body election, elected under this subdivision. The
governing body shall establish three (3) residential districts as
follows:
   (A) One (1) residential district must be the township that has
       the greatest population within the school corporation.
   (B) Two (2) residential districts must divide the remaining
       area within the school corporation.
Only one (1) member who resides within a particular residential
district established under this subdivision may serve on the
governing body at a time.
(c) A member of the governing body who is:
   (1) elected from an election or a residential district; or
   (2) appointed to fill a vacancy from an election or a residential
district;
must reside within the boundaries of the district the member
represents.
(d) A vacancy on the governing body shall be filled by the
governing body as soon as practicable after the vacancy occurs. A
member chosen by the governing body to fill a vacancy holds office
for the remainder of the unexpired term.
(e) The members of the governing body serving at the time a plan
is amended under this section shall establish the election and
residential districts described in subsection (b).
(f) The election districts described in subsection (b)(1):
   (1) shall be drawn on the basis of precinct lines;
   (2) may not cross precinct lines; and
   (3) as nearly as practicable, be of equal population, with the
       population of the largest exceeding the population of the
       smallest by not more than fifteen percent (15%).
(g) The residential districts described in subsection (b)(2) may:
   (1) be drawn in any manner considered appropriate by the
governing body; and
   (2) be drawn along township lines.
(h) The governing body shall certify the districts that are
established under subsections (f) and (g), amended under subsection
(e), or recertified under section 35.5 of this chapter to:
   (1) the state board; and
   (2) the circuit court clerk of each county in which the school
corporation is located as provided in section 35.5 of this chapter.
(i) The governing body shall designate:
   (1) three (3) of the districts established under this section to be
       elected at the first school board election that occurs after the
       effective date of the plan; and
   (2) the remaining four (4) districts to be elected at the second
       school board election that occurs after the effective date of the
       plan.
(j) The limitations set forth in this section are part of the plan, but
do not have to be specifically set forth in the plan. The plan must be
construed, if possible, to comply with this chapter. If a provision of
the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The provisions of the plan are severable.

(k) If a conflict exists between:
   (1) a map showing the boundaries of a district; and
   (2) a description of the boundaries of that district set forth in the plan or plan amendment;
the district boundaries are the description of the boundaries set forth in the plan or plan amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.


IC 20-23-4-35.5
Copy of school corporation plan filed with circuit court clerk; certification of election districts; redistricting; recertification of districts; amendments of plan filed with circuit court clerk; time for filing; district boundary description prevails over conflicting map

Sec. 35.5. (a) Not later than December 31, 2013, the governing body shall do the following:
   (1) Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.
   (2) If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 35(f) and 35(g) of this chapter.

(b) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the plan under section 35(e) of this chapter if an amendment is necessary to reestablish the districts in compliance with section 35(f) and 35(g) of this chapter. If the governing body determines that a plan amendment under section 35(e) of this chapter is not required, the governing body shall recertify that the districts as established comply with section 35(f) and 35(g) of this chapter.

(c) Each time the school corporation's plan is amended, the governing body shall file the following with the circuit court clerk of each county in which the school corporation is located:
   (1) A copy of the amendment.
   (2) Either of the following:
      (A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 35(f) and 35(g) of this chapter.
      (B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 35(f) and 35(g) of this chapter, a map of the new district boundaries.

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or
recertification occurs.
*As added by P.L.271-2013, SEC.37.*

**IC 20-23-4-36**

Voting method for school corporations

Sec. 36. (a) This section applies to a school corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for all other offices for which candidates have qualified to be on the election ballot must be used for the governing body offices on the election ballot.
*As added by P.L.1-2005, SEC.7.*

**IC 20-23-4-37**

Approval of state board for reorganization plan mandatory; supplemental effect of act

Sec. 37. (a) A consolidation or reorganization of a school corporation does not become effective until the consolidation or reorganization is approved by the state board.

(b) Except to the extent set forth in subsection (a), this chapter shall be construed as being supplemental to all laws appertaining to public schools in Indiana.
*As added by P.L.1-2005, SEC.7.*

**IC 20-23-4-38**

Dissolution of county committees upon completion of reorganization

Sec. 38. (a) Whenever an entire county has been reorganized under this chapter or IC 20-23-16-1 through IC 20-23-16-11, by the creation of a community school corporation or corporations for the entire county, the county committee shall be dissolved. Where the term of any member of a county committee expires before the time of dissolution of the county committee, the judge shall fill a vacancy by replacement or reappointment for a term of four (4) years in accordance with sections 11 through 15 of this chapter. In the event the membership of an entire county committee shall at any time be vacant by resignation or otherwise, the judge shall appoint a new county committee in accordance with sections 11 through 15 of this chapter.

(b) After a county committee has been dissolved, if the local governing body or the state superintendent considers further reorganization necessary to improve educational opportunities for the students in the county, the local school trustees or the state superintendent shall submit proposed changes to the state board. If the changes proposed by the local governing body or the state superintendent are approved by the state board, the proposal becomes effective under the procedure specified in sections 20 through 24 of this chapter so far as the same are applicable.

**IC 20-23-4-39**
Donations; power to accept
Sec. 39. A county committee formed under this chapter and the state board may accept donations of money or other articles of value to assist in financing the studies authorized by this chapter.

IC 20-23-4-40
Budgetary request of county committee; tax levy
Sec. 40. (a) To defray the expenses of the county study, a county committee may prepare and submit a budgetary request to the county council on or before August 1 of each year during the life of the committee. The county council may, upon receipt of a request, establish a uniform ad valorem tax levy on all real and personal property within the county, in an amount sufficient to raise an amount of money not to exceed the amount of the budget request.
(b) The county committee may request from the county council sufficient sums of money necessary to defray legal expenses incident to placing the county plan in operation.

IC 20-23-4-41
Repealed
(Repealed by P.L.2-2006, SEC.199.)

IC 20-23-4-42
Application of procedures concerning review of and public hearings concerning school facility plans and specifications
Sec. 42. (a) The procedures set forth in IC 20-19-2-12 concerning the review of, and public hearings concerning, plans and specifications for the construction of, addition to, or remodeling of school facilities apply equally to facilities to be used or leased by both community school corporations and school corporations that are not community school corporations.
(b) An action to enjoin school construction or the performance of any of the terms and conditions of a lease or the execution, sale, or delivery of bonds, on the ground that any approval should not have been granted, may not be instituted at any time later than fifteen (15) days after approval has been granted.

IC 20-23-4-43
Amendment of plan approved prior to May 1, 1984
Sec. 43. A plan approved by:
(1) a county committee or committees; and
(2) the state board before May 1, 1984;
may provide for or be amended to provide for delaying the commencement of the terms of some members of the governing body for one (1) year and for extending the terms of their predecessors for one (1) year where this is necessary to prevent a majority of the board
Tie votes

Sec. 44. (a) This section applies only to a school corporation with territory in a county having a population of more than one hundred seventy thousand (170,000) but less than one hundred seventy-five thousand (175,000).

(b) This section applies if there is a:
   (1) tie vote in an election for a member of the governing body of a school corporation; or
   (2) vacancy on the governing body of a school corporation.

(c) Notwithstanding any other law, if a tie vote occurs among any of the candidates for the governing body or a vacancy occurs on the governing body, the remaining members of the governing body, even if the remaining members do not constitute a majority of the governing body, shall by a majority vote of the remaining members:
   (1) select one (1) of the candidates who shall be declared and certified elected; or
   (2) fill the vacancy by appointing an individual to fill the vacancy.

(d) An individual appointed to fill a vacancy under subsection (c)(2):
   (1) must satisfy all the qualifications required of a member of the governing body; and
   (2) shall fill the remainder of the unexpired term of the vacating member.

(e) If a tie vote occurs among the remaining members of the governing body or the governing body fails to act within thirty (30) days after the election or the vacancy occurs, the fiscal body (as defined in IC 3-5-2-25) of the township in which the greatest percentage of population of the school district resides shall break the tie or make the appointment. A member of the fiscal body who was a candidate and is involved in a tie vote may not cast a vote under this subsection.

(f) If the fiscal body of a township is required to act under this section and a vote in the fiscal body results in a tie, the deciding vote to break the tie vote shall be cast by the executive.

Authorization

Sec. 45. A community school corporation created or organized under this chapter may change its name at any time by adoption of a resolution by majority vote of the governing body.

IC 20-23-5
    Chapter 5. Community School Corporations: Territory Annexations

IC 20-23-5-1
"Acquiring school corporation"
    Sec. 1. As used in this chapter, "acquiring school corporation" means the school corporation that acquires territory as a result of annexation.

IC 20-23-5-2
"Annex"
    Sec. 2. As used in this chapter, "annex", "annexing", "annexation", and "school annexation" mean any action whereby the boundaries of a school corporation are changed so that additional territory, constituting all or a part of any one (1) or more other school corporations, is transferred to the school corporation.

IC 20-23-5-3
"Annexed territory"
    Sec. 3. As used in this chapter, "annexed territory" means the territory acquired by an acquiring school corporation as a result of annexation from a losing school corporation.

IC 20-23-5-4
"Losing school corporation"
    Sec. 4. As used in this chapter, "losing school corporation" means a school corporation that loses territory to an acquiring school corporation by annexation.

IC 20-23-5-5
"Resolution"
    Sec. 5. As used in this chapter, "resolution" of a school corporation means a resolution adopted by the school corporation's governing body.

IC 20-23-5-6
"School corporation"
    Sec. 6. As used in this chapter, "school corporation" means:
    (1) a school corporation created under IC 20-23-4; and
    (2) any other school corporation established under any other statute of the state of Indiana, which has common boundaries with any school corporation or corporations formed under IC 20-23-4.
    The term does not include any public school corporation located in
whole or any part in a county containing a consolidated city.
*As added by P.L.1-2005, SEC.7.*

**IC 20-23-5-7**

**Annexations authorized**

Sec. 7. Subject to the limitations and procedures in this chapter, a school corporation may annex territory from any other school corporation by resolutions of the acquiring and losing school corporations under section 8 of this chapter.
*As added by P.L.1-2005, SEC.7.*

**IC 20-23-5-8**

**Annexation procedure**

Sec. 8. An annexation may be effected by any school corporation as follows:

1. The acquiring and the losing school corporations shall each adopt a substantially identical annexation resolution. The resolution must contain the following items:
   
   (A) The name of the acquiring school corporation, which may differ from the name of the acquiring corporation at the time of the adoption of the resolution, after the effective date.
   
   (B) A description of the annexed territory. The description:
       
       (i) must, to the greatest extent reasonably possible, be by streets and other boundaries known by common names; and
       
       (ii) does not have to be by legal description unless the additional description is necessary to identify the annexed territory.
   
   A notice is not defective if there is a good faith compliance with this section and if the area designated may be ascertained with reasonable certainty by persons skilled in the area of real estate description.
   
   (C) The time the annexation takes place.
   
   (D) Any terms and conditions facilitating education of students in the:
       
       (i) annexed territory;
       
       (ii) losing school corporation; or
       
       (iii) acquiring school corporation.
   
   The terms may provide for the continued attendance by students in the annexed territory at schools in the losing school corporation for specified periods after annexation on a transfer basis. If students will continue attendance in schools in the losing school corporation, transfer tuition for the students shall be paid by the acquiring school corporation to the losing school corporation:
       
       (i) using the method; and
       
       (ii) at the rates;
   
   provided by the Indiana statutes governing the computation and payment of transfer tuition costs.
   
   (E) Disposition of assets and liabilities of the losing school
corporation to the acquiring school corporation.
(F) Allocation between the acquiring and losing school corporations of subsequently collected school taxes levied on property in the annexed territory.
(G) The amount, if any, to be paid by the acquiring school corporation to the losing school corporation on account of property received from the losing school corporation.
(H) Dispositions, allocations, and amounts transferred under this subsection must be equitable.
(2) After the adoption of the resolution, notice shall be given by publication in both the acquiring school corporation and the losing school corporation setting out:
   (A) the text of the resolution; and
   (B) a statement that the resolution has been adopted and that a right of remonstrance exists as provided in this chapter.
(3) It is not necessary to set out the remonstrance provisions of this chapter. A general reference to a right of remonstrance with a reference to this chapter is sufficient.
(4) The annexation takes effect:
   (A) within thirty (30) days after publication; or
   (B) at the time provided in the resolution;
whichever is later, unless within the period during which a remonstrance may be filed a remonstrance is filed in the circuit or superior court of the county where the annexed territory or any part of the annexed territory is located, by registered voters residing in the losing school corporation at least equal in number to the greater of ten percent (10%) of the number of registered voters residing in the losing school corporation or fifty-one percent (51%) of the number of registered voters residing in the annexed territory.

IC 20-23-5-9
Notice requirements
Sec. 9. (a) The notice by publication required by section 8 of this chapter shall be made:
   (1) two (2) times;
   (2) a week apart; and
   (3) in two (2) daily newspapers of general circulation, published in the English language and of general circulation in the acquiring school corporation and in the losing school corporation.
   (b) If there is only one (1) or no daily newspaper in either school corporation, a weekly newspaper may be used.
   (c) If there is only one (1) daily or weekly newspaper, publication in the newspaper is sufficient.
   (d) If a newspaper is of general circulation in both the acquiring school corporation and the losing school corporation, publication in the newspaper qualifies as one (1) of the required publications in the acquiring school corporation and the losing school corporation.
(e) Publication may be made jointly by the losing school corporation and acquiring school corporation.

(f) The remonstrance period runs from the second publication.


IC 20-23-5-10
Remonstrances; form; filing; contents
Sec. 10. (a) A remonstrance under section 8 of this chapter must be in the following or a substantially similar form:

"The undersigned hereby remonstrate against the annexation of the following described territory situated in ______ County, Indiana, whereby it would be transferred from ______ (the losing corporation) to _______ (the acquiring corporation):

(Description of the annexed territory sufficient to identify it.)"

The remonstrance may be filed in any number of counterparts. Each counterpart shall have attached to it the affidavit of the person circulating it that each signature appearing on the remonstrance was affixed in the presence of the person circulating the petition and is the true and lawful signature of the person who made the signature. The person who makes the affidavit does not have to be one (1) of the persons who signs the counterpart to which the affidavit is attached. The remonstrance must be accompanied by a complaint filed by one (1) or more of the remonstrators (who shall be treated as a representative of the entire class of remonstrators) and signed by the remonstrator or the remonstrator's attorney, stating the reasons for the remonstrance. The reasons for the remonstrance are limited to the following:

(1) There is a procedural defect in the manner in which the annexation is carried out that is jurisdictional.

(2) The annexed territory does not form a compact area abutting the acquiring corporation.

(3) The benefits to be derived from the annexation are outweighed by the detriments, taking into consideration the respective benefits and detriments to the schools and of the students residing in the acquiring school corporation, the losing school corporation, and the annexed territory.

(4) The:

   (A) disposition of assets and liabilities of the losing school corporation;
   (B) allocation of school tax receipts between the acquiring school corporation and the losing school corporation; and
   (C) amount to be paid by the acquiring school corporation as set out in the annexation resolution;

are inequitable. Except with respect to subdivision (1), the allegations may be made in the statutory language.

(b) The plaintiff in a remonstrance under section 8 of this chapter must be the person whose name appears on the complaint. The defendants in a remonstrance under section 8 of this chapter shall be both the acquiring school corporation and the losing school corporation. Service of process shall be made on the defendants as in
other civil actions.

(c) To determine if a petition was timely filed, the time of filing is the time of filing with the clerk without regard to the time of issuance of the summons. If the thirtieth day falls on Sunday, a holiday, or any other day when the clerk's office is not open, the time shall be extended to the next day when the office is open.

(d) The issues in a remonstrance under section 8 of this chapter are made up by the complaint. The allegations in the complaint shall be treated as denied by each defendant. A responsive pleading may not be filed except that any defendant may, if appropriate, file a motion to dismiss the remonstrance on the ground that:

(1) the requisite number of qualified remonstrators have not signed the petition;
(2) the remonstrance was not timely filed; or
(3) the complaint does not state a cause of action.

A responsive pleading to this motion may not be filed. With respect to a motion under subdivisions (1) and (2), the allegations of the pleading shall be treated as denied by the remonstrators. To determine whether there are the requisite number of qualified remonstrators, a person may not withdraw the person's name after a remonstrance has been filed or add the person's name to the remonstrance. Any person may, however, at the trial of the cause and in support or derogation of the substantive matters in the complaint, introduce into evidence a verified statement that the person wishes the person's name added to or withdrawn from the remonstrance. The court may either hear all or a part of the matters raised by the motion to dismiss separately or may consolidate for trial all or a part of the matters with the matters relating to the substance of the case. A complaint may not be dismissed for failure to state a cause of action if a fair reading of the complaint supports one (1) of the grounds for remonstrance provided in subsection (a). The court may permit an amendment of the complaint if the amendment does not state a new ground of remonstrance.

(e) The trial of a remonstrance shall be conducted as other civil cases by the court without the intervention of a jury on the issues raised by the complaint or a motion to dismiss, or both. A change of venue from a judge may be permitted. A change of venue from the county may not be permitted. The court shall expedite the hearing of the case. The court's judgment, except with respect to any matter raised under subsection (a)(4), shall be either that:

(1) the annexation shall take place;
(2) the annexation shall not take place; or
(3) the remonstrance shall be dismissed.

If the court finds that the remonstrators have proved any of the reasons for the remonstrance described in subsection (a)(1) through (a)(4), the court's judgment shall be that the annexation may not take place. Unless the remonstrators have proved at least one (1) of the reasons for a remonstrance described in subsection (a)(1) through (a)(4), the court's judgment shall be that the annexation shall take place. With respect to any matter raised under subsection (a)(4), the
court's judgment may be either that the disposition, allocation, and amount set out in the annexing resolution is equitable or that it is inequitable. In the latter event, the court in the court's judgment shall provide for an equitable disposition, allocation, and amount. Costs shall follow judgment. Appeals may be taken from any judgment of the court in the same manner as appeals are taken in other civil cases. 


IC 20-23-5-11
Adoption of plans for governing bodies of school corporations

Sec. 11. (a) Within sixty (60) days after the annexation takes place, the governing body of the acquiring school corporation and losing school corporation shall adopt a plan determining the manner in which the governing body shall be constituted. The plan shall be adopted in accordance with the requirements and procedures of IC 20-23-8, except as set out in subsection (b).

(b) The adoption of a plan by the governing body in accordance with IC 20-23-8-10 and its submission to the state board under IC 20-23-8-15 are the only procedures required when an existing plan is changed as follows:

1. All governing body members are elected at large, and there are no governing body member residency districts.
2. Governing body members are elected from governing body member residency districts, and the annexed territory is added to or deleted from one (1) or more districts.
3. A governing body member is appointed from a given area or district, and the annexed territory is added to or deleted from one (1) or more districts or areas.
4. A governing body member is elected solely by the voters in a school governing body member district, but the addition or deletion of the annexed territory to or from an existing district does not constitute a denial of equal protection of the laws.

If a school corporation elects or appoints members of its governing body both from a school governing body member district encompassing the entire school corporation and from smaller districts, the governing body of the acquiring school corporation shall add the annexed territory both to the district consisting of the entire school corporation and to one (1) or more smaller districts. In a comparable situation, the losing school corporation shall delete the annexed territory both from the district consisting of the entire school corporation and from any smaller district or districts. The change in the plan becomes effective upon its approval by the state board. The application of this subsection does not limit the initiation of, or further changes in, any plan under IC 20-23-8.


IC 20-23-5-12
Disposition of assets and liabilities of losing school corporation; allocation of school tax receipts and amount to be paid by acquiring school corporation; standards
Sec. 12. (a) With respect to whether the disposition of the assets and liabilities of the losing school corporation, allocation of school tax receipts, and the amount to be paid by the acquiring school corporation is equitable, the court, subject to subsection (b), shall be satisfied that the annexing resolution conforms substantially to the following standards:

1) The acquiring school corporation shall assume a part of all installments of principal and interest on any indebtedness of the losing school corporation (other than current obligations or temporary borrowing) that fall due after the end of the last calendar year in which the losing school corporation is entitled to receive current tax receipts from property tax levies on the property of the annexed territory. The part consists of the following:

   A) All installments relating to any indebtedness incurred in connection with the acquisition or construction of any building located in the annexed territory.

   B) A proportion of all installments relating to any other indebtedness that is the same proportion as the valuation of the real property in the annexed territory bears to the valuation of all the real property in the losing school corporation, as the indebtedness is assessed for general taxation immediately before annexation.

2) The acquiring school corporation shall make the payments and assume the obligations provided for a school corporation acquiring territory or a building or buildings under IC 20-47-5.

(b) Standards under subsection (a) may not be applicable to the extent the losing school corporation and acquiring school corporation otherwise agree in a situation where all or a majority of the students in the annexed territory have been transferred from the losing school corporation to the acquiring school corporation for the five (5) school years immediately preceding the transfer. The agreement between school corporations may not prejudice the rights of bondholders or lessors whose rights against the losing school corporation and acquiring school corporation shall, upon enforcement, be allocated between the losing school corporation and acquiring school corporation in accordance with subsection (a)(1) and (a)(2).


IC 20-23-5-13
Effective date of annexation in case of remonstrance; limitations on new annexation proceeding following adverse judgment

Sec. 13. (a) If a remonstrance is filed on grounds other than the grounds in section 10(a)(4) of this chapter, annexation does not become effective until final judgment in the remonstrance suit. Judgment may not be considered to be final until:

1) the time for taking an appeal has expired; or

2) final judgment in the appeal is entered.

A judgment of the trial court dismissing a remonstrance is a final
judgment. If judgment is against the annexation, a further annexation of the annexed territory may not take place for two (2) years after the date the remonstrance was filed. A final judgment may not prevent either the acquiring school corporation or acquiring school corporation and losing school corporation from rescinding the annexation resolution. If the suit is dismissed without prejudice, the two (2) year prohibition does not apply unless a subsequent annexation resolution is adopted primarily for the purpose of harassment and not for some other purpose, including the correction of procedural irregularities or a substantial change in the annexed territory or the annexation resolution.

(b) If the remonstrance relates solely to any matter raised under section 10(a)(4) of this chapter, the annexation takes effect at the time provided under section 8 of this chapter.


**IC 20-23-5-14**

**Repeal of conflicting laws; supplemental effect of chapter**

Sec. 14. (a) Laws or parts of laws in conflict with this chapter are repealed. This chapter may not be construed to repeal any part of IC 20-23-4 or any statute concerning the consolidation of two (2) or more school corporations, to which this chapter is supplementary, except to the extent that IC 20-23-4 conflicts with this section.

(b) An annexation that is undertaken under or that results by operation of any section of this chapter may require, for its effectiveness, any approval of any county committee or state commission or committee created under, or referred to in, IC 20-23-4.

IC 20-23-6
Chapter 6. Consolidation of School Corporations

IC 20-23-6-1
"Trustees"
Sec. 1. As used in this chapter, "trustees" means the:
(1) township trustee and township board; or
(2) governing body;
of each school corporation joining in the resolution provided for in
this chapter.

IC 20-23-6-2
Authorization to consolidate
Sec. 2. The governing body of two (2) or more school
corporations, whether:
(1) towns;
(2) cities;
(3) townships;
(4) joint schools; or
(5) consolidated schools;
situated in the same or adjoining counties may consolidate their
respective school corporations in the manner and upon the conditions
prescribed in this chapter.

IC 20-23-6-3
Joint resolutions; contents; notice requirements; petition for
election
Sec. 3. (a) If the governing bodies of at least two (2) school
corporations desire to consolidate school corporations, the governing
bodies may meet together and adopt a joint resolution declaring
intention to consolidate school corporations. The resolution must set
out the following information concerning the proposed consolidation:
(1) The name of the proposed new school corporation.
(2) The number of members on the governing body and the
manner in which they shall be elected or appointed.
(A) If members are to be elected, the resolution must provide
for:
(i) the manner of the nomination of members;
(ii) who shall constitute the board of election
commissioners;
(iii) who shall appoint inspectors, judges, clerks, and
sheriffs; and
(iv) any other provisions desirable in facilitating the
election.
(B) Where applicable and not in conflict with the resolution,
the election is governed by the general election laws of
Indiana, including the registration laws.
(3) Limitations on residences, term of office, and other
qualifications required of the members of the governing body. A resolution may not provide for an appointive or elective term of more than four (4) years. A member may succeed himself or herself in office.

(4) Names of present school corporations that are to be merged together as a consolidated school corporation.

In addition, the resolution may specify the time when the consolidated school corporation comes into existence.

(b) The number of members on the governing body as provided in the resolution may not be less than three (3) or more than seven (7). However, the joint resolution may provide for a board of nine (9) members if the proposed consolidated school corporation is formed out of two (2) or more school corporations that:

(1) have entered into an interlocal agreement to construct and operate a joint high school; or
(2) are operating a joint high school that has an enrollment of at least six hundred (600) in grades 9 through 12 at the time the joint resolution is adopted.

(c) The members of the governing body shall, after adopting a joint resolution, give notice by publication once each week for two (2) consecutive weeks in a newspaper of general circulation, if any, in each of the school corporations. If a newspaper is not published in the school corporation, publication shall be made in the nearest newspaper published in the county in which the school corporation is located. The governing bodies of school corporations shall meet one (1) week following the date of the appearance of the last publication of notice of intention to consolidate. If a protest has not been filed, as provided in this chapter, the governing bodies shall declare by joint resolution the consolidation of the school corporations to be accomplished, to take effect as provided in section 8 of this chapter. However, on or before the sixth day following the last publication of the notice of intention to consolidate, twenty percent (20%) of the legal voters residing in any school corporation may petition the governing body of the school corporations for an election to determine whether or not the majority of the voters of the school corporation is in favor of consolidation.  


IC 20-23-6-4  
Amendment of joint resolution of provisions regarding superintendent

Sec. 4. (a) If the joint resolution under section 3 of this chapter provides that the consolidated schools shall be under the direction of the county superintendent of schools, the resolution may be amended by following the procedure in this section to provide that the consolidated schools are under the direction of a superintendent selected by the governing body of the new consolidated school corporation. The change shall be effected by a resolution adopted by a majority of the members of the governing body at a meeting held within the limits of the consolidated school corporation. All the
members of the governing body shall receive or waive written notice of the:

1. date;
2. time;
3. place; and
4. purpose;

of the meeting. The resolution and proof of service or waiver of the notice shall be made a part of the records of the governing body. An amendment takes effect after the adoption of a resolution at the time a superintendent is selected by the governing body and commences the superintendent's duties. The superintendent shall serve under a contract in the same manner and under the same rules governing the employment and service of other licensed personnel. The superintendent's original contract and succeeding contracts may be for a period of from one (1) to five (5) years.

(b) The joint resolution of a consolidated school corporation may not be amended under this section unless the corporation is entitled at the time the governing body adopts an amending resolution under:

1. the rules established by the state board or its successor; or
2. any appropriation or other statute;

to an additional unit or administrative unit of state support if the governing body employs a licensed superintendent devoting full time to administration or supervision of schools of the corporation.

(c) In all instances of reorganization under this chapter after March 11, 1965, the consolidated school corporation shall be under the direction of a superintendent selected by its governing body.


IC 20-23-6-5
Petitions protesting consolidations; notice of election

Sec. 5. (a) If a petition is filed in one (1) or more of the school corporations protesting consolidation as provided in this chapter by the legal voters of any school corporation the governing body of which proposes to consolidate, the governing body in each school corporation in which a protest petition is filed shall certify the public question to each county election board of the county in which the school corporation is located. The county election board shall call an election of the voters of the school corporation to determine if a majority of the legal voters of the corporation is in favor of consolidating the school corporations.

(b) If a protest is filed in more than one (1) school corporation, the elections shall be held on the same day. Each county election board shall give notice by publication once each week for two (2) consecutive weeks in a newspaper of general circulation in the school corporation. If a newspaper is not published in the:

1. township;
2. town; or
3. city;

the notice shall be published in the nearest newspaper published in the county or counties, that on a day and at an hour to be named in
the notice, the polls will be open at the usual voting places in the various precincts in the corporation for taking the vote of the legal voters upon whether the school corporation shall be consolidated with the other school corporations joining in the resolution.

c. The public question shall be placed on the ballot in the form provided by IC 3-10-9-4 and must state: "Shall (insert name of school corporation) be consolidated with (insert names of other school corporations)".

d. Notice shall be given not later than thirty (30) days after the petition is filed. The election shall be held not less than ten (10) days or more than twenty (20) days after the last publication of the notice.

e. The governing body of each school corporation in which an election is held is bound by the majority vote of those voting. However, if the election falls within a period of not more than six (6) months before a primary or general election, the election shall be held concurrently with the primary or general election.

f. If a majority of those voting in any one (1) school corporation votes against the plan of consolidation, the plan fails. However, the failure does not prevent any or all the school corporations from taking further initial action for the consolidation of school corporations under this chapter.

g. Whenever twenty percent (20%) of the legal voters residing in any school corporation, jointly with twenty percent (20%) of the legal voters in each of one (1) or more other school corporations:

1. prepare a resolution; and
2. petition the trustees of their respective school corporations to consolidate the school corporations, as set out in the resolution;

each governing body petitioned shall call the school election provided for in this chapter in its school corporations.

h. Notice of the election shall be published within thirty (30) days after the filing of the resolution with the governing body of the school corporation where it is last filed. However, if any of the petitioned governing bodies agrees to the consolidation as set out in the resolution, an election in that school corporation may not be required under the resolution.

i. Notice as set out in this section shall be given, and a protest requesting an election may be filed in conformity with section 3 of this chapter.


**IC 20-23-6-6**

**Election procedure; form of ballot**

Sec. 6. (a) On the day and hour named in the notice filed under section 5 of this chapter, polls shall be opened and the votes of the registered voters shall be taken upon the public question of consolidating school corporations. The election shall be governed by IC 3, except as provided in this chapter.

(b) The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by
IC 3-10-9-4 and must state "Shall (here insert the names of the school corporations that the resolution proposes to consolidate) be consolidated into a consolidated school corporation?".

(c) A brief statement of the provisions in the resolution for appointment or election of a governing body may be placed on the ballot in the form prescribed by IC 3-10-9-4. A certificate of the votes cast for and against the consolidation of the school corporations shall be filed with:

(1) the governing body of the school corporations subject to the election;
(2) the state superintendent; and
(3) the county recorder of each county in which a consolidated school corporation is located;
together with a copy of the resolution.

(d) If a majority of the votes cast at each of the elections is in favor of the consolidation of two (2) or more school corporations, the trustees of the school corporations shall proceed to consolidate the schools and provide the necessary buildings and equipment. In any school corporation where a petition was not filed and an election was not held, the failure on the part of the voters to file a petition for an election shall be considered to give the consent of the voters of the school corporation to the consolidation as set out in the resolution.

(e) If the special election is not conducted at a primary or general election, the expense of the election shall be borne by the school corporation or each of the school corporations subject to the election and shall be paid out of the school general fund.


**IC 20-23-6-7**

**Consolidated schools under management of original trustees**

Sec. 7. (a) Each school of the consolidated schools is under the control and management of the original governing body until the consolidated school corporation comes into existence at the time provided in section 8 of this chapter. When the consolidated school corporation comes into existence, the term of office of each of the original members of the governing body expires.

(b) The term of any township trustee does not expire. However, the duties and powers of the trustee as a school township trustee may be altered or changed by any resolution and the consolidation provided for in this chapter.


**IC 20-23-6-8**

**Consolidated school boards; oath; organizational meetings; membership; compensation**

Sec. 8. (a) Consolidated schools are under the control and management of the consolidated governing body created under this chapter, and a new consolidated school corporation comes into existence:

(1) at the time specified in the resolutions provided in section 3
or 4 of this chapter; or
(2) if a time is not specified, at the following times:
   (A) If a protest has not been filed and the creation is
       accomplished by the adoption of a joint resolution following
       publication of notice as provided in section 3 of this chapter,
       thirty (30) days after the adoption of the joint resolution.
   (B) If the creation is accomplished after an election as
       provided in section 6 of this chapter, thirty (30) days after
       the election.

(b) The members of the governing body shall:
   (1) take an oath to faithfully discharge the duties of office; and
   (2) meet at least five (5) days before the time the new
       consolidated school corporation comes into existence to
       organize.

(c) The governing body shall meet to reorganize on August 1 of
    each year and at any time the personnel of the board is changed. At
    the organization or reorganization meeting, the members of the
    governing body shall elect the following:
    (1) A president.
    (2) A secretary.
    (3) A treasurer.

(d) The treasurer, before starting the duties of the treasurer's
    office, shall execute a bond to the acceptance of the county auditor.
    The fee for the bond shall be paid from the school general fund of the
    consolidated school corporation. Any vacancy occurring in the
    membership in any governing body, other than vacancy in the office
    of an ex officio member, shall be filled in the following manner:
    (1) If the membership was originally made by appointment, the
        vacancy shall be filled by appointment by the legislative body
        of the:
        (A) city;
        (B) town;
        (C) township; or
        (D) other body;
        or other official making the original appointment.
    (2) If the membership was elected, the vacancy shall be filled by
        a majority vote of the remaining members of the governing
        body of the consolidated school corporation.

(e) The members of the governing body, other than the township
    executive or ex officio member, shall receive compensation for
    services as fixed by resolution of the governing body. The members,
    other than the township executive or any ex officio member, may not
    receive more than two hundred dollars ($200) annually. Any:
    (1) township executive; or
    (2) ex officio member of the governing body;
    shall serve without additional compensation.

(f) The governing body of a consolidated school corporation may
    elect and appoint personnel it considers necessary.

IC 20-23-6-9
Abandonment of old school corporations; transfer of property and obligations to new corporations; disposition of unneeded property; procedure

Sec. 9. (a) When any:
(1) school town;
(2) school city;
(3) school township;
(4) joint school; or
(5) consolidated school;
has become consolidated by resolution or election and the new governing body has been appointed and legally organized, the former school township, school town, school city, joint school, or consolidated school is considered abandoned.

(b) All school:
(1) property;
(2) rights;
(3) privileges; and
(4) any indebtedness;
from the abandoned school is considered to accrue to and be assumed by the new consolidated school corporation.

(c) The title of property shall pass to and become vested in the new consolidated school corporation. All debts of the former school corporations shall be assumed and paid by the new consolidated school corporation. All the privileges and rights conferred by law upon the former:
(1) school town;
(2) school city;
(3) school township;
(4) joint school; or
(5) consolidated school;
are granted to the newly consolidated school corporation.

(d) This subsection applies when the consolidated governing body of a consolidated school corporation decides that property acquired under subsection (b) from a township is no longer needed for school purposes. The governing body shall offer the property as a gift for park and recreation purposes to the township that owned the property before the school was consolidated. If the township board accepts the offer, the governing body shall give the township a quitclaim deed to the property. The deed must state that the township is required to use the property for park and recreation purposes. If the township board refuses the offer, the governing body may sell the property in the manner provided in subsection (e).

(e) This subsection provides the procedure for the sale of school property that is no longer needed for school purposes by the governing body of a consolidated school corporation. The governing body shall cause the property to be appraised at a fair cash value by:
(1) one (1) disinterested resident freeholder of the school corporation offering the property for sale; and
(2) two (2) disinterested appraisers licensed under IC 25-34.1;
who are residents of Indiana. One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the property. The appraisals shall be made under oath and spread of record upon the records of the governing body. A sale may not be made for less than the appraised value, and the sale must be made for cash. The sale shall take place after the governing body gives notice under IC 5-3-1 of the terms, date, time, and place of sale.

(f) Proceeds from a sale under subsection (e) shall be placed in a capital projects fund of the consolidated school corporation or other fund designated as the fund that is available for capital outlay of the school corporation.


IC 20-23-6-10
School board of consolidated school corporation joining with other existing entities

Sec. 10. (a) The governing body of a consolidated school corporation formed under this chapter may join with other:

(1) townships;
(2) school towns;
(3) school cities;
(4) joint schools; or
(5) consolidated schools;
to decide whether a consolidation shall take place.

(b) The provisions concerning:

(1) resolutions;
(2) petitions; and
(3) elections;
set out in this chapter apply.

(c) The new resolution may change the name of the consolidated school corporation or the number of members of the newly consolidated governing body under this chapter.


IC 20-23-6-11
Filing copies of consolidation resolution; school corporations to be separate and distinct from any civil corporation

Sec. 11. A governing body shall, after the members have taken their oath of office, cause a copy of the resolution to consolidate to be filed with the county recorder in the county in which the new school district is located. Any consolidated school district is declared to be and is made a school corporation for school purposes, separate and distinct from any civil corporation.


IC 20-23-6-12
Reorganization by school corporations to become community school corporations

Sec. 12. (a) This section provides an alternative method for a
school corporation to be reorganized as a community school corporation.

(b) The following may petition directly to the state board to be reorganized as a community school corporation:

(1) A consolidated school corporation organized under section 3 of this chapter.

(2) A metropolitan school district organized under IC 20-23-7-2 or IC 20-23-7-12.

(c) The following apply to a school corporation that petitions directly to the state board under subsection (b):

(1) The school corporation is not required to do the following:
   (A) Seek approval of a county committee established by IC 20-23-4-11.
   (B) Pursue a joint meeting of a county committee and the state board under IC 20-23-4-18.

(2) The state board may waive the attainment of any standard required for reorganization as a community school corporation under this chapter.


IC 20-23-6-13
"Majority"

"Majority"

Sec. 13. If the term "majority" is used in connection with any law providing for the submission to an electorate of the question of the consolidation of two (2) or more school corporations, in all laws enacted before March 13, 1959, concerning school consolidation, and in particular IC 20-23-6 and IC 20-23-7, the term means the greater number of votes cast and counted either for or against the proposition of consolidation. Any additions to the certificate of the votes cast, other than the number of votes cast for and against the proposition of consolidation, shall be considered as surplusage and of no effect, and the intention of IC 20-23-6 and of IC 20-23-7 shall be so interpreted.


IC 20-23-6-14
Liberal construction of existing laws

Sec. 14. All laws enacted pertaining to the consolidation of school corporations shall be liberally construed to effect the following purposes for which the laws were enacted:

(1) Better schools.
(2) Ease of administration.
(3) Economy of operation.


IC 20-23-6-15
Quo warranto challenge to consolidate

Sec. 15. An action to test or question the legality of a consolidated school corporation may only be brought in an action of quo warranto in the name of the state on information filed by the prosecuting attorney of the county in which the principal office of the
consolidated school corporation is located where attempts are made or have been made to consolidate or join together school corporations under the provisions of IC 20-23-6 or IC 20-23-7, and an election on the question of consolidation has been held and the certificate certifying the vote is filed as provided by law or, an election is not held and the number of days allowed by statutes for filing a petition for an election has expired.


IC 20-23-6-16
Community school corporation; state policy

Sec. 16. It is the policy of the state that whenever a community school corporation (as defined in IC 20-23-4-3) seeks to:

(1) reorganize into a community school corporation under IC 20-23-4 or IC 20-23-16-1 through IC 20-23-16-11;
(2) enter into a territorial annexation under IC 20-23-5 either as an acquiring school corporation or a losing school corporation (as defined in IC 20-23-5-4);
(3) consolidate with another school corporation under IC 20-23-6; or
(4) consolidate with another school corporation into one (1) metropolitan school district under IC 20-23-7;

the school corporation shall give consideration to the educational opportunities for students, local community interest, the effect on the community as a whole, and the economic interests of the community relative to establishing the boundaries of the school corporation that is involved in the school corporation reorganization, consolidation, or annexation attempt.


IC 20-23-6-17
Transfer of territory from city to consolidated school corporation; authorization to grant and accept; supplemental effect of chapter

Sec. 17. (a) If the territory of a third class city is in a part of the territory of a consolidated school corporation, the third class city may lease to the consolidated school corporation a building and the property the building is on that is owned by the city for school purposes for a period of at least five (5) consecutive years.

(b) The common council of the city shall authorize a lease under subsection (a) and the authorization may be made:

(1) without appraisement;
(2) without compensation; or
(3) upon terms agreed upon.

(c) The possession and use of a specified part of property that a city leases under this section may be reserved by the city for city use. A lease made under this section shall be in the form of a deed or other written instrument that may be recorded. The grant must state that if the property is no longer needed for school purposes, the property reverts back to the city. A consolidated school corporation acting through its board of school trustees may accept a lease:
(1) without appraisement;
(2) without compensation; or
(3) upon agreed upon terms;
by its board of school trustees.
(d) This section, being necessary and intended to remedy
deficiencies in laws existing on June 30, 1955, relating to powers of
certain municipal corporations and of certain school corporations,
does not repeal the provisions of those laws governing corporations
but supplements and clarifies those laws, and to that end shall be
liberally construed.

IC 20-23-6-18
Prairie Township School Corporation; mandatory consolidation
Sec. 18. (a) Before January 1, 2011, Prairie Township School
Corporation shall reorganize by consolidating with an adjacent school
corporation under this chapter.
(b) If the governing body of Prairie Township School Corporation
does not comply with this section before January 1, 2011, the state
board shall, after December 31, 2010, develop a reorganization plan
for the school corporation and require the governing body to
implement the plan.
As added by P.L.182-2009(ss), SEC.310. As amended by P.L.1-2010,
SEC.76.
IC 20-23-7
Chapter 7. Consolidation of County School Corporations and Metropolitan School Districts

IC 20-23-7-1
Purpose
Sec. 1. It is the purpose of this chapter to provide for the organization of public schools in Indiana to:
(1) promote the best interests of the students of Indiana;
(2) provide for the organization of additional forms of local school government;
(3) preserve and ensure an economical and efficient school system in accordance with the desires of the people in local communities; and
(4) improve the education of the students of Indiana as guaranteed by the laws and Constitution of the State of Indiana.

IC 20-23-7-2
Metropolitan school district; consolidation procedure
Sec. 2. (a) In any county or adjoining counties at least two (2) school corporations, including school townships, school towns, school cities, consolidated school corporations, joint schools, metropolitan school districts, township school districts, or community school corporations, regardless of whether the consolidating school corporations are of the same or of a different character, may consolidate into one (1) metropolitan school district. Subject to subsection (h), the consolidation must be initiated by following either of the following procedures:
(1) The township trustee, board of school trustees, board of education, or other governing body (the trustee, board, or other governing body is referred to elsewhere in this section as the "governing body") of each school corporation to be consolidated shall:
(A) adopt substantially identical resolutions providing for the consolidation; and
(B) publish a notice setting out the text of the resolution one (1) time under IC 5-3-1.
The resolution must set forth any provision for staggering the terms of the board members of the metropolitan school district elected under this chapter. If, not more than thirty (30) days after publication of the resolution, a petition of protest, signed by at least twenty percent (20%) of the registered voters residing in the school corporation is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside, a referendum election shall be held as provided in subsection (c).
(2) Instead of the adoption of substantially identical resolutions in each of the proposed consolidating school corporations under subdivision (1), a referendum election under subsection (c) shall
be held on the occurrence of all of the following:

(A) At least twenty percent (20%) of the registered voters residing in a particular school corporation sign a petition requesting that the school corporation consolidate with another school corporation (referred to in this subsection as "the responding school corporation").

(B) The petition described in clause (A) is filed with the clerk of the circuit court of each county where the voters who are eligible to sign the petition reside.

(C) Not more than thirty (30) days after the service of the petition by the clerk of the circuit court to the governing body of the responding school corporation under subsection (b) and the certification of signatures on the petition occurs under subsection (b), the governing body of the responding school corporation adopts a resolution approving the petition and providing for the consolidation.

(D) An approving resolution has the same effect as the substantially identical resolutions adopted by the governing bodies under subdivision (1), and the governing bodies shall publish the notice provided under subdivision (1) not more than fifteen (15) days after the approving resolution is adopted. However, if a governing body that is a party to the consolidation fails to publish notice within the required fifteen (15) day time period, a referendum election still must be held as provided in subsection (c).

If the governing body of the responding school corporation does not act on the petition within the thirty (30) day period described in clause (C), the governing body's inaction constitutes a disapproval of the petition request. If the governing body of the responding school corporation adopts a resolution disapproving the petition or fails to act within the thirty (30) day period, a referendum election as described in subsection (c) may not be held and the petition requesting the consolidation is defeated.

(b) Any petition of protest under subsection (a)(1) or a petition requesting consolidation under subsection (a)(2) must show in the petition the date on which each person has signed the petition and the person's residence on that date. The petition may be executed in several counterparts, the total of which constitutes the petition. Each counterpart must contain the names of voters residing within a single county and shall be filed with the clerk of the circuit court of the county. Each counterpart must have attached to it the affidavit of the person circulating the counterpart that each signature appearing on the counterpart was affixed in that person's presence and is the true and lawful signature of each person who made the signature. Any signer may file the petition or any counterpart of the petition. Each signer on the petition may before and may not after the filing with the clerk withdraw the signer's name from the petition. A name may not be added to the petition after the petition has been filed with the clerk. After the receipt of any counterpart of the petition, each circuit
court clerk shall certify:

(1) the number of persons signing the counterpart;
(2) the number of persons who are registered voters residing within that part of the school corporation located within the clerk's county, as disclosed by the voter registration records in the office of the clerk or the board of registration of the county, or wherever registration records may be kept;
(3) the total number of registered voters residing within the boundaries of that part of the school corporation located within the county, as disclosed in the voter registration records; and
(4) the date of the filing of the petition.

Certification shall be made by each clerk of the circuit court not more than thirty (30) days after the filing of the petition, excluding from the calculation of the period any time during which the registration records are unavailable to the clerk, or within any additional time as is reasonably necessary to permit the clerk to make the certification. In certifying the number of registered voters, the clerk of the circuit court shall disregard any signature on the petition not made within the ninety (90) days immediately before the filing of the petition with the clerk as shown by the dates set out in the petition. The clerk of the circuit court shall establish a record of the certification in the clerk's office and shall serve the original petition and a copy of the certification on the county election board under IC 3-10-9-3 and the governing bodies of each affected school corporation. Service shall be made by mail or manual delivery to the governing bodies, to any officer of the governing bodies, or to the administrative office of the governing bodies, if any, and shall be made for all purposes of this section on the day of the mailing or the date of the manual delivery.

(c) The county election board in each county where the proposed metropolitan school district is located, acting jointly where the proposed metropolitan school district is created and where it is located in more than one (1) county, shall cause any referendum election required under either subsection (a)(1) or (a)(2) to be held in the entire proposed metropolitan district at a special election. The special election shall be not less than sixty (60) days and not more than ninety (90) days after the service of the petition of protest and certification by each clerk of the circuit court under subsection (a)(1) or (a)(2) or after the occurrence of the first action requiring a referendum under subsection (a)(2). However, if a primary or general election at which county officials are to be nominated or elected, or at which city or town officials are to be elected in those areas of the proposed metropolitan school district that are within the city or town, is to be held after the sixty (60) days and not more than six (6) months after the service or the occurrence of the first action, each election board may hold the referendum election with the primary or general election.

(d) Notice of the special election shall be given by each election board by publication under IC 5-3-1.

(e) Except where it conflicts with this section or cannot be practicably applied, IC 3 applies to the conduct of the referendum.
election. If the referendum election is not conducted at a primary or
general election, the cost of conducting the election shall be charged
to each component school corporation included in the proposed
metropolitan school district in the same proportion as its assessed
valuation bears to the total assessed valuation of the proposed
metropolitan school district and shall be paid from any current
operating fund of each component school corporation not otherwise
appropriated, without appropriation.

(f) The question in the referendum election shall be placed on the
ballot in the form prescribed by IC 3-10-9-4 and must state "Shall the
school corporations of __________ be formed into one (1)
metropolitan school district under IC 20-23-7?" (in which blanks the
respective name of the school districts concerned will be inserted).

(g) If:

(1) a protest petition with the required signatures is not filed
after the adoption of substantially identical resolutions of the
governing bodies providing for or approving the consolidation
as described in subsection (a)(1); or

(2) a referendum election occurs in the entire proposed
metropolitan district and a majority of the voters in each
proposed consolidating school corporation vote in the
affirmative;
a metropolitan school district is created and comes into existence in
the territory subject to the provisions and under the conditions
described in this chapter. The boundaries include all of the territory
within the school corporations, and it shall be known as
"Metropolitan School District of __________, Indiana" (the name of the
district concerned will be inserted in the blank). The name of the
district shall be decided by a majority vote of the metropolitan
governing board of the metropolitan school district at the first
meeting. The metropolitan governing board of the new metropolitan
school district shall be composed and elected under this chapter. The
failure of any public official or body to perform any duty within the
time provided in this chapter does not invalidate any proceedings
taken by that official or body, but this provision shall not be
construed to authorize a delay in the holding of a referendum election
under this chapter.

(h) If the governing body of a school corporation is involved in a
consolidation proposal under subsection (a)(1) or (a)(2) that fails to
result in a consolidation, the:

(1) governing body of the school corporation may not initiate a
subsequent consolidation with another school corporation under
subsection (a)(1); and

(2) residents of the school corporation may not file a petition
requesting a consolidation with another school corporation
under subsection (a)(2);

for one (1) year after the date on which the prior consolidation
proposal failed.
IC 20-23-7-3
Metropolitan school district; duties
Sec. 3. (a) The metropolitan school district shall conduct the educational activities of all the schools in the district in compliance with:
   (1) state law; and
   (2) the laws of the state of Indiana with reference to public education.
   (b) The control and administration of the schools of the metropolitan school district are vested in a governing body whose:
      (1) composition;
      (2) duties;
      (3) manner of election; and
      (4) powers;
   are described in this chapter.

IC 20-23-7-4
Metropolitan school district; division into board member districts; redistricting; recertification of boundaries
Sec. 4. (a) At the first meeting of the board of commissioners of the county after the creation of the metropolitan school district as provided in this chapter, the board of commissioners shall divide the district into three (3) governing body districts approximately equal in population. During the first year after a year in which a federal decennial census is conducted, the board of commissioners shall:
   (1) readjust the boundaries of the districts to equalize the districts by population; or
   (2) recertify that the boundaries of the districts as drawn comply with this subsection.
   (b) Instead of the division provided under subsection (a), any resolution or petition provided in section 2(a) or 2(b) of this chapter may:
      (1) provide that the metropolitan school district to be created shall be divided into two (2) or more governing body districts;
      (2) describe the governing body member districts;
      (3) provide that one (1) or more members of the governing body must reside within each of the governing body member districts;
      (4) set out the number of members to serve from each designated district;
      (5) provide that the governing body member districts need not be equal in size or population, and that one (1) board member district may include all the area in the metropolitan school district;
      (6) specify that the number of governing body members to be resident in each district need not be an equal number; and
      (7) eliminate all requirements that there be governing body member districts.
   (c) If the resolution or petition:
      (1) does not provide for governing body member districts and
designate the number of governing body members to be resident in each district; or

(2) provides for the elimination of governing body member districts;

subsection (a) controls. If either subsection (a) or (b) applies, candidates shall be voted upon by all the registered voters of the metropolitan school district voting at any governing body member election.

(d) The limitations set forth in this section are part of the plan, but do not have to be specifically set forth in the plan. The plan must be construed, if possible, to comply with this chapter. If a provision of the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The provisions of the plan are severable.


IC 20-23-7-4.5
Copy of school corporation plan filed with circuit court clerk; certification of election districts; redistricting; recertification of districts; amendments of plan filed with circuit court clerk; time for filing; district boundary description prevails over conflicting map

Sec. 4.5. (a) Not later than December 31, 2013, the board of commissioners shall do the following:

(1) Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.

(2) If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 4 of this chapter.

(b) This subsection applies during the first year after a year in which a federal decennial census is conducted. The board of commissioners shall amend the plan under section 4 of this chapter if an amendment is necessary to reestablish the districts in compliance with section 4 of this chapter. If the board of commissioners determines that a plan amendment under section 4 of this chapter is not required, the board of commissioners shall recertify that the districts as established comply with section 4 of this chapter.

(c) Each time the school corporation's plan is amended, the board of commissioners shall file the following with the circuit court clerk of each county in which the school corporation is located:

(1) A copy of the amendment.

(2) Either of the following:

(A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 4 of this chapter.

(B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section
4 of this chapter, a map of the new district boundaries.

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or recertification occurs.

(e) If a conflict exists between:
   (1) a map showing the boundaries of a district; and
   (2) a description of the boundaries of that district set forth in the plan or plan amendment;
the district boundaries are the description of the boundaries set forth in the plan or plan amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

As added by P.L.271-2013, SEC.39.

IC 20-23-7-5
Metropolitan board of education; membership powers and duties

Sec. 5. (a) The rights, powers, and duties of the metropolitan school district shall be vested in the governing body that must be composed of:
   (1) three (3);
   (2) five (5); or
   (3) seven (7) members;
who have resided in the district for at least two (2) years before taking office. The resolution or petition provided by section 2(a) or 2(b) of this chapter may designate the number of members of the governing body. If a designation is not made concerning the number of members of a governing body, the governing body is composed of five (5) members.

(b) If section 4(a) of this chapter applies to a metropolitan school district, the following rules apply:
   (1) If the governing body consists of three (3) members, one (1) member shall reside in each residence district.
   (2) If the governing body consists of five (5) members, not more than two (2) shall reside in any one (1) residence district.
   (3) If the governing body consists of seven (7) members, at least two (2) shall reside in any one (1) residence district.

(c) If a governing body member moves the member's residence within the metropolitan school district from one (1) governing body member district to another or when governing body member district boundaries are moved so that the member's place of residence changes from one (1) governing body member district to another, the member does not on this account become disqualified as a governing body member but may continue to hold office as a member of the governing body.


IC 20-23-7-6
First metropolitan board of education; composition; meetings; organization; compensation

Sec. 6. (a) The first metropolitan board of education shall be composed of the:
(1) trustees; and
(2) members of school boards;
of the school corporations forming the metropolitan board of education.

(b) The members of the metropolitan board of education shall serve ex officio as members subject to the laws concerning length of terms, powers of election, or appointment and filling vacancies applicable to their respective offices.

(c) If a metropolitan school district is comprised of only two (2) board members, the two (2) members shall appoint a third board member not more than ten (10) days after the creation of the metropolitan school district. If the two (2) members are unable to agree on or do not make the appointment of a third board member within the ten (10) day period after the creation of the metropolitan school district, the third member shall be appointed not more than twenty (20) days after the creation of the metropolitan school district by the judge of the circuit court of the county in which the metropolitan school district is located. If the metropolitan school district is located in two (2) or more counties, the judge of the circuit court of the county containing that part of the metropolitan school district having more students than the part or parts located in another county or counties shall appoint the third member. The members of the metropolitan board of education serve until their successors are elected or appointed and qualified.

(d) The first meeting of the first metropolitan board of education shall be held not more than one (1) month after the creation of the metropolitan school district. The first meeting shall be called by the superintendent of schools, or township trustee of a school township, of the school corporation in the district having the largest number of students. At the first meeting, the board shall organize, and each year during the first ten (10) days after the board members that are elected or appointed to a new term take office, the board shall reorganize, by electing a president, a vice president, a secretary, and a treasurer.

(e) The secretary of the board shall keep an accurate record of the minutes of the metropolitan board of education, and the minutes shall be kept in the superintendent's office. When a metropolitan school district is formed, the metropolitan superintendent shall act as administrator of the board and shall carry out the acts and duties as designated by the board. A quorum consists of a majority of the members of the board. A quorum is required for the transaction of business. The vote of a majority of those present is required for a:
(1) motion;
(2) ordinance; or
(3) resolution;
to pass.

(f) The board shall conduct its affairs in the manner described in this section. Except in unusual cases, the board shall hold its meetings at the office of the metropolitan superintendent or at a place mutually designated by the board and the superintendent. Board records are to be maintained and board business is to be conducted
from the office of the metropolitan superintendent or a place designated by the board and the superintendent.

(g) The metropolitan board of education shall have the power to pay to a member of the board:
   (1) a reasonable per diem for service on the board not to exceed one hundred twenty-five dollars ($125) per year; and
   (2) for travel to and from a member's home to the place of the meeting within the district, a sum for mileage equal to the amount per mile paid to state officers and employees. The rate per mile shall change when the state government changes its rate per mile.


IC 20-23-7-7
Transfer of authority from existing school corporations to metropolitan districts

Sec. 7. (a) The transfer of:
   (1) powers;
   (2) duties;
   (3) property;
   (4) property rights;
   (5) other assets;
   (6) liabilities;
   (7) contracts, both as to rights and obligations; and
   (8) other issues connected with the transfer of authority from existing school corporations to the metropolitan school district; shall take place at the time of the first meeting of the metropolitan board of education not more than one (1) month after the creation of the board.

(b) The transfer of the items listed in subsection (a) are vested in the metropolitan school district at the time of the first meeting of the metropolitan board of education.


IC 20-23-7-8
Repealed

(Repealed by P.L.179-2011, SEC.34.)

IC 20-23-7-8.1
Metropolitan board of education; nomination and election of members; tie votes; vacancies; term of office

Sec. 8.1. (a) The registered voters of the metropolitan school district shall elect the members of the metropolitan board of education at general elections held biennially, beginning with the next general election that is held more than sixty (60) days after the creation of the metropolitan school district as provided in this chapter.

(b) Each nominee for the board must file a petition of nomination signed by the nominee and by ten (10) registered voters residing in the same board member district as the nominee. The petition must be
filed in accordance with IC 3-8-2.5 with the circuit court clerk of each county in which the metropolitan school district is located.

(c) Nominees for the board shall be listed on the general election ballot:

(1) in the form prescribed by IC 3-11-2;
(2) by board member districts; and
(3) without party designation.

The ballot must state the number of board members to be voted on and the maximum number of members that may be elected from each board member district as provided under section 5 of this chapter. A ballot that contains more votes than the maximum number allowed from a board member district is invalid.

(d) The precinct election boards in each county serving at the general election shall conduct the election for school board members.

(e) Voting and tabulation of votes shall be conducted in accordance with IC 3, and the candidates who receive the most votes are elected to the board.

(f) If there are more candidates from a particular board member district than may be elected from the board member district under section 5 of this chapter:

(1) the number of candidates elected is the greatest number that may be elected from the board member district;
(2) the candidates elected are those who, among the candidates from the board member district, receive the most votes; and
(3) the other candidates from the board member district are eliminated.

(g) If there is a tie vote among the candidates for the board, the judge of the circuit court in the county where the majority of the registered voters of the metropolitan school district reside shall select one (1) of the candidates who shall be declared and certified elected.

(h) If, at any time after the first board member election, a vacancy on the board occurs for any reason, including an insufficient number of petitions for candidates being filed, and regardless of whether the vacating member was elected or appointed, the remaining members of the board, whether or not a majority of the board, shall by a majority vote fill the vacancy by:

(1) appointing a person from the board member district from which the person who vacated the board was elected; or
(2) if the person was appointed, appointing a person from the board member district from which the last elected predecessor of the person was elected.

If a majority of the remaining members of the board is unable to agree or the board fails to act within thirty (30) days after a vacancy occurs, the judge of the circuit court in the county where the majority of registered voters of the metropolitan school district reside shall make the appointment.

(i) At a general election held on the earlier of:

(1) more than sixty (60) days after an elected board member vacates membership on the board; or
(2) immediately before the end of the term for which the
a successor to a board member appointed under subsection (h) shall be elected. Unless the successor takes office at the end of the term of the vacating member, the member shall serve only for the balance of the vacating member's term. In an election for a successor board member to fill a vacancy for a two (2) year balance of a term, candidates for board membership need not file for or with reference to the vacancy. However, as required by IC 3-11-2, candidates for at-large seats must be distinguished on the ballot from candidates for district seats. If there is more than one (1) at-large seat on the ballot due to this vacancy, the elected candidate who receives the fewest votes at the election at which the successor is elected shall serve for a two (2) year term.

(j) At the first general election where members of the board are elected under this section, the elected candidates who constitute a simple majority of the elected candidates and who receive the most votes shall be elected for four (4) year terms, and the other elected candidates shall be elected for two (2) year terms.

(k) Board members shall be elected for four (4) year terms after the first election and shall take office 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 following the member's election.


IC 20-23-7-9
Voting method for metropolitan or consolidated school corporations

Sec. 9. (a) This section applies to a metropolitan or consolidated school corporation located in a county containing a consolidated city.

(b) The same method used to cast votes for other offices for which candidates have qualified to be on the election ballot shall be used for the school board offices on the election ballot.


IC 20-23-7-10
Metropolitan superintendent of schools appointment; terms of contracts; term of office; duties of board

Sec. 10. (a) The metropolitan board of education shall appoint a metropolitan superintendent of schools who shall serve under contract in the same manner and under the same laws that govern the employment and service of other licensed school personnel. However, the metropolitan superintendent of schools is not required to hold a license under IC 20-28-5. The metropolitan superintendent of schools' salary and expense allowance is fixed by the metropolitan
board of education. The metropolitan superintendent of schools' original contract:

1. must be for a period of one (1) to five (5) years; and
2. may be changed or extended by mutual agreement.

(b) Appointments to fill a vacancy for a metropolitan superintendent of schools shall be made under this chapter.

(c) The board shall:
1. act upon the recommendations of the metropolitan superintendent of schools; and
2. make other decisions and perform other duties as required by law.

(d) A:
1. county superintendent;
2. city school superintendent; or
3. town superintendent;

in a metropolitan school district shall continue in the superintendents' respective employment at the same salary, paid in the same manner and according to the same terms as agreed to before the formation of the metropolitan school district.

(e) A metropolitan board of education shall:
1. assign administrative duties; and
2. designate:
   (A) one (1) of the superintendents in the metropolitan school district; or
   (B) a competent and qualified person as determined by the board;

to perform the duties of the metropolitan superintendent of the metropolitan school district as set forth in this chapter.

(f) A metropolitan board of education shall appoint a superintendent of the metropolitan school district and other administrative supervisory officers as provided in this chapter if:
1. the previous superintendent's term expired;
2. the previous superintendent's contract of employment ended; or
3. the previous superintendent:
   (A) died; or
   (B) resigned.

(g) The appointment and salary of the metropolitan superintendent of schools appointed under subsection (f) shall be made, set, and paid as provided in this chapter.


IC 20-23-7-11
Metropolitan school district in more than one county; special duties

Sec. 11. If a metropolitan school district formed under this chapter includes territory in more than one (1) county, the respective counties, boards, commissions, and officers of each of the counties shall perform duties required to form a metropolitan school district jointly and severally, including:

1. dividing the territory into board member districts;
(2) levying and collecting taxes;
(3) allocating receipts;
(4) filing petitions for nomination;
(5) printing and distributing ballots,
(6) tabulating and certifying election results; and
(7) filling vacancies.


IC 20-23-7-12
Metropolitan school districts in school townships; methods of creation; membership of first metropolitan board of education; duties

Sec. 12. (a) As used in this section, "county" means the county in which the school township is located.

(b) As used in this section, "school township" means a school township in Indiana that:

(1) for the last full school semester immediately preceding:
   (A) the adoption of a preliminary resolution by the township trustee and the township board under subsection (f); or
   (B) the adoption of a resolution of disapproval by the township trustee and the township board under subsection (g);

had a current ADM of at least six hundred (600) students in kindergarten through grade 12 in the public schools of the school township; or

(2) is part of a township in which there were more votes cast for township trustee outside the school township than inside the school township in the general election at which the trustee was elected and that preceded the adoption of the preliminary or disapproving resolution.

(c) As used in this section, "township board" means the township board of a township in which the school township is located.

(d) As used in this section, "township trustee" means the township trustee of the township in which the school township is located.

(e) In a school township, a metropolitan school district may be created by complying with this section. A metropolitan school district created under this section shall have the same boundaries as the school township. After a district has been created under this section, the school township that preceded the metropolitan school district is abolished. The procedures or provisions governing the creation of a metropolitan school district under another section of this chapter do not apply to the creation of a district under this section. After a metropolitan school district is created under this section, the district shall, except as otherwise provided in this section, be governed by and operate in accordance with this chapter governing the operation of a metropolitan school district as established under section 2 of this chapter.

(f) Except as provided in subsection (g), a metropolitan school district provided for in subsection (e) may be created in the following manner:
(1) The township trustee shall call a meeting of the township board. At the meeting, the township trustee and a majority of the township board shall adopt a resolution that a metropolitan school district shall be created in the school township. The township trustee shall then give notice:
   (A) by two (2) publications one (1) week apart in a newspaper of general circulation published in the school township; or
   (B) if there is no newspaper as described in clause (A), in a newspaper of general circulation in the county;

of the adoption of the resolution setting forth the text of the resolution.

(2) On the thirtieth day after the date of the last publication of the notice under subdivision (1) and if a protest has not been filed, the township trustee and a majority of the township board shall confirm their preliminary resolution. If, however, on or before the twenty-ninth day after the date of the last publication of the notice, a number of registered voters of the school township, equal to five percent (5%) or more of the number of votes cast in the school township for secretary of state at the last preceding general election for that office, sign and file with the township trustee a petition requesting an election in the school township to determine whether or not a metropolitan school district must be created in the township in accordance with the preliminary resolution, then an election must be held as provided in subsection (h). The preliminary resolution and confirming resolution provided in this subsection shall both be adopted at a meeting of the township trustee and township board in which the township trustee and each member of the township board received or waived a written notice of the date, time, place, and purpose of the meeting. The resolution and the proof of service or waiver of the notice shall be made a part of the records of the township board.

(g) Except as provided in subsection (f), a metropolitan school district may also be created in the following manner:

(1) A number of registered voters of the school township, equal to five percent (5%) or more of the votes cast in the school township for secretary of state at the last general election for that office, shall sign and file with the township trustee a petition requesting the creation of a metropolitan school district under this section.

(2) The township trustee and a majority of the township board shall, not more than ten (10) days after the filing of a petition:
   (A) adopt a preliminary resolution that a metropolitan school district shall be created in the school township and proceed as provided in subsection (f); or
   (B) adopt a resolution disapproving the creation of the district.

(3) If either the township trustee or a majority of township board members vote in favor of disapproving the resolution, an
election must be held to determine whether or not a metropolitan school district shall be created in the school township in the same manner as is provided in subsection (f) if an election is requested by petition.

(h) An election required under subsection (f) or (g) may, at the option of the township trustee, be held either as a special election or in conjunction with a primary or general election to be held not more than one hundred twenty (120) days after the filing of a petition under subsection (f) or the adoption of the disapproving resolution under subsection (g). The township trustee shall certify the question to the county election board under IC 3-10-9-3 and give notice of an election:

(1) by two (2) publications one (1) week apart in a newspaper of general circulation in the school township; or

(2) if a newspaper described in subdivision (1) does not exist, in a newspaper of general circulation published in the county.

The notice must provide that on a day and time named in the notice, the polls shall be opened at the usual voting places in the various precincts in the school township for the purpose of taking the vote of the registered voters of the school township regarding whether a metropolitan school district shall be created in the township. The election shall be held not less than twenty (20) days and not more than thirty (30) days after the last publication of the notice unless a primary or general election will be conducted not more than six (6) months after the publication. In that case, the county election board shall place the public question on the ballot at the primary or general election. If the election is to be a special election, the township trustee shall give notice not more than thirty (30) days after the filing of the petition or the adoption of the disapproving resolution.

(i) On the day and time named in the notice, the polls shall be opened and the votes of the voters shall be taken regarding whether a metropolitan school district shall be created in the school township. IC 3 governs the election except as otherwise provided in this chapter. The county election board shall conduct the election. The public question shall be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state, "Shall a metropolitan school district under IC 20-23-7 be formed in the ________ School Township of ____________ County, Indiana?". The name of the school township shall be inserted in the blanks.

(j) The votes cast in the election shall be canvassed at a place in the school township determined by the county election board. The certificate of the votes cast for and against the creation of a metropolitan school district shall be filed in the records of the township board and recorded with the county recorder. If the special election is not conducted at a primary or general election, the school township shall pay the expense of holding the election out of the school general fund that is appropriated for this purpose.

(k) A metropolitan school district shall, subject to section 7 of this chapter, be created on the thirtieth day after the date of the adoption of the confirming resolution under subsection (f) or an election held
under subsection (h). If a public official fails to do the official's duty within the time prescribed in this section, the failure does not invalidate the proceedings taken under this section. An action to contest the validity of the creation of a metropolitan school district under this section or to enjoin the operation of a metropolitan school district may not be instituted later than the thirtieth day following the date of the adoption of the confirming resolution under subsection (f) or of the election held under subsection (h). Except as provided in this section, an election under this subsection may not be held sooner than twelve (12) months after another election held under subsection (h).

(l) A metropolitan school district is known as "The Metropolitan School District of ___________ Township, ___________ County, Indiana". The first metropolitan board of education in a metropolitan school district created under this section consists of five (5) members. The township trustee and the township board members are ex officio members of the first board, subject to the laws concerning length of their respective terms of office, manner of election or appointment, and the filling of vacancies applicable to their respective offices. The ex officio members serve without compensation or reimbursement for expenses, other than that which they may receive from their respective offices. The township board shall, by a resolution recorded in its records, appoint the fifth member of the metropolitan board of education. The fifth member shall meet the qualifications of a member of a metropolitan board of education under this chapter, with the exception of the board member district requirements provided in sections 4, 5, and 8.1 of this chapter.

(m) A fifth board member shall be appointed not more than fifteen (15) days after the date of the adoption of the confirming resolution under subsection (f)(2) or an election held under subsection (h). The first board shall hold its first meeting not more than fifteen (15) days after the date when the fifth board member is appointed or elected, on a date established by the township board in the resolution in which it appoints the fifth board member. The first board shall serve until January 1 following the election of a metropolitan school board at the first general election held more than sixty (60) days following the creation of the metropolitan school district.

(n) After the creation of a metropolitan school district under this section, the president of the metropolitan school board of the district shall serve as a member of the county board of education and perform the duties on the county board of education that were previously performed by the township trustee. The metropolitan school board and superintendent of the district may call upon the assistance of and use the services provided by the county superintendent of schools. This subsection does not limit or take away the powers, rights, privileges, or duties of the metropolitan school district or the board or superintendent of the district provided in this chapter.

IC 20-23-7-13
Specification of date of creation of school corporations or school districts in petitions or resolutions

Sec. 13. In the resolution creating a county school corporation or metropolitan school district or in the petitions requesting the creation of or requesting a referendum on the question of creating a corporation or district under section 2 or 12 of this chapter, the resolutions or petitions may specify when a school corporation or school district shall be created and the corporation or district shall then be created at the time provided in the resolutions or petitions.

IC 20-23-8
Chapter 8. Governing Body Composition Change

IC 20-23-8-1
"Circuit court"
Sec. 1. As used in this chapter, "circuit court" means:
(1) the circuit court of the county in which a school corporation is located; or
(2) if a school corporation is located in more than one (1) county, the circuit court of the county in which the largest number of registered voters of the school corporation are residents.

IC 20-23-8-2
"Clerk"
Sec. 2. As used in this chapter, "clerk" means:
(1) the clerk of the circuit court of the county in which a school corporation is located; or
(2) if a school corporation is located in more than one (1) county, the clerks in each of the counties in which the school corporation is located.

IC 20-23-8-3
"County election board"
Sec. 3. As used in this chapter, "county election board" means:
(1) the county election board in the county in which a school corporation is located; or
(2) if a school corporation is located in more than one (1) county, the county election boards of the counties in which the school corporation is located, acting jointly.

IC 20-23-8-4
"Plan"
Sec. 4. As used in this chapter, "plan" means the manner in which the governing body of a school corporation is constituted, including the number, qualifications, length of terms, manner, and time of selection, either by appointment or by election of the members of the governing body.

IC 20-23-8-5
"School corporation"
Sec. 5. As used in this chapter, "school corporation" means a local public school corporation established under the laws of Indiana. The term does not include a school township or a school corporation covered by IC 20-23-12, IC 20-23-17, or IC 20-23-17.2.
IC 20-23-8-6
"Voter"

Sec. 6. As used in this chapter, "voter", with respect to a petition, means a registered voter in the school corporation as determined in this chapter.

IC 20-23-8-7
Contents of plan

Sec. 7. (a) A plan or proposed plan must contain the following items:

1) The number of members of the governing body, which shall be:
   (A) three (3);
   (B) five (5); or
   (C) seven (7);

2) Whether the governing board shall be elected, appointed, or both.
3) If appointed, when and by whom, and a general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.
4) A provision that the members of an elected governing board shall be elected at the general election at which county officials are elected.
5) If the governing board will have members who are elected and members who are appointed, the following information:
   (A) The number of appointed members.
   (B) When and by whom each of the appointed members are appointed.
   (C) A general description of the manner of appointment that conforms with the requirements of IC 20-23-4-28.
   (D) The number of elected members.
   (E) A general description of the manner of election that conforms with the requirements of IC 20-23-4-27.
6) The limitations on:
   (A) residence;
   (B) term of office; and
   (C) other qualifications;
required by members of the governing body.
7) The time the plan takes effect.

A plan or proposed plan may have additional details to make the provisions of the plan workable. The details may include provisions relating to the commencement or length of terms of office of the members of the governing body taking office under the plan.
(b) Except as provided in subsection (a)(1), in a city having a population of more than fifty-five thousand (55,000) but less than sixty thousand (60,000), the governing body described in a plan may have up to nine (9) members.
Limitations on the plan

Sec. 8. (a) A plan is subject to the following limitations:

1. A member of the governing body may not serve for a term of more than four (4) years, but a member may succeed himself or herself in office. This limitation does not apply to members who hold over during an interim period to effect a new plan awaiting the selection and qualification of a member under the new plan.

2. The plan, if the members are:
   (A) to be elected, shall conform with one (1) of the types of board organization permitted by IC 20-23-4-27; or
   (B) appointed, shall conform with one (1) of the types permitted by IC 20-23-4-28.

3. The terms of the members of the governing body, either elected to or taking office on or before the time the plan takes effect, may not be shortened. The terms of the members taking office under the plan may be shortened to make the plan workable on a permanent basis.

4. If the plan provides for electoral districts, where a member of the governing body is elected solely by the voters of a single district, the districts must be as near as practicable equal in population. The districts shall be reapportioned and their boundaries:
   (A) changed, if necessary; or
   (B) recertified, if changes are not necessary;
by resolution of the governing body not later than December 31 of the year next following the year in which a decennial census is taken to preserve the equality of the governing body.

5. The plan shall comply with the:
   (A) Constitution of the State of Indiana; and
   (B) Constitution of the United States;
including the equal protection clauses of both constitutions.

6. The provisions of IC 20-23-4-26 through IC 20-23-4-33 relating to the board of trustees of a community school corporation and to the community school corporation, including provisions relating to powers of the board and corporation and provisions relating to the mechanics of selection of the board, where elected and where appointed, apply to a governing body set up by a plan under this chapter and to the school corporation.

(b) The limitations set forth in this section do not have to be specifically set forth in a plan but are a part of the plan. A plan shall be construed, if possible, to comply with this chapter. If a provision of the plan or an application of the plan violates this chapter, the invalidity does not affect the other provisions or applications of the plan that can be given effect without the invalid provision or application. The provisions of a plan are severable.

Copy of school corporation plan filed with circuit court clerk; certification of election districts; redistricting; recertification of districts; amendments of plan filed with circuit court clerk; time for filing; district boundary description prevails over conflicting map

Sec. 8.5. (a) Not later than December 31, 2013, the governing body shall do the following:

1. Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.
2. If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 8 of this chapter.

(b) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the plan under section 8 of this chapter if an amendment is necessary to reestablish the districts in compliance with section 8 of this chapter. If the governing body determines that a plan amendment under section 8 of this chapter is not required, the governing body shall recertify that the districts as established comply with section 8 of this chapter.

(c) Each time the school corporation's plan is amended, the governing body shall file the following with the circuit court clerk of each county in which the school corporation is located:

1. A copy of the amendment.
2. Either of the following:
   (A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 8 of this chapter.
   (B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 8 of this chapter, a map of the new district boundaries.

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or recertification occurs.

(e) If a conflict exists between:

1. A map showing the boundaries of a district; and
2. A description of the boundaries of that district set forth in the plan or plan amendment;
the district boundaries are the description of the boundaries set forth in the plan or plan amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

As added by P.L.271-2013, SEC.41.
Sec. 9. The plan of school board organization of a governing body may be changed in accordance with the procedures set out in this chapter.


IC 20-23-8-10
Initiation of plan change
Sec. 10. (a) A change in a plan may be initiated by one (1) of the following procedures:

(1) By filing a petition signed by at least ten percent (10%) of the voters of the school corporation with the clerk of the circuit court.

(2) By a resolution adopted by the governing body of the school corporation.

(3) By ordinance adopted by a city legislative body under section 13 of this chapter.

(b) A petition, resolution, or ordinance must set forth a description of the plan that conforms with section 7 of this chapter.


IC 20-23-8-11
Filing and certification of petitions
Sec. 11. (a) A voter is entitled to file a petition under this chapter with the clerk of the circuit court to:

(1) initiate a plan;

(2) protest a plan; or

(3) initiate an alternative plan.

(b) If a voter files a petition under subsection (a), the filing and certification of the petition is governed by the following provisions:

(1) The petition must show:

(A) the date that a person has signed the petition; and,

(B) in order to identify the person as a registered voter of the school corporation, the person's residence on that date.

(2) The petition may be executed in several counterparts, the total of which constitutes a petition. A counterpart must:

(A) contain the names of voters residing within a single county;

(B) be filed with the clerk of the circuit court of that county;

(C) have attached to it the affidavit of the person circulating the counterpart stating that each signature:

(i) appearing on the counterpart was affixed in the person's presence; and

(ii) is the true and lawful signature of the person who made the signature.

(3) A person who signs a petition or a counterpart may file the petition or a counterpart.

(4) All counterparts constituting a petition shall be filed on the same day.

(5) A person who signs a petition filed under subsection (a) may withdraw the person's name from the petition before the petition
(6) After the receipt of a petition, the clerk shall:
   (A) strike all signatures appearing on the petition more than once; and
   (B) make a certification under the clerk's hand and seal of the office as to the following:
      (i) The number of signatures on the petition that are not duplicates representing persons who are registered voters residing within that part of the school corporation located within the county, as disclosed by the voter registration records in the office of the clerk or the board of registration of the county, or wherever the registration records are kept.
      (ii) The total number of registered voters residing within the boundaries of that part of the school corporation located within the county, as disclosed in the records described in item (i).
      (iii) The date of the filing of the petition with the clerk.

(7) The clerk shall:
   (A) certify a petition not more than thirty (30) days after the filing of the petition, excluding time when the registration records are unavailable to the clerk, or within additional time as is reasonably necessary not to exceed an additional thirty (30) days, to permit the clerk to make a certification;
   (B) establish a record of the certification at the clerk's office;
   (C) file:
      (i) the original petition; and
      (ii) a copy of the clerk's certification;
       with the governing body.


IC 20-23-8-12
Action by the governing body on a petition
Sec. 12. The governing body shall, by resolution adopted not more than thirty (30) days after a petition is filed with it, either approve or disapprove a plan. The failure to take action within the thirty (30) day period constitutes disapproval of the plan.


IC 20-23-8-13
School corporations in certain cities; increase in membership of governing body
Sec. 13. (a) This section applies to a school corporation located in a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

(b) The city legislative body may adopt an ordinance to increase the membership of the governing body of a school corporation to seven (7) members.
(c) The ordinance must provide the following:
   (1) The additional members of the governing body are to be
       appointed by the city executive.
   (2) If the plan is subsequently changed to provide for the
       election of governing body members:
       (A) the membership of the governing body may not be less
           than seven (7); and
       (B) the members of the governing body are to be elected.
   (3) The initial terms of the members appointed under this
       section.
   (4) The effective date of the ordinance.
   (d) An ordinance adopted under this section:
       (1) supersedes a part of the plan that conflicts with the
           ordinance;
       (2) must be filed with the state superintendent under section 22
           of this chapter; and
       (3) may only be amended or repealed by the city legislative
           body.


IC 20-23-8-14
Notice of plan and further petitions

Sec. 14. (a) Not more than ten (10) days after a governing body has:
   (1) initiated;
   (2) approved; or
   (3) disapproved;
a plan initiated by the petition filed with it, the governing body shall
publish a notice one (1) time in a newspaper of general circulation in
the county of the school corporation. If a newspaper of general
circulation is not published in the county of the school corporation,
the governing body shall publish a notice one (1) time in a newspaper
of general circulation published in a county adjoining the county of
the school corporation.

(b) The notice must set out the text of a plan initiated by the
governing body or another plan filed with the governing body before
the preparation of the notice. The notice must also state the right of
a voter, as provided in this section, to file a petition for alternative
plans or a petition protesting the adoption of a plan or plans to which
the notice relates.

(c) If the governing body fails to publish a notice required by this
section, the governing body shall, not more than five (5) days after
the expiration of the ten (10) day period for publication of notice
under this section, submit the petition that has been filed with the
clerk to the state board, whether or not the plan contained in the
petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the
publication of the notice, voters of the school corporation may file
with the clerk a petition protesting a plan initiated or approved by the
governing body or a petition submitting an alternative plan as follows:

(1) A petition protesting a plan shall be signed by at least twenty percent (20%) of the voters of the school corporation or five hundred (500) voters of the school corporation, whichever is less.

(2) A petition submitting an alternative plan shall be signed by at least twenty percent (20%) of the voters of the school corporation.

A petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

(1) adoption;

(2) defeat at a special election held under section 16 of this chapter; or

(3) combination with another plan by the state board under section 15 of this chapter.


IC 20-23-8-15
Submission of plans to state board of education; publication of notice of plan

Sec. 15. (a) Not more than thirty (30) days after the expiration of the one hundred twenty (120) day period for filing a petition, plans that have been published in accordance with section 14 of this chapter, whether the plans were initiated by the governing body or in connection with a petition, shall be submitted to the state board.

(b) The state board shall:

(1) review a plan;

(2) revise a plan, if possible, to:

(A) cure ambiguities; and

(B) ensure that the plan complies with the limitations set out in section 8 of this chapter;

(3) if a plan provides for electoral districts, verify that the districts are, as near as practicable, equal in population according to the decennial census immediately preceding the first petition or resolution initiating the plan; and

(4) certify a plan, with revisions, to the governing body and to the clerk.

The state board may combine plans if the state board determines that the plans are substantially similar. In making its determinations, the commission may, but is not obligated to, hold hearings and shall make an investigation as it considers necessary. If the state board holds a hearing, the state board may hear the evidence through hearing examiners, who do not have to be members of the state board. The state board shall send a certified record of its
determinations to the governing body, the clerk, and the county election board.

(c) Not more than sixty (60) days after receiving a plan submitted by a governing body under section 14 of this chapter, the state board shall publish notice of the plan in accordance with section 14 of this chapter, unless the state board determines that the plan or the petition does not meet the requirements of this chapter.


IC 20-23-8-16
Special election

Sec. 16. (a) If:

(1) the governing body has disapproved a plan submitted;
(2) an alternative plan has been filed; or
(3) a petition of protest has been filed;
the county election board shall hold a special election at a date to be determined by the county election board not more than ninety (90) days after the receipt of the determination of the state board on a plan in the form certified by the state board.

(b) If a special election under subsection (a) can be held not more than six (6) months after the receipt of the determination from the state board in conjunction with a primary or general election at which:

(1) county officials are to be elected or nominated; or
(2) city or town officials are to be elected in those areas of the school corporations that are within the city or town;
the county election board may delay the special election until the date of the regular election.

(c) If a school corporation is located in more than one (1) county, the county election board of the county containing the greatest percentage of population of the school corporation shall determine the date of an election held under this section.


IC 20-23-8-17
Form of election notice and ballot

Sec. 17. (a) The clerk shall create the form of notice of the election and the ballot not more than thirty (30) days after receiving the certification from the state board as required by section 15 of this chapter. The notice must:

(1) state the date when the election shall take place; and
(2) describe generally the plans to be voted upon.

(b) The text of the public question on the ballot must include a description of the plan proposed, including:

(1) the number of members on the board;
(2) the number of electoral or resident member districts, if any;
(3) the number of at-large districts, if any;
(4) a general description of the geographical boundaries of the districts, referring to civil boundaries where applicable or merely general descriptions, such as the north half or north part
of a civil geographical district or the territory north of a geographical boundary; and
(5) other information sufficient to distinguish a plan from other plans.

If the text of the public question includes a description of the plan regarding how the current board is organized, as required by subsection (d), the plan must be identified as the existing plan.

(c) If only one (1) plan is proposed, the ballot shall be prepared so that voters who wish to vote on the plan must cast either an affirmative vote or a negative vote.

(d) If more than one (1) plan is proposed, the plan organizing the governing body must appear on the ballot as an option. The text of the public question must include a description of the existing plan that meets the criteria specified in subsection (b). The ballot must be prepared so that voters who wish to vote on the plans may vote for only one (1) plan.

(e) The text of the public question must be placed on the ballot in the form prescribed by IC 3-10-9-4.

(f) Subject to IC 3-12-1, the notice or ballot is not invalid if there has been a good faith effort to comply with this section.


IC 20-23-8-18
Conduct of election

Sec. 18. (a) The county election board shall give notice of an election under section 16 of this chapter after receiving the form of notice and ballot from the clerk. The county election board shall publish notice one (1) time in two (2) newspapers of general circulation in the school corporation, or if only one (1) newspaper is of general circulation, then in that newspaper. The publication may not be made less than ten (10) days nor more than forty-five (45) days before the election. Any other notice of the election or requirement for the time of printing ballots, whether prescribed by IC 3 or otherwise, is not required to be given or observed. A person may not vote at the special election unless the person is then qualified as a registered voter.

(b) IC 3 applies to the conduct of an election under this chapter, except if the provisions of this chapter are in conflict with provisions of IC 3 or if IC 3 cannot be practicably applied.

(c) If the special election is not conducted at a primary or general election, the school corporation shall pay the cost of conducting the election from the school corporation's general fund not otherwise appropriated without appropriation.


IC 20-23-8-19
When plan adopted

Sec. 19. (a) A plan shall be adopted in the following circumstances:

(1) At the expiration of one hundred twenty (120) days after the
publication of notice by the governing body if:
(A) the governing body has initiated or approved the plan;
(B) a petition has not been filed either protesting the plan or setting forth an alternative plan; and
(C) the state board has reviewed and certified the plan.
(2) If only one (1) plan is on the ballot and it receives more affirmative than negative votes, the plan is adopted at the expiration of thirty (30) days following the special election.
(3) If more than one (1) plan is on the ballot, the plan receiving the most votes is adopted at the expiration of thirty (30) days after the special election.
(b) The plan is effective:
(1) at the time provided in the plan; or
(2) if a time is not provided or if the time provided is inapplicable due to the lapse of time of the proceedings under this chapter, either on the January 1 or July 1 following the time of adoption of the plan.


IC 20-23-8-20
Limitation on actions
Sec. 20. An action to:
(1) contest the validity of the adoption of a plan to declare that the plan has not been validly adopted; or
(2) enjoin the operation of a plan;
may not be instituted with respect to the adoption of the plan under section 19(a)(1) of this chapter at any time later than the one hundred twenty (120) days following the publication of the notice required by section 14 of this chapter or under section 19(a)(2) or 19(a)(3) of this chapter at any time later than the thirtieth day following the election at which the plan is adopted.

IC 20-23-8-21
Limitation on elections and adoption of plan
Sec. 21. An election may not be held under this chapter more than once each eighteen (18) months. A plan for a governing body may not be adopted more than once each six (6) years, except if either of the following applies:
(1) A plan adopted is declared or held to be invalid by a binding judgment or order in a United States or an Indiana court that no appeal or further approval can be taken.
(2) The plan provides solely for changes in items specified in section 7(a)(5) of this chapter.

IC 20-23-8-22
Plans to be filed with state superintendent
Sec. 22. (a) A school corporation shall file with the state superintendent:
(1) a transcript showing the acts and resolutions related to the school corporation's formation; and
(2) a description, if not otherwise contained in the transcript under subdivision (1), of the structure and manner of selection of its governing body.
(b) The transcript or description under subsection (a) shall be filed not more than sixty (60) days after the school corporation's creation or the school corporation's adoption of a new plan.
(c) A school corporation shall file with the state superintendent, before August 1 of each year, a list of names and addresses of:
   (1) members of its governing body; and
   (2) the school corporation's officers along with the expiration of the officer's respective terms.
(d) A school corporation shall file any change to a list under subsection (c) not later than thirty (30) days after the change occurs.


IC 20-23-8-23
Failure of public officials to perform duties; actions; attorney's fees; cost and fees of employees
Sec. 23. (a) The failure of a public official or body to perform the duties specified in this chapter within the time limits prescribed does not invalidate any proceedings taken by the official or board.
   (b) If a public official or body refuses to perform duties within the time limits provided in this chapter, the official or body may be mandated to perform the duties in an action filed in the circuit or superior court by a voter or by the governing body.
   (c) The court shall award reasonable attorney's fees to a voter who brings an action under this section against a governing body or public official and prevails. The governing body or employer of a public official shall pay costs and fees incurred by or on behalf of an employee in defense of a claim or suit for a loss occurring because of acts or omissions within the scope of the employee's employment, regardless of whether the employee can or cannot be held personally liable for the loss.

IC 20-23-8-24
Court orders on plans
Sec. 24. If a United States or an Indiana court enters a binding temporary or permanent order directing or approving a change in the manner of selecting the governing body, any governing body selected under the order is the legal governing body of the school corporation, until its manner of selection is changed under this or any other applicable Indiana statute.

IC 20-23-8-25
Special elections; supervision by county election board; expenses
Sec. 25. (a) In implementing a plan adopted under this chapter,
requiring the holding of a special election, the county election board, or county election boards in the case of a multicounty school corporation, shall hold, manage, and supervise a special election.

(b) The county election board shall pay the costs of a special election.

(c) A school corporation shall reimburse the county election board from the school corporation's general fund money not otherwise appropriated, without appropriation, if a special election occurs under this chapter.

IC 20-23-9
Chapter 9. Annexation of a Township School Corporation

IC 20-23-9-1
"Annexing corporation"
Sec. 1. As used in this chapter, "annexing corporation" refers to a school corporation that has annexed all or part of any territory of a township school.

IC 20-23-9-2
"Township"
Sec. 2. As used in this chapter, "township" refers to a township where any part of a township school was located.

IC 20-23-9-3
"Township school"
Sec. 3. As used in this chapter, "township school" refers to:
   (1) a township school that loses territory to an annexing corporation as a result of an annexation;
   (2) the township school's successor; or
   (3) the township.

IC 20-23-9-4
Petition of appeal
Sec. 4. (a) An annexing corporation may file a petition of appeal with the department of local government finance for emergency financial relief.
   (b) The annexing corporation shall serve the petition on the following:
      (1) The department.
      (2) The township.
      (3) The township school.
      (4) Any other annexing corporation that annexed the township school on the same date.
      (c) All annexing corporations are parties to the petition.

IC 20-23-9-5
Factfinding hearing
Sec. 5. If the department of local government finance receives a petition of appeal under section 4 of this chapter, the department of local government finance shall hold a factfinding hearing.

IC 20-23-9-6
Determinations at factfinding hearings
Sec. 6. (a) At a factfinding hearing under section 5 of this chapter, the department of local government finance shall determine the following:

(1) Whether the township school has made all payments required by any statute, including the following:
   (A) P.L.32-1999.
   (B) IC 20-23-5-12.
   (C) The resolution or plan of annexation of the township school, including:
      (i) any amendment to the resolution or plan;
      (ii) any supporting or related documents; and
      (iii) any agreement between the township school and an annexing corporation relating to the winding up of affairs of the township school.

(2) The amount, if any, by which the township school is in arrears on any payment described in subdivision (1).

(3) Whether the township school has filed with the department of local government finance all reports concerning the affairs of the township school, including all transfer tuition reports required for the two (2) school years immediately preceding the date on which the township school was annexed.

(b) In determining the amount of arrears under subsection (a)(2), the department of local government finance shall consider all amounts due to an annexing corporation, including the following:

(1) Any transfer tuition payments due to the annexing corporation.

(2) All levies, excise tax distributions, and state distributions received by the township school and due to the annexing corporation, including levies and distributions received by the township school after the date on which the township school was annexed.

(3) All excessive levies that the township school agreed to impose and pay to an annexing corporation but failed to impose.

(c) If, in a hearing under this section, the department of local government finance determines that a township school has:

   (1) under subsection (a)(1), failed to make a required payment; or
   (2) under subsection (a)(3), failed to file a required report;
the department may act under section 7 of this chapter.


IC 20-23-9-7
Powers of department after determination; payments

Sec. 7. (a) If the department of local government finance makes a determination under section 6(c) of this chapter, the department:

(1) may prohibit a township from:
   (A) acquiring real estate;
   (B) making a lease or incurring any other contractual obligation calling for an annual outlay by the township
exceeding ten thousand dollars ($10,000); (C) purchasing personal property for a consideration greater than ten thousand dollars ($10,000); and (D) adopting or advertising a budget, tax levy, or tax rate for any calendar year; until the township school has made all required payments under section 6(a)(1) of this chapter and filed all required reports under section 6(a)(3) of this chapter; and (2) shall certify to the treasurer of state the amount of arrears determined under section 6(a)(2) of this chapter.

(b) Upon being notified of the amount of arrears certified under subsection (a)(2), the treasurer of state shall make payments from the funds of state to the extent, but not in excess, of any amounts appropriated by the general assembly for distribution to the township school, deducting the payments from any amount distributed to the township school.


IC 20-23-9-8

Excess levy

Sec. 8. The department may grant permission to a township school or a township to impose an excess levy to satisfy its obligations under this chapter.

IC 20-23-10
Chapter 10. Merger of School Corporations Within Counties

IC 20-23-10-1
"Concurrent resolutions"
Sec. 1. As used in this chapter, "concurrent resolutions" means substantially identical resolutions adopted by the governing bodies of the school corporations in a county.

IC 20-23-10-2
"Governing body"
Sec. 2. As used in this chapter, "governing body" means the board or commission charged by law with the responsibility of administering the affairs of a school corporation, including a board of school commissioners, metropolitan board of education, board of school trustees, or board of trustees. In the case of a school township, the term means the trustees and township board acting jointly.

IC 20-23-10-3
"Merger"
Sec. 3. As used in this chapter, "merger" means the merger of all the school corporations in a county into a single school corporation in which the rights and obligations of each school corporation, including the right to receive tax and other money, are transferred into a new corporation to be known in this chapter as the merged corporation.

IC 20-23-10-4
"School corporation in the county"
Sec. 4. As used in this chapter, "school corporation in the county" means all the school corporations that have territory in a county.

IC 20-23-10-5
Merger resolution; contents
Sec. 5. School corporations in a county may merge in the following manner:
   (1) The governing bodies of the school corporations shall adopt a concurrent resolution providing for the merger.
   (2) The resolutions in subdivision (1) shall be adopted not later than sixty (60) days after the date the first concurrent resolution is adopted by a governing body. The resolutions must provide for the following:
      (A) The makeup of board member districts, including that:
         (i) board members shall be elected from the entire merged school corporation, but residence requirements may provide that members live in different districts;
(ii) the board member districts need not be equal in size or population, and one (1) board member district may include the area in the merged school corporation;
(iii) the number of members of the governing body of the merged school corporation to be elected from a board member district need not be equal in number; and
(iv) concurrent resolutions may also eliminate requirements that there be board member districts.

(B) The number of members on the governing body of the merged school corporation must be:
(i) three (3);
(ii) five (5); or
(iii) seven (7);
members.

(C) The time the merged school corporation comes into existence.

If a time is not provided when the merged school corporation comes into existence or if a final judgment in the remonstrance proceeding is delayed beyond the time set in the concurrent resolutions, the merged school corporation comes into existence on July 1 following the adoption of the resolutions or the final judgment, whichever occurs last.


IC 20-23-10-6
Notice of adoption of concurrent resolutions; effective date of merger

Sec. 6. (a) After the last concurrent resolution under section 5 of this chapter is adopted, notice of the adoption of the concurrent resolutions shall be given by stating:
(1) the substance of the concurrent resolutions;
(2) that the resolutions have been adopted; and
(3) that a right of remonstrance exists as provided in this chapter.

It is not necessary to set out the remonstrance provisions of the statute, but a general reference to the right of remonstrance with a reference to this chapter is sufficient.

(b) The notice under subsection (a) shall be made two (2) times, one (1) week apart in two (2) daily newspapers, published in the English language and of general circulation in the county. If there is only one (1) daily or weekly newspaper in the county, publication in that newspaper is sufficient.

(c) The merger shall take effect at the time provided in section 5 of this chapter unless, not more than thirty (30) days after the first publication of the notice, a remonstrance is filed in the circuit or superior court of the county by registered voters equal in number to at least ten percent (10%) of the registered voters of a school corporation in the county.

IC 20-23-10-7
Remonstrances; form
Sec. 7. (a) A remonstrance under section 6 of this chapter:
(1) must be in substantially the following form:
The undersigned hereby remonstrates against the merger of the school corporations in ____________ county;
(2) may be filed in counterparts that must have attached:
(A) the affidavit of the person circulating it;
(B) a statement that each signature appearing on the remonstrance was affixed in the presence of the person circulating the remonstrance; and
(C) a statement that each signature is the true and lawful signature of the person who made it;
(3) shall be accompanied by a complaint filed by one (1) or more of the remonstrators (who shall be treated as a representative of the entire class of remonstrators); and
(4) shall be signed by the remonstrator or the remonstrator's attorney, stating the reasons for the remonstrance, where these reasons are limited to the following:
(A) There is a procedural defect in the manner that the merger is carried out which is jurisdictional.
(B) The benefits to be derived from the merger are outweighed by its detriments, taking into consideration the respective benefits and detriments of the students and inhabitants residing in the school corporations of the county.
(b) A person who makes an affidavit under subsection (a) does not have to be one (1) of the persons who signs the counterpart attached to the affidavit.
(c) The plaintiff in the suit is the person whose name appears on the complaint. The defendants in a remonstrance under section 6 of this chapter are the school corporations in the county. Service of process shall be made on the defendants as in other civil actions.
(d) To determine whether the petition was timely filed, the time of filing is the time of filing with the clerk of the circuit court without regard to the time of issuance of the summons. If the thirtieth day falls on Sunday, a holiday, or another day when the clerk's office is not open, the time is extended to the next day when the clerk's office is open.
(e) The issues in a remonstrance suit are made up by the complaint, the allegations of the complaint being considered denied by the defendant or defendants. A responsive pleading does not need to be filed. However, a defendant may file a motion to dismiss the suit on the ground:
(1) that the requisite number of qualified remonstrators have not signed the petition;
(2) that the remonstrance was not timely filed; or
(3) that the complaint does not state a cause of action.
(f) A responsive pleading to a motion to dismiss under subsection (e) does not need to be filed.
(g) With respect to a motion under subsection (e)(1) and (e)(2), the
allegations are considered denied by the remonstrators.

(h) To determine whether there are the requisite number of qualified remonstrators under subsection (e)(1), a person may not:

(1) withdraw the person's name after a remonstrance has been filed; or
(2) add the person's name to a remonstrance that has been filed.

(i) At a trial for a remonstrance suit, a person may, in support or derogation of the substantive matters in the complaint, introduce into evidence a verified statement that the person wishes that the person's name be added to or withdrawn from the remonstrance.

(j) The court may either hear all or a part of the matters raised by a motion to dismiss separately or may consolidate for trial all or a part of the matters with the matters relating to the substance of the case.

(k) A complaint may not be dismissed for failure to state a cause of action, if a fair reading of the complaint makes out one (1) of the grounds for remonstrance and suit provided in subsection (a).

(l) An amendment of the complaint may be permitted in the discretion of the court if the complaint does not state a new ground of remonstrance.

(m) The trial of a remonstrance suit shall be conducted as other civil cases by a court without the intervention of a jury on the issues raised by the:

(1) complaint; or
(2) motion to dismiss.

(n) In a remonstrance suit:

(1) a change of venue from a judge, but no change of venue from the county, is permitted;
(2) the court will expedite the hearing of the case; and
(3) the court's judgment must be either that:
   (A) the merger takes place;
   (B) the merger does not take place; or
   (C) the remonstrance is dismissed.


**IC 20-23-10-8**

**Election of board members of merged school corporations**

Sec. 8. (a) The board members of a merged school corporation shall be elected at the first general election following the merged school corporation's creation, and vacancies shall be filled in accordance with IC 20-23-4-30.

(b) Until the first election under subsection (a), the board of trustees of the merged school corporation consists of:

(1) the members of the governing body of a school corporation in the county other than a school township; and
(2) the township trustee of a school township in the county.

(c) The first board of trustees shall select the name of the merged school corporation by a majority vote. The name may be changed by unanimous vote of the governing body of the merged school corporation.
IC 20-23-10-9
Powers of merged school corporation

Sec. 9. A merged school corporation has the powers provided in IC 20-23-4-26 through IC 20-23-4-33.
IC 20-23-11
Chapter 11. Joint Schools in Adjacent States

IC 20-23-11-1
Authorization to maintain joint school
Sec. 1. If a school trustee or board of school trustees of any school corporation in Indiana that is adjacent to a school corporation of another state believes the best interests of the public schools can be promoted by purchasing school grounds, repairing or erecting a schoolhouse or schoolhouses, and maintaining a school jointly between the two (2) adjacent school corporations, the school trustee or school trustees of the school corporation of Indiana so situated may enter into an agreement with the school authorities of the adjacent school corporation to:

   (1) purchase school grounds or repair or construct a school building;
   (2) purchase school furniture, equipment, appliances, or fuel; or
   (3) employ teachers and maintain a school;

if, in the judgment of the school trustee or trustees of Indiana, the best interests of the public school can be promoted by doing so.

IC 20-23-11-2
Authorization for trustees to levy taxes
Sec. 2. The trustee or trustees of Indiana may perform duties in maintaining the joint school as are otherwise provided by law for maintaining the public schools in Indiana.

IC 20-23-11-3
School corporation duties
Sec. 3. In carrying out this chapter, the school corporation shall pay the proportion of the cost of purchasing school grounds, repairing or erecting new building or buildings, and in maintaining the joint school, as the school trustees of the two (2) adjacent school corporations determines is equitable and just.
Chapter 12. Election of Governing Body Members in Gary

Applicability of chapter
Sec. 1. IC 20-23-8 does not apply to:
(1) a school corporation; or
(2) the governing body of a school corporation; covered by this chapter.

"School corporation"
Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than eighty thousand (80,000) but less than eighty thousand four hundred (80,400).

Governing body; members
Sec. 3. (a) The governing body of the school corporation consists of seven (7) members elected as follows:
(1) On a nonpartisan basis.
(2) In a general election in the county.
(b) Six (6) of the members shall be elected from the school districts drawn under section 4 of this chapter. Each member:
(1) is elected from the school district in which the member resides; and
(2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.
(c) One (1) of the members elected:
(1) is the at-large member of the governing body;
(2) may reside in any of the districts drawn under section 4 of this chapter; and
(3) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.

Districts
Sec. 4. The districts are drawn on the same lines as the common council districts referred to in IC 36-4-6-3.

Candidates for district positions on governing body; election
Sec. 5. (a) The six (6) members who are elected for a position on the governing body described under section 3(b) of this chapter are determined as follows:

(1) Each prospective candidate must file a nomination petition with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the election at which the members are to be elected that includes the following information:

(A) The name of the prospective candidate.
(B) The district in which the prospective candidate resides.
(C) The signatures of at least one hundred (100) registered voters residing in the school corporation.
(D) The fact that the prospective candidate is running for a district position.
(E) A certification that the prospective candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the district may vote for a candidate.

(3) The candidate within each district who receives the greatest number of votes in the district is elected.

(b) The at-large member elected under section 3(c) of this chapter is determined as follows:

(1) Each prospective candidate must file a nomination petition with the clerk of the circuit court at least seventy-four (74) days before the election at which the at-large member is to be elected. The petition must include the following information:

(A) The name of the prospective candidate.
(B) The signatures of at least one hundred (100) registered voters residing within the school corporation.
(C) The fact that the prospective candidate is running for the at-large position on the governing body.
(D) A certification that the prospective candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) The candidate who:

(A) runs for the at-large position on the governing body; and
(B) receives the greatest number of votes in the school corporation;

is elected to the at-large position.


IC 20-23-12-6
Residency requirements

Sec. 6. (a) A candidate who runs for a position on the governing body described under section 3(b) of this chapter must reside in the school corporation district for which the candidate filed.

(b) A candidate who runs for the at-large position on the governing body described in section 3(c) of this chapter must reside
in the school corporation.


IC 20-23-12-7
Balloting procedures
Sec. 7. The state board, with assistance from the county election board, shall establish:

(1) balloting procedures under IC 3 for the election; and
(2) all other procedures required to implement this chapter.


IC 20-23-12-8
Term of office
Sec. 8. (a) The term of each person elected to serve on the governing body is four (4) years.

(b) The term of each person elected to serve on the governing body begins 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 that immediately follows the person's election.


IC 20-23-12-9
Schedule of elections
Sec. 9. The members are elected as follows:

(1) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2012 and every four (4) years thereafter.

(2) Three (3) of the members elected under section 3(b) of this chapter are elected at the general election to be held in 2014 and every four (4) years thereafter.

(3) The at-large member elected under section 3(c) of this chapter is elected at the general election to be held in 2012 and every four (4) years thereafter.


IC 20-23-12-10
Vacancies
Sec. 10. (a) A vacancy on the governing body is created when:

(1) a member:

(A) dies;

(B) resigns from the governing body;

(C) ceases to be a resident of the school corporation;

(D) fails to attend, except for reason of chronic illness, six (6) regularly scheduled meetings of the governing body in any twelve (12) month period; or
(E) ceases to be a resident of the school district in which the member was elected; or

(2) a vacancy is created under any other law.

(b) The governing body shall temporarily fill a vacancy on the governing body as soon as practicable after the vacancy occurs.


IC 20-23-12-11

List of members and officers of school corporation

Sec. 11. Before August 1 of each year, the school corporation shall file with the state superintendent a list of the:

(1) names and addresses of members of the school corporation's governing body;

(2) names and addresses of the school corporation's officers; and

(3) expiration dates of the terms of the school corporation's members and officers.

The school corporation shall file any change in the list not later than thirty (30) days after the change occurs.

IC 20-23-13
Chapter 13. Election of Governing Body Members in Hammond Community School Corporation

IC 20-23-13-1
Composition of governing body; election of members; term of office
Sec. 1. (a) In a community school corporation established under IC 20-23-4, that has a population of more than eighty thousand five hundred (80,500) but less than one hundred thousand (100,000), the governing body consists of a board of trustees of five (5) members elected in the manner provided in this chapter.
(b) The governing body members shall be elected at the times provided and shall succeed the retiring members in the order and manner as set forth in this chapter.
(c) The term of each person elected to serve on the governing body begins 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 that immediately follows the person's election.

IC 20-23-13-2
Repealed
(Repealed by P.L.179-2011, SEC.34.)

IC 20-23-13-2.1
Method of election; ballots
Sec. 2.1. (a) As used in this section, "county election board" includes a board of elections and registration established under IC 3-6-5.2.
(b) The voters of the school corporation shall elect the members of the governing body at a general election for a term of four (4) years. The members shall be elected from the city at large without reference to district.
(c) Each candidate for election to the governing body must file a petition of nomination with the county election board in each county in which a school corporation subject to this chapter is located. The petition of nomination must comply with IC 3-8-2.5 and the following requirements:
(1) The petition must be signed by at least two hundred (200) legal voters of the school corporation.
(2) Each petition may nominate only one (1) candidate.
(3) The number of petitions signed by a legal voter may not exceed the number of school trustees to be elected.
(d) After all the petitions described in subsection (c) are filed with
the county election board, the board shall publish the names of those nominated in accordance with IC 5-3-1 and shall certify the nominations in the manner required by law. IC 3 governs the election to the extent that it is not inconsistent with this chapter.

(e) The county election board shall prepare the ballot for the general election at which members of the governing body are to be elected so that the names of the candidates nominated appear on the ballot:

   (1) in alphabetical order;
   (2) without party designation; and
   (3) in the form prescribed by IC 3-11-2.

(f) The county election board shall not publish or place on the ballot the name of a candidate who is not eligible under this chapter for membership on the governing body.

(g) Each voter may vote for as many candidates as there are members of the governing body to be elected.

As added by P.L.179-2011, SEC.25.

IC 20-23-13-3
Legislative intent

Sec. 3. The intent of this chapter is to provide that the governing body of the school corporations to which it relates shall be elected as provided in:

   (1) IC 20-23-4-27;
   (2) IC 20-23-4-29.1;
   (3) IC 20-23-4-30; and
   (4) IC 20-23-4-31;

but this chapter prevails over any conflicting provisions of IC 20-23-4 relating to any school corporation.

IC 20-23-14
Chapter 14. Election of Governing Body Members in Lake Station

IC 20-23-14-1
Application of chapter
Sec. 1. This chapter applies to a school corporation for which a referendum has been held:
(1) as required by statute; and
(2) in which a majority of the votes cast approves electing the members of the governing body.

IC 20-23-14-2
"School corporation"
Sec. 2. As used in this chapter, "school corporation" means a school corporation that is located in a city having a population of more than twelve thousand five hundred (12,500) but less than twelve thousand seven hundred (12,700).

IC 20-23-14-3
Governing body; members
Sec. 3. (a) The governing body of the school corporation consists of five (5) members elected on a nonpartisan basis.
(b) Three (3) of the members are elected from the school districts referred to in section 4.5 of this chapter by eligible voters residing in the school districts. Each member:
(1) is elected from the school district in which the member resides; and
(2) upon election and in conducting the business of the governing body, represents the interests of the entire school corporation.
(c) Two (2) of the members:
(1) are elected by eligible voters residing in the school corporation;
(2) are at-large members of the governing body; and
(3) upon election and in conducting the business of the governing body, represent the interests of the entire school corporation.

IC 20-23-14-4
Repealed
(Repealed by P.L.271-2013, SEC.43.)

IC 20-23-14-4.5
Redistricting governing member districts; standards for establishing districts; certification of districts; redistricting;
Sec. 4.5. (a) Until the first reapportionment required under this section, the school districts for the election of the members of the governing body under section 3(b) of this chapter are the districts set forth in section 4 of this chapter (before its repeal).

(b) The governing body shall, by resolution, reapportion the school districts and change their boundaries, if necessary, not later than December 31 of the year immediately following the year in which a decennial census is taken.

(c) The school districts established must:
   (1) be as near as practicable equal in population;
   (2) have boundaries set forth in the text of the resolution; and
   (3) comply with:
      (A) the Constitution of the United States; and
      (B) the Constitution of the State of Indiana;
      including the equal protection clauses of both constitutions.

(d) The limitations set forth in this section are part of the resolution, but do not have to be specifically set forth in the resolution. The resolution must be construed, if possible, to comply with this chapter. If a provision of the resolution or an application of the resolution violates this chapter, the invalidity does not affect the other provisions or applications of the resolution that can be given effect without the invalid provision or application. The provisions of the resolution are severable.

(e) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the resolution if an amendment is necessary to reapportion the school districts and change their boundaries to comply with subsection (c). If the governing body determines that reapportionment and changes to the boundaries of the school districts are not required, the governing body shall recertify that the school districts as established comply with subsection (c).

(f) Each time the governing body amends the resolution or makes a recertification, the governing body shall file a copy of the following with the board of elections and registration established by IC 3-6-5.2-3 not later than thirty (30) days after the amendment or recertification occurs:
   (1) A copy of the amendment or recertification.
   (2) One (1) of the following:
      (A) A certification that changes to the school district boundaries as established are not required to comply with subsection (c).
      (B) If reapportionment of the school districts and changes to their boundaries are required to comply with subsection (c), a map showing the boundaries of the new school districts.

(g) If a conflict exists between:
   (1) a map showing the boundaries of a school district; and
   (2) a description of the boundaries of that school district set
forth in the resolution or resolution amendment; the school district boundaries are the description of the boundaries set forth in the resolution or resolution amendment, not the boundaries shown on the map, to the extent there is a conflict between the description and the map.

As added by P.L.271-2013, SEC.44.

**IC 20-23-14-5**

**Candidates; eligibility**

Sec. 5. To be eligible to be a candidate for the governing body under this chapter, the following apply:

1. Each prospective candidate must file a petition of nomination with the board of elections and registration not earlier than one hundred four (104) days and not later than noon seventy-four (74) days before the general election at which the members are to be elected. The petition of nomination must include the following:
   - (A) The name of the prospective candidate.
   - (B) Whether the prospective candidate is a district candidate or an at-large candidate.
   - (C) A certification that the prospective candidate meets the qualifications for candidacy imposed under this chapter.
   - (D) The signatures of at least one hundred (100) registered voters residing in the school corporation.

2. Each prospective candidate for a district position must:
   - (A) reside in the district; and
   - (B) have resided in the district for at least the three (3) years immediately preceding the election.

3. Each prospective candidate for an at-large position must:
   - (A) reside in the school corporation; and
   - (B) have resided in the school corporation for at least the three (3) years immediately preceding the election.

4. Each prospective candidate (regardless of whether the candidate is a district candidate or an at-large candidate) must:
   - (A) be a registered voter;
   - (B) have been a registered voter for at least the three (3) years immediately preceding the election; and
   - (C) be a high school graduate or have received a:
     - (i) high school equivalency certificate; or
     - (ii) state general educational development (GED) diploma under IC 20-20-6 (before its repeal) or IC 22-4.1-18.

5. A prospective candidate may not:
   - (A) hold any other elective or appointive office; or
   - (B) have a pecuniary interest in any contract with the school corporation or its governing body;

as prohibited by law.


**IC 20-23-14-6**
Election of district and at-large positions

Sec. 6. (a) With regard to a district position referred to in section 3(b) of this chapter, the candidate who receives the greatest number of votes of all candidates for that position is elected.

(b) With regard to the at-large positions referred to in section 3(c) of this chapter, the two (2) at-large candidates who receive the greatest number of votes of all at-large candidates are elected.


IC 20-23-14-7
Balloting procedures

Sec. 7. The state board, with assistance from the county election board, shall establish:

(1) balloting procedures under IC 3 for the election; and
(2) all other procedures required to implement this chapter.


IC 20-23-14-8
Term of office

Sec. 8. (a) The term of each person elected to serve on the governing body is four (4) years.

(b) The term of each person elected to serve on the governing body begins on the 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 that immediately follows the person's election.


IC 20-23-14-9
Schedule of elections

Sec. 9. The members are elected as follows:

(1) Three (3) of the members are elected at the general election to be held in 2012 and every four (4) years thereafter.
(2) Two (2) of the members are elected at the general election to be held in 2014 and every four (4) years thereafter.


IC 20-23-14-10
Vacancies

Sec. 10. The governing body shall temporarily fill a vacancy on the governing body as soon as practicable after the vacancy occurs. The member chosen must reside in the same district as the vacating member. A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term.

IC 20-23-15
Chapter 15. Election of Governing Body Members in South Bend

IC 20-23-15-1
"County"
Sec. 1. As used in this chapter, "county" means the county in which the school corporation is located.

IC 20-23-15-2
"School corporation"
Sec. 2. As used in this chapter, "school corporation" means a school corporation that:
(1) is located in a county having a population of:
   (A) more than three hundred thousand (300,000) but less than four hundred thousand (400,000); or
   (B) more than two hundred fifty thousand (250,000) but less than two hundred seventy thousand (270,000); and
(2) has at least twenty thousand (20,000) students.

IC 20-23-15-3
Referendum
Sec. 3. (a) A school corporation shall hold a referendum at the first primary election after this chapter becomes applicable to the school corporation in which the registered voters who reside within the boundaries of the school corporation are entitled to vote as to whether the school corporation shall elect the members of the governing body of the school corporation under sections 6 through 11 of this chapter.
   (b) The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum.

IC 20-23-15-4
Notice of referendum
Sec. 4. (a) The circuit court clerk of the county shall provide notice of the referendum to the registered voters who reside within the boundaries of the school corporation:
   (1) at least one (1) time;
   (2) in at least one (1) newspaper of general circulation that is published in the county; and
   (3) not earlier than March 15 or later than April 15 of the year in which the referendum is held.
   (b) The notice published under subsection (a) must:
      (1) state that the referendum is called to afford the registered voters an opportunity to vote on whether members of the governing body will be elected;
(2) state that the referendum will be held at the next primary election to be held on the first Tuesday after the first Monday in May;
(3) state that the referendum will be held on a nonpartisan basis and that all registered voters residing within the boundaries of the (insert the name of school corporation) may vote in the referendum; and
(4) designate that the voting place or places at which the referendum will be held must be those that are:
   (A) used for the next primary election; and
   (B) located within the boundaries of the (insert the name of school corporation).
(c) The referendum question must be placed on the ballot in the form prescribed by IC 3-10-9-4 and must state:
   "Shall the members of the board of school trustees of the (insert the name of school corporation) be elected in the general election from five (5) districts and from two (2) at-large positions in the school corporation?"


IC 20-23-15-5
Tally of votes
   Sec. 5. (a) Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum and shall certify those two (2) totals to the county election board.
   (b) The clerk of the circuit court of the county shall, immediately after the votes cast in the referendum have been counted, certify the results to the state board.
   (c) If a majority of the votes cast in the referendum favors the election of the members of the governing body, sections 6 through 11 of this chapter concerning the manner in which the members of the governing body shall be elected apply.

IC 20-23-15-6
School corporation governing body; election; district and at-large elections
   Sec. 6. (a) The governing body of the school corporation consists of seven (7) members who shall be elected:
       (1) on a nonpartisan basis; and
       (2) in the general election held in the county.
   (b) Five (5) of the members shall be elected from the school districts in which the members reside as established under section 7 of this chapter.
   (c) Two (2) of the members shall be elected at large.

IC 20-23-15-7
Establishment of districts
   Sec. 7. The state board shall, before July 1 immediately following
the referendum, establish the school districts for the election of the members of the governing body under section 6(b) of this chapter as follows:

1. The districts shall be drawn on the basis of precinct lines.
2. The districts must be, as nearly as practicable, of equal population, with the population of the largest district not to exceed the population of the smallest district by more than five percent (5%).
3. The district lines must not cross precinct lines.


IC 20-23-15-7.5
Copy of school corporation plan filed with circuit court clerk; certification of election districts; redistricting; recertification of districts; amendments of plan filed with circuit court clerk; time for filing; district boundary description prevails over conflicting map

Sec. 7.5. (a) Not later than December 31, 2013, the governing body shall do the following:

1. Send a copy of the school corporation's plan to the circuit court clerk of each county in which the school corporation is located.
2. If any members of the governing body are elected from election districts voted upon by only the registered voters residing within the election district, certify that the election districts comply with section 7 of this chapter.

(b) This subsection applies during the first year after a year in which a federal decennial census is conducted. The governing body shall amend the plan if an amendment is necessary to reestablish the districts in compliance with section 7 of this chapter. If the governing body determines that a plan amendment is not required, the governing body shall recertify that the districts as established comply with section 7 of this chapter.

(c) Each time the school corporation's plan is amended, the governing body shall file the following with the circuit court clerk of each county in which the school corporation is located:

1. A copy of the amendment.
2. Either of the following:
   (A) A certification that the plan amendment does not require reestablishment of the school corporation's election districts to comply with section 7 of this chapter.
   (B) If the plan amendment requires reestablishment of the school corporation's election districts to comply with section 7 of this chapter, a map of the new district boundaries.

(d) A plan amendment or recertification under this section must be filed not later than thirty (30) days after the amendment or recertification occurs.

(e) The limitations set forth in this section are part of the plan, but do not have to be specifically set forth in the plan. The plan must be construed, if possible, to comply with this chapter. If a provision of
the plan or an application of the plan violates this chapter, the
invalidity does not affect the other provisions or applications of the
plan that can be given effect without the invalid provision or
application. The provisions of the plan are severable.

(f) If a conflict exists between:
   (1) a map showing the boundaries of a district; and
   (2) a description of the boundaries of that district set forth in the
       plan or plan amendment;
the district boundaries are the description of the boundaries set forth
in the plan or plan amendment, not the boundaries shown on the map,
to the extent there is a conflict between the description and the map.
As added by P.L.271-2013, SEC.45.

IC 20-23-15-8
Candidates for district positions on governing bodies; eligible voters
Sec. 8. If a candidate runs for one (1) of the district positions on
the governing body, as provided under section 6(b) of this chapter,
the following apply:
   (1) An individual who runs for one (1) of the district positions
       on the governing body must reside within that district.
   (2) Upon filing an intention to run under this chapter, the
       candidate must specify that the candidate is running for a district
       position.
   (3) Only eligible voters residing in the candidate's district may
       vote for the candidate.
   (4) The candidate who receives the greatest number of votes of
       all candidates for the position wins.

IC 20-23-15-9
Candidates for at-large positions; eligible voters
Sec. 9. If a candidate runs for one (1) of the at-large positions on
the governing body, as provided under section 6(c) of this chapter,
the following apply:
   (1) An individual who runs for one (1) of the at-large positions
       on the governing body must reside within the boundaries of the
       school corporation.
   (2) Upon filing an intention to run under this chapter, the
       candidate must specify that the candidate is running for an
       at-large position.
   (3) Eligible voters from all districts may vote for the candidate.
   (4) The two (2) candidates who receive the greatest number of
       votes win.

IC 20-23-15-10
Balloting procedures
Sec. 10. The state board shall establish:
   (1) balloting procedures for the election under the statutes
governing elections; and
(2) all other procedures required to implement this chapter.


IC 20-23-15-11
Term of office
Sec. 11. (a) Except as otherwise provided in this section, a person elected to serve on the governing body serves as follows:

(1) The person's term begins 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 of the year following the person's election.

(2) The person serves a four (4) year term.

(b) The two (2) members of the governing body who were last selected under the selection process in effect for the school corporation before a referendum is held under this chapter shall serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter. However, if this subsection applies to more than two (2) members, the circuit court judge for the county shall select two (2) of these members to serve as at-large members through December 31 of the year in which the second general election is held to elect members of the governing body under this chapter.

(c) The terms of all other members of the governing body who were selected to serve on the governing body before a referendum is held under this chapter expire December 31 of the year in which the referendum is held.

(d) In the initial general election held to elect members of the governing body under this chapter, five (5) of the members shall be elected by voters from their districts as follows:

(1) Three (3) of the members elected shall serve for four (4) year terms.

(2) Two (2) of the members elected shall serve for two (2) year terms.

(e) In the second general election held to elect members of the governing body under this chapter, four (4) of the members shall be elected as follows:

(1) Two (2) of the members shall be elected by voters from their district and shall serve four (4) year terms.

(2) Two (2) of the members shall be elected at large and shall serve four (4) year terms.


IC 20-23-15-12
Vacancies
Sec. 12. (a) A vacancy on the governing body must be filled
temporarily by the governing body as soon as practicable after the vacancy occurs.

(b) A member chosen by the governing body to fill a vacancy holds office for the remainder of the unexpired term and shall be chosen from the same district as the vacating member if the vacating member held a district position.

IC 20-23-16

IC 20-23-16-1
United school corporation
Sec. 1. If a united school corporation is created from existing school corporations that are each entirely located in one (1) county, the county committees of the counties in which the school corporations are located shall jointly prepare a plan for the united school corporation. For the purpose of submission to the state board, the plan shall be included in the comprehensive plan of the county that has the largest number of students residing in the proposed united school corporation. If an existing school corporation from which a united school corporation is created contains territory in two (2) or more counties, the county committee of the county containing that part of the school corporation that has the most students shall include the entire corporation in its plan in the absence of a written agreement with the county committee of the adjoining county to the contrary.

IC 20-23-16-2
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-3
Membership of community school corporation operating joint high school
Sec. 3. With respect to a proposed community school corporation formed out of two (2) or more school corporations operating a joint high school that has an enrollment of at least six hundred (600) in grades 9 through 12 at the time of the adoption of a preliminary plan adopted under IC 20-23-4-11 through IC 20-23-4-17 and section 1 of this chapter, the preliminary plan or final plan adopted under IC 20-23-4-11 through IC 20-23-4-17 and section 1 of this chapter may provide for a board of nine (9) members.

IC 20-23-16-4
Repealed
(Repealed by P.L.2-2006, SEC.199.)

IC 20-23-16-5
Transfer of pupils of rejected school corporation territory
Sec. 5. School corporations adjacent to rejected segments of proposed reorganized school corporations shall accept on transfer, in the manner required by law, pupils of the rejected school corporation territory.
IC 20-23-16-6
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-7
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-8
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-9
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-10
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-11
Invalid school corporations in certain counties; effect on bonds issued
Sec. 11. (a) In a county having a population of more than one hundred seventy-five thousand (175,000) but less than one hundred eighty-five thousand (185,000), if, after April 17, 1963:
   (1) proceedings have been undertaken in good faith to form a community school corporation by the consolidation of two (2) or more prior established school corporations;
   (2) the community school corporation is held, by a final order and decision of a court, to be invalidly formed and nonexistent; and
   (3) the order and decision are not subject to further judicial review;
any bonds issued (before the final order and decision of the court) in the name of the community school corporation to provide funds to be applied on the cost of construction and equipment of a school building are not invalid by reason of the final order and decision of the court but constitute the valid and binding obligation of the prior established school corporation in the territory where the school building was or is being constructed, the same as if the bonds had been validly issued in the name of the prior established school corporation.
   (b) This section applies only if the bonds at the time of their issuance would have been within the limitation of indebtedness imposed by the Constitution of the State of Indiana on the prior established school corporation.  
As added by P.L.1-2005, SEC.7. Amended by P.L.119-2012,
SEC.152.

IC 20-23-16-12
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-13
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-14
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-15
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-16
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-17
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-18
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-19
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-20
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-21
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-22
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-23
Repealed
(Repealed by P.L.231-2005, SEC.52.)
IC 20-23-16-24
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-25
Metropolitan superintendent of schools; duties
Sec. 25. A metropolitan superintendent of schools shall:
(1) act as the general administrator of the metropolitan school district; and
(2) make recommendations to the board concerning:
   (A) the conduct of the schools;
   (B) the employment and dismissal of personnel;
   (C) the purchase of supplies;
   (D) the construction of buildings; and
   (E) other matters pertaining to the conduct of the school within the framework of the school laws of this state;
(3) attend meetings of the board except when the superintendent's reappointment is under consideration;
(4) carry out the orders of the board; and
(5) make other decisions and perform other duties that are prescribed by law.

IC 20-23-16-26
Metropolitan board and school districts; powers and duties
Sec. 26. (a) A metropolitan board of education shall:
(1) make decisions pertaining to the general conduct of the schools, and these decisions shall be enforced and entered into the minutes recorded by the secretary of the board; and
(2) exercise powers previously exercised under the law, by or through:
   (A) township trustees;
   (B) meetings or petitions of the township trustees of the county; and
   (C) county boards of education previously existing.
The offices of township trustee or county board or county boards of education as far as the conduct of public schools is concerned are abolished as of noon on the day the metropolitan school district is created and comes into existence.
(b) The metropolitan superintendent of schools and other persons employed for administrative or supervisory duties may be considered to be supervisors of instruction and are eligible, subject to the rules adopted by the state board, to qualify for teaching units in accordance with law.
(c) The government of the common schools of a district is vested in the board. The board shall function with the authority, powers, privileges, duties, and obligations previously granted to or required of school cities and their governing boards regarding the:
   (1) purchase of supplies;
   (2) purchase and sale of:
(A) buildings;
(B) grounds; and
(C) equipment;

(3) erection of buildings;

(4) employment and dismissal of school personnel;

(5) insuring property and employees;

(6) making and executing of a budget;

(7) borrowing money; and

(8) paying the salaries and expenses of the:
   (A) county superintendent; and
   (B) employees;

as approved by the board.

(d) A board is a body corporate and politic by the name and style of "The Metropolitan School District of ________, Indiana" with the right to prosecute and defend suits and shall act as necessary to the proper administration of the common schools of the county.

(e) The school district shall:

   (1) be vested with rights, titles, and interests of the district's predecessor township or town school corporations;

   (2) assume, pay, and be liable for the:

      (A) indebtedness;

      (B) obligations;

      (C) liabilities; and

      (D) duties;

   of the predecessor corporations from whatever source derived; and

   (3) institute and defend suits arising out of the school district's:

      (A) liabilities;

      (B) obligations;

      (C) duties; and

      (D) rights;

assumed by a metropolitan school district.

(f) The treasurer, before entering upon the duties of the office, shall execute a bond to the acceptance of the county auditor. The bond may not be greater than the largest sum of money that will be in the possession of the treasurer at any one (1) time. The board of education may purchase the bond from a reliable surety company and pay for it out of the special school revenue of the metropolitan district.

(g) The powers set forth in this section shall not be considered as or construed to:

   (1) limit the power and authority of a school board; or

   (2) restrict or modify powers or authority granted by another law not in conflict with the provisions of this section.


IC 20-23-16-27
Repealed

(Repealed by P.L.2-2006, SEC.199.)
IC 20-23-16-28
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-29
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-30
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-31
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-32
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-33
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-34
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-35
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-36
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-37
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-38
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-39
Repealed
(Repealed by P.L.231-2005, SEC.52.)

IC 20-23-16-40
Repealed
IC 20-23-16-41
Authorization to hire and fix salaries of necessary clerical personnel in certain schools; authorization to pay salaries out of special school funds

Sec. 41. (a) School boards, boards of school trustees, boards of school commissioners, and school township trustees may hire and fix the salaries for clerical personnel as necessary to assist principals of schools in which at least twelve (12) teachers are employed.

(b) The board or trustees that hire personnel under subsection (a) may pay the salaries of the personnel out of the special school funds belonging to their respective school corporations in the manner provided by law for the payment of other school expenses.

IC 20-23-17

Chapter 17. Election of Members of the Governing Body of the School City of Mishawaka

IC 20-23-17-1

Application of chapter
Sec. 1. This chapter applies to a school corporation:
   (1) located in a city that has a population of more than forty-seven thousand (47,000) but less than forty-nine thousand (49,000); and
   (2) for which a referendum has been held:
      (A) as required by statute; and
      (B) in which a majority of the votes cast approves choosing the members of the governing body as provided in this chapter.


IC 20-23-17-2

Applicability of other laws
Sec. 2. IC 20-23-8 does not apply to a school corporation or the governing body of a school corporation governed by this chapter.

As added by P.L.179-2011, SEC.30.

IC 20-23-17-3

Governing body; members elected and appointed; petition of nomination; time for filing
Sec. 3. (a) The governing body of the school corporation consists of five (5) members chosen as follows:
   (1) Three (3) members shall be elected by the voters of the school corporation at a general election to be held in the county and every four (4) years thereafter.
   (2) One (1) member shall be appointed by the city executive.
   (3) One (1) member shall be appointed by the city legislative body.
   (b) The members elected under subsection (a)(1) shall be elected as follows:
      (1) On a nonpartisan basis.
      (2) In a general election held in the county.
      (3) By the registered voters of the entire school corporation.
   (c) The following apply to an election of members of the governing body of the school corporation under subsection (a)(1):
      (1) Each candidate must file a petition of nomination with the circuit court clerk not earlier than one hundred four (104) days and not later than seventy-four (74) days before the election at which members are to be elected. The petition of nomination must include the following information:
         (A) The name of the candidate.
         (B) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.
(2) Only eligible voters residing in the school corporation may vote for a candidate seeking election.


IC 20-23-17-4
Term of office
Sec. 4. (a) The term of each individual chosen to serve on the governing body is four (4) years.

(b) The term of each individual chosen to serve on the governing body begins 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 a member of the governing body to take office, the member takes office January 1 immediately following the individual's election or appointment.


IC 20-23-17-5
Members represent interests of entire school corporation
Sec. 5. Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.

As added by P.L.179-2011, SEC.30.

IC 20-23-17-6
Vacancies
Sec. 6. (a) A vacancy in the office of an elected member of the governing body shall be filled temporarily by the city legislative body as soon as practicable after the vacancy occurs.

(b) A vacancy in the office of an appointed member of the governing body of the school corporation shall be filled by the appointing authority that appointed the member whose office is vacant.

(c) An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.

As added by P.L.179-2011, SEC.30.

IC 20-23-17-7
Statement filed with state superintendent; requirements
Sec. 7. (a) Before August 1 of each year, the school corporation shall file with the state superintendent the following information:

(1) A list containing the names and addresses of each member of the governing body and the date of the expiration of each member's term of office.

(2) A list containing the names and addresses of each of the school corporation's officers and the date of the expiration of
each officer's term of office.

(b) The school corporation shall notify the state superintendent of any change in the information previously filed under subsection (a) not later than thirty (30) days after the change occurs.

As added by P.L.179-2011, SEC.30.

IC 20-23-17-8
Schedule of election and appointment of members

Sec. 8. (a) This section applies if the voters of the school corporation approve choosing the members of the governing body under this chapter in a referendum described in section 1 of this chapter.

(b) This subsection applies to the appointed member of the governing body whose term expires December 31, 2011. Before December 31, 2011, the city legislative body shall appoint the successor of this member for a term that expires January 1, 2013. The successors of the member appointed under this subsection shall:

1) be elected at the 2012 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

2) take office as provided in section 4 of this chapter.

(c) This subsection applies to the appointed member of the governing body whose term expires December 31, 2012. The successors of the member described in this subsection shall:

1) be elected at the 2012 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

2) take office as provided in section 4 of this chapter.

(d) This subsection applies to the appointed member of the governing body whose term expires December 31, 2013. The successors of this member shall be appointed by the city legislative body as provided in section 3(a)(3) of this chapter and take office as provided in section 4 of this chapter.

(e) The appointed members of the governing body whose terms expire December 31, 2014, may serve as members of the governing body under this chapter for the remainder of their appointed terms. The successors of these members shall be chosen as follows:

1) One (1) member shall:

A) be elected at the 2014 general election and every four (4) years thereafter as provided in section 3(a)(1) of this chapter; and

B) take office as provided in section 4 of this chapter.

2) One (1) member shall be appointed by the city executive as provided in section 3(a)(2) of this chapter and take office as provided in section 4 of this chapter.

(f) On January 1, 2013, all powers, duties, and functions adhering to the appointed governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established by this chapter.

(g) On January 1, 2013, the property and records of the appointed
governing body of the school corporation in existence on December 31, 2012, are transferred to the governing body established by this chapter.

*As added by P.L.179-2011, SEC.30.*
Chapter 17.2. Election of School Board Members in East Chicago

Applicability of chapter
Sec. 1. This chapter applies to a school corporation located in a city that has a population of more than twenty-nine thousand six hundred (29,600) but less than twenty-nine thousand nine hundred (29,900).


Applicability of other laws
Sec. 2. IC 20-23-8 does not apply to a school corporation or the governing body of a school corporation governed by this chapter.


Governing body; members; method of election; term; represent interests of entire school corporation
Sec. 3. (a) The governing body of the school corporation consists of nine (9) members who shall be elected as follows:
(1) One (1) member shall be elected from each of the school districts described in section 4 of this chapter. A member elected under this subdivision must reside within the boundaries of the district the member represents.
(2) Three (3) members, who must reside within the boundaries of the school corporation, shall be elected as at-large members.
(3) All members shall be elected on a nonpartisan basis.
(4) All members shall be elected at the general election held in the county in 2012 and each four (4) years thereafter.
(b) Upon assuming office and in conducting the business of the governing body, a member shall represent the interests of the entire school corporation.


Member districts
Sec. 4. The boundaries of the districts from which members of the governing body of the school corporation are elected under section 3(a)(1) of this chapter are the same as the boundaries of the common council districts of the city that are drawn under IC 36-4-6.


Election of members by district and at-large; petition of nomination; requirements
Sec. 5. (a) The following apply to an election of members of the
governing body of the school corporation under section 3(a)(1) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not earlier than one hundred four (104) days and not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:
   (A) The name of the candidate.
   (B) The candidate's residence address and the district in which the candidate resides.
   (C) The signatures of at least twenty (20) registered voters residing within the school corporation district the candidate seeks to represent.
   (D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation district may vote for a candidate to represent that district.

(3) One (1) candidate shall be elected for each district. The candidate elected for a district must reside within the boundaries of the district. The candidate elected as the member for a particular district is the candidate who, among all the candidates who reside within that district, receives the greatest number of votes from voters residing in that district.

(b) The following apply to an election of the members of the governing body of the school corporation under section 3(a)(2) of this chapter:

(1) Each candidate must file a petition of nomination with the circuit court clerk not earlier than one hundred four (104) days and not later than seventy-four (74) days before the general election at which members are to be elected. The petition of nomination must include the following information:
   (A) The name of the candidate.
   (B) The candidate's residence address.
   (C) The signatures of at least one hundred (100) registered voters residing within the school corporation.
   (D) A certification that the candidate meets the qualifications for candidacy imposed by this chapter.

(2) Only eligible voters residing in the school corporation may vote for a candidate.

(3) Three (3) candidates shall be elected at large. The three (3) candidates who receive the greatest number of votes among all candidates running for an at-large seat are elected as members of the governing body.

this chapter. Each voter may vote only for:
   (1) one (1) candidate to represent the district in which the voter resides; and
   (2) three (3) at-large candidates.

IC 20-23-17.2-7
Balloting procedures
   Sec. 7. The state board, with assistance from the county election board, shall establish balloting procedures under IC 3 for the election and all other procedures required to implement this chapter.

IC 20-23-17.2-8
Term of office
   Sec. 8. (a) The term of each person elected to serve on the governing body of the school corporation is four (4) years.
   (b) The term of each person elected to serve on the governing body begins 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 following the person's election.

IC 20-23-17.2-9
Elected at general election
   Sec. 9. The members of the governing body of the school corporation shall be elected at the general election to be held in 2012 and every four (4) years thereafter.

IC 20-23-17.2-10
Vacancies
   Sec. 10. A vacancy in the office of a member of the governing body of the school corporation shall be filled temporarily by the governing body as soon as practicable after the vacancy occurs. An individual filling a vacancy under this section serves until the expiration of the term of the member whose position the individual fills.

IC 20-23-17.2-11
Statement filed with state superintendent; requirements
   Sec. 11. (a) Before August 1 of each year, the school corporation shall file with the state superintendent the following information:
   (1) A list containing the names and addresses of each member
of the governing body of the school corporation and the date of
the expiration of each member's term of office.

(2) A list containing the names and addresses of each of the
school corporation's officers and the date of the expiration of
each officer's term of office.

(b) The school corporation shall notify the state superintendent of
any change in the information previously filed under subsection (a)
not later than thirty (30) days after the change occurs.


IC 20-23-17.2-12
Schedule of election; transfer of powers, duties, and functions;
transfer of property and records

Sec. 12. (a) Notwithstanding any other law, the terms of the
members of the governing body of the school corporation who hold

(b) On January 1, 2013, all powers, duties, and functions adhering
to the governing body of the school corporation in existence on
December 31, 2012, are transferred to the governing body established
under this chapter.

(c) On January 1, 2013, the property and records of the governing
body of the school corporation in existence on December 31, 2012,
are transferred to the governing body established under this chapter.

(d) This section expires July 1, 2016.